

California Integrated Waste Management Board

Board Meeting

March 13, 2007

AGENDA ITEM 10

ITEM

Presentation And Discussion In Response To The State/local Illegal Dumping Enforcement Task Force Report

I. ISSUE/PROBLEM STATEMENT

The purpose of this item is to request that the Board discuss the Report of the State/Local Illegal Dumping Enforcement Task Force that was completed in January 2007. Illegal dumping poses risks to the general public and the environment, degrades the quality of life in affected communities, and is costly to cleanup. Illegal dumping is an intentional act that is typically done for economic gain. In contrast, littering is not done for economic gain and may or may not be an intentional act. Currently, no state agency is tasked with the coordination of issues arising from illegal dumping. In general, local entities take the lead in enforcement and cleanup for such sites.

In 2006, the CIWMB's Permitting and Enforcement Division initiated a coordinated effort to 1) assess the statewide extent of the illegal dumping problem; 2) and the amount of resources that local jurisdictions spend annually combating the problem; 3) and to assess local jurisdiction's needs to combat the problem. An Illegal Dumping Enforcement Task Force (IDETF) was formed in early 2006. The task force held three meetings during which it discussed local and state issues involving illegal dumping, cleanup, and enforcement and developed the twenty-four recommendations that are included in the IDETF report (Attachment 1). In addition, the IDETF, lead by the IDETF members representing the California State Association of Counties (CSAC) and the League of California Cities (League), completed a survey of counties and cities to determine the cost and impact of illegal dumping to local government.

II. ITEM HISTORY

The following is a chronological history of the development of the Illegal Dumping Enforcement Task Force Report.

During January 2006, staff developed a roster of appropriate members for the IDETF and agreements to participate were obtained from the proposed members. The twenty-two member roster (Attachment 2) included local, state, federal and private employees, who represented the interest and experiences of local illegal dumping task forces, city and county enforcement agencies, city and county public works departments, state agencies, legal associations, county and city management associations, hazardous material management associations, park districts, private solid waste operators and associations, environmental non-profit associations, and private citizens.

On March 29, 2006, the first IDETF meeting was held at the Cal EPA Building in Sacramento. The agenda included a discussion of charges, a review of the legal aspects of illegal dumping, discussion of state and local illegal dumping program organizations, and a discussion of initial illegal dumping issues that had been developed by staff.

From March 29th to May 24th, CIWMB staff and staff of the County Supervisors Association of California (CSAC) and the League of California Cities (League) developed a fiscal impact survey for electronic submittal to County Administrative Officers and City Managers. Staff also initiated the development of an Illegal Dumping Website, and the website (www.ciwmb.ca.gov/leacentral/IllegalDump) was launched on May 1, 2006.

On May 24, 2006, the second IDETF meeting was held at the Cal EPA Building. The task force reviewed the initial list of potential recommendations, added some recommendations, and identified the recommendations that needed to be discussed with local agencies. The task force also approved the final format for the county/city fiscal impact surveys and reviewed and commented on the new Illegal Dumping website.

On May 25, 2006, the fiscal surveys were electronically sent to County Administrative Officers and City Managers by CSAC and League staff.

On May 25, 2006, local outreach meetings were initiated by CIWMB staff and the IDETF members, and this project is ongoing. To date, the CIWMB has provided updates on the IDETF to seven county Illegal Dumping Task Force meetings, nine meetings with county and/or city illegal dumping management staff members, a regional meeting of rural county solid waste program managers, four Enforcement Advisory Council meetings, seven Solid Waste Roundtable meetings, the County Engineers Association of California meeting, three meetings with Keep California Beautiful (KCB) staff, and five committee meetings of the California Conference of Directors of Environmental Health (CCDEH). In addition, formal presentations on the IDETF were given at the annual meetings of CSAC, CCDEH, the annual LEA/CIWMB Partnership Conference, and the KCB Clean Communities Conference.

On September 14, 2006, the third and final meeting of the IDETF was held at the Cal EPA Building. The IDETF members agreed on including twenty-four recommendations in the IDETF Report to the Board, and prioritized the top six recommendations. The IDETF also reviewed the initial results of the fiscal impact surveys, and agreed on accepting additional data from counties and cities.

On December 22, 2006, the draft Task Force Report was released electronically to the IDETF members, with comments requested by January 15, 2007.

On January 29, 2007, the final fiscal impact reports from the counties and cities were received from CSAC and the League.

III. OPTIONS FOR THE BOARD

This is a discussion item only. If the Board wishes to consider any of the ideas herein, such as taking on the role of a statewide coordinator and providing local jurisdictions and regional programs with technical assistance and training, staff could develop an implementation proposal that addresses potential activities and resource needs and bring that to a subsequent Committee meeting.

IV. STAFF RECOMMENDATION

This is a discussion item only.

V. ANALYSIS

A. Key Issues and Findings

During the past year, Board staff and IDETF members have conducted extensive illegal dumping related outreach efforts to local government, organizations and individuals. Interested parties were invited and did attend and participate in the IDETF meetings, the meeting minutes and related items have become popular attractions on the illegal dumping website, and requests for discussion meetings and requests to speak at conferences continue to be received and honored. The most common comment received during the outreach efforts was appreciation that state staff is willing to talk and exchange information on illegal dumping and a state agency was providing a presence in understanding and addressing local illegal dumping issues.

In conjunction with the IDETF activities, CSAC and the League provided staffing to develop and administer cost surveys (Attachments 3 and 4) and received responses from 54% of the counties and 10% of the cities in California. These surveys revealed an annual cost of over \$34 million to local government for abatement. In addition, the Department of Transportation's has an annual budget for litter and illegal dumping abatement and prevention of \$55 million, which means a combined minimum cost of \$89 million. IDETF representatives from the Federal Government, which owns over 50% of the land in California, feel that their illegal dumping abatement and enforcement costs match that of California local government. Equally impacted by illegal dumping but not included in the local government survey done by the task force include the State Parks system, local Parks and Recreation Districts, School Districts, Irrigation Districts, and Watershed Management Districts. In addition, the IDETF found that illegal dumping not only fiscally impacts government agencies, but the private property owner who is the victim of illegal dumping yet must pay to have the dumped materials removed and properly disposed. In lieu of spending additional time and money developing a comprehensive illegal dumping cost data base for California, the IDETF felt that the survey results were sufficient to fully indicate that this is a major fiscal problem for local jurisdictions and that it was critical to develop recommendations to address the problem and get started on the solutions.

Overall, the IDETF found that (1) there is a critical need for state coordination, leadership, and assistance to local illegal dumping enforcement, abatement and prevention programs; (2) that legislation may be required to provide local and state government with the needed legislative authority and equipment to administer effective illegal dumping programs; (3) additional funding sources are needed to support the increasing costs of illegal dumping; and (4) local agencies can and should take the lead in implementing existing authorities.

Within this overall approach, the IDETF developed twenty-four recommendations that, if implemented, it believes would have a positive impact on illegal dumping prevention, abatement and enforcement activities. The top six priority recommendations are: (1) advanced disposal fees for high incident items such as large appliances and furniture; (2) increased emphasis on state and local programs addressing illegal dumping prevention awareness; (3) funding for enforcement staff, including rural counties; (4) inclusion of

waste tire redemptions in the waste tire haulers program; (5) development of a locally implemented refuse hauler service provider permit program; and (6) enhancement of enforcement training in both the public and private sector. In addition, the IDETF and staff identified priority levels for all of the recommendations (see Attachment I).

1. Statewide Coordination and Technical Assistance

As previously stated, during the course of the IDETF, Board staff served as an overall coordinator of the IDETF, gathered and disseminated information on successful local programs, began an illegal dumping website, and attended numerous local and regional meetings. These activities enabled staff to garner local perspectives and provide local representatives with information from other programs. This coordination role was universally lauded by those involved. The IDETF highly recommended (#24) that there be a continued statewide coordination function along these lines.

The Board could consider serving as a statewide coordinator on illegal dumping issues, much as it has been doing during the tenure of the IDETF, by continuing to provide local jurisdictions and regional programs with technical assistance and training on outreach and enforcement programs and tools, and developing an enhanced illegal dumping website. This range of activities is reflected in several other task force recommendations (#4 on Farm and Ranch application process; #8 on coordination of public education/awareness programs; #9 on provision of state level enforcement training program coordination and delivery; #13 on statewide standards of acceptable evidence; and #17 on coordination of enforcement among cities and counties) that are being implemented by staff or could be implemented with direction from the Board.. The staff member working with the IDETF has spoken at numerous meetings and conferences, the Board has previously provided training in illegal dumping enforcement and is currently providing load check training, and formalization of a Board coordination component would be achievable. Board staff could continue to provide these services, work with local programs to develop materials for public outreach, and also work with local and state professional associations to develop illegal dumping standards of evidence.

2. Legislation to Provide More Tools For Local Programs

Some IDETF recommendations that would provide more tools for local programs would need to be created by the passage of state legislation. The four high priority items identified in these recommendations included: (1) the creation of an advanced disposal fee program for large appliances and, potentially, furniture(#1); (2) the development of a waste tire redemption program (#2); (3) a local permit program for residential refuse service providers (commonly referred to as “mom and pop” refuse haulers) (#14); and (4) cradle to grave ownership responsibility of solid waste materials (#15).

Without specifically defining the method or collection of advanced disposal fees on large appliances, the IDETF recommended that the purpose of the program would be to supplement the costs encumbered by local governments in collecting and disposing of bulky items that are illegally dumped on public and private rights of way. Similarly, the IDETF recommended that the intent of the waste tire redemption fee would be to provide the consuming public with a reason to properly dispose of waste tires thus reducing the number of waste tires that are illegally disposed of along

highways and on private property. The residential refuse service provider permit program would enable local government to administer a program that would insure that private waste haulers are collecting and disposing of solid waste in a legal manner. The cradle-to-grave recommendation would mean that a resident could be held responsible for the illegal disposal of solid waste with their name on it (i.e. address labels or receipts) regardless of whether or not they paid someone else to dispose of the material or gave the solid waste to someone else to dispose.

Additional IDETF recommendations in this category requiring legislation include the statewide clean and lien authority for local enforcement agencies (#3), statutory responsibility for the state level coordination of illegal dumping programs (#10), statewide authority allowing local governmental agencies to create environmental trust funds (#12), and a requirement that waste containers be provided at redemption facilities (#22). Many counties and cities have already adopted local codes providing the clean and lien authority to code enforcement programs, a few have adopted authority to create and administer environmental trust fund programs, and some redemption centers provide waste containers for their clients without a statutory requirement. The task force found that the prevention and abatement of illegal dumping would benefit by consistent, statewide authority in these areas.

3. Legislation To Provide Funding For Local Programs

Several IDETF recommendations would require the provision of additional statutory authority and funding. All of these could be administered as some type of local or block grant program. The advanced disposal fee and tire redemption fee recommendations discussed in Section 2 could also be considered as potential funding sources for such programs.

The IDETF identified the need for state support of local government costs to collect and dispose of illegal dumps on public rights of way as the top priority in this category (#16). County and public works/solid waste departments are usually the agencies charged with the collection and disposal of solid waste at illegal dumps, and the high costs of staffing, collection and disposal are usually paid for by the already limited local transportation funds or general funds. The IDETF also recommended providing both the state and grantees with the legal authority to combine grant funds from the Board or other state agencies to fund such common projects as public education (#6). Also included in the recommendations were the legislative allocation of additional funding for illegal dumping surveillance equipment (#20) and a legislative study on the need, process and cost of expanding the Farm and Ranch Grant Program to include other private property owners in addition to those currently eligible (#7).

4. Recommendations That Can Be Implemented Locally

Some IDETF recommendations can be implemented locally with existing authorities. In order of their appearance in the IDETF report, these recommendations include local grantees combining parts of existing grants where already allowed (#5), the issuance of landfill or transfer station disposal vouchers to property owners who are victims of illegal dumping (#11), training local enforcement staff on the implementation of the new vehicle impoundment authority (#18) (AB 2253, Hancock, 2006; see Attachment 5 for list of illegal dumping legislation considered and enacted in 2006), local adoption of mandatory

collection mandates in areas not currently required to be served by franchised refuse haulers (#19), environmental health department and/or code enforcement agency enforcement of state and local codes on street vendors (#21), and utilizing existing state regulations to initiate desired changes in operational hours of transfer stations and landfills (#23).

B. Environmental Issues

Not applicable

C. Program/Long Term Impacts

The IDETF Report contains some recommendations that, if implemented, will result in identification and development of an illegal dumping program entity within the Board that will be responsible for the coordination of illegal dumping programs at the state and local level and an outreach program to assist the local programs. Such a program will need assigned staff. In addition, depending on future legislative endeavors, there could be potential for Board administration of new and/or increased funds in local grant programs.

D. Stakeholder Impacts

Whether implemented internally by the Board, through legislative actions or implemented by local agencies, implementation of the recommendations in the IDETF Report will have a positive impact on local government by providing tools, leadership and funding to help attack a costly community problem created by intentional acts of individuals and businesses.

E. Fiscal Impacts

Development of an illegal dumping program within the Board could have a fiscal impact on program resources.

F. Legal Issues

Legal review will be necessary to determine whether additional legal authority is required to create and implement the desired programs recommend by the IDETF.

G. Environmental Justice

Illegal dumping occurs more often in lower income urban areas and rural areas with small populations than it does in high income residential areas. Regardless of the source, illegal dumping is an environmental justice issue, and implementation of more effective illegal dumping abatement and enforcement programs will often impact lower income families and individuals. Environmental Justice issues will need to be addressed as the IDETF recommendations are implemented.

H. 2001 Strategic Plan

Implementation of some or all of the IDETF recommendations would support Goal 4 of the Board's Strategic Plan which is to manage and mitigate the impacts of solid waste on public health and safety and environment and promote integrated and consistent permitting, inspection, and enforcement efforts. The Board's proposed Strategic Directive 8 on Enforcement/Permitting also contemplates consideration of illegal dumping issues, specifically to "Evaluate by January 2008 potential legislative and funding options to enhance local and regional capabilities to prevent and redress illegal dumping."

VI. FUNDING INFORMATION

This item does not require any Board fiscal action

VII. ATTACHMENTS

1. Report to the Board on the Recommendations of the Illegal Dumping Enforcement Task Force
2. Membership Roster of the Illegal Dumping Enforcement Task Force
3. Illegal Dumping Cost Survey completed by the California State Association of Counties
4. Illegal Dumping Cost Survey completed by the League of California Cities
5. Illegal Dumping Legislation adopted in 2006

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

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IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Other than the comments received during the 26-day task force comment period which are summarized above, staff had not received any written support at the time this item was submitted for publication

B. Opposition

No comments in opposition were received during the comment period or at the time this item was submitted for publication.

ATTACHMENT 1

RECOMMENDATIONS OF THE STATE/LOCAL ILLEGAL DUMPING ENFORCEMENT TASK FORCE

FOR

SUBMITTAL TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

JANUARY 2007

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Discussion of Findings
State/Local Illegal Dumping Enforcement Task Force
January 2007

Based on anecdotal information gathered in 2004 and 2005 about the nature and extent of illegal dumping, and recognizing that the problem was being addressed in a piecemeal manner by a variety of local, regional, state, and federal entities, the California Integrated Waste Management Board (CIWMB) decided to establish a multi-agency, State/Local Illegal Dumping Enforcement Task Force (IDETF) to gain a better understanding of the issue and discuss potential solutions. THE IDETF was announced in February 2006, and the first IDETF meeting was held on March 29, 2006. Following a staff discussion of the legal aspects of illegal dumping and current program activities, the March IDETF meeting concluded with the development of an initial list of issues that impact illegal dumping enforcement and prevention programs. At the IDETF meeting on May 24, 2006, some of these initial issues were modified, some were deleted and some were added. The third and final IDETF meeting on September 14, 2006 resulted in the twenty-four findings that are discussed below. These findings were generated by task force members who have both public and private expertise in illegal dumping and litter enforcement, abatement and prevention, interested parties who attended the IDETF meetings, and dozens of meetings held around the state with county and city staffs involved in illegal dumping and litter programs, local illegal dumping enforcement task forces, and committees of Local Enforcement Agencies for solid, hazardous and medical wastes.

The issues identified by the IDETF and subsequent recommendations, described in more detail below, are divided into four categories: Site Maintenance and Controls, Community Outreach and Involvement, Target Enforcement, and Program Measurement and Evaluation. The descriptive categories identified below are those used by the United States Environmental Protection Agency for state and local illegal dumping prevention programs. The task force findings are not all-inclusive, but do represent issues that need to be addressed if California wants to control the current plague of illegal dumping and littering.

I. SITE MAINTENANCE AND CONTROLS

1. Issue: Major appliances and furniture are the most commonly illegally dumped products and are cumbersome and expensive items for local agencies to collect and dispose.

Recommendation: An advanced disposal fee program for items that are most commonly illegally dumped should be developed and the fees used to support the local government cost of collecting and disposing of the items.

Background: Based on the local government cost surveys (1, 2) completed in 2006 by the IDETF, California State Association of Counties (CSAC) and the League of California Cities (League), the items most commonly dumped are furniture (74%), appliances (61%), tires (54%), household waste (51%), E-waste (35%), vehicles (26%), C & D Waste (26%), and hazardous waste (25%). Due to their bulk, collection, and disposal costs, illegally dumped furniture and appliances present the greatest financial burden to local government. California has implemented advanced disposal and/or redemption fees for e-wastes, used tires and beverage containers, but there are no predisposal fees for the bulky items such as

furniture and appliances to support local government costs of collection and disposal. Grants to help local government abate illegal disposal sites are available, and these include the Disposal and Co-disposal Site Grants, Farm and Ranch Grants, Waste Tire Grants and Household Hazardous Waste Disposal Grants from the CIWMB and Stormwater Grants available from the State Water Resources Control Board. These grants are primarily applicable to illegal dumping sites that have grown to illegal disposal sites, and are not intended to fiscally support the day to day illegal dumping collection and disposal activities faced by local government agencies. Thus, costs of illegal dumping abatement for local government programs are paid for by General Fund monies, fees from solid waste management programs, public works/gasoline road taxes, or through administrative fees or civil litigation.

The States of New Jersey and Washington have passed legislation (3, 4) that identifies the "Litter-generating products" that are commonly discarded in public places and imposes a user fee on sales of these products by the manufacturer, wholesaler, distributor, or retailer. These fees are collected by state agencies, and are distributed to local jurisdictions to assist them in the costs of abatement and enforcement of illegal dumping and littering and in the costs of public education.

Description:

- A. Implementation Options: One option is the establishment of an advanced disposal fee for bulky items that are commonly dumped illegally with the collected funds distributed to local governments by the responsible state implementing agency. Whether the funding was on a reimbursement per item basis (e.g., similar to the existing E-waste fee program) or as ongoing annual support grants for general illegal dumping cleanup activities would have to be determined. A second option would be to not develop a bulky item advanced disposal fee program but instead to provide support monies to local government to assist in their ongoing illegal dumping programs through the reallocation of existing fee monies coming to the state, modifying the existing use requirements of current grant programs, or increasing existing state fees. A third option is to make the advanced disposal fee a sales tax, as is done in New Jersey.
- B. Legislation: State legislation would be required to provide program authority, funding and structure.
- C. Agencies Involved: Whether an advanced disposal fee or a sales tax, the State Board of Equalization would be involved in collecting and forwarding the monies to the implementing agency. Assuming the CIWMB to be the implementing agency, it would be responsible for the distribution and auditing of the revenues to the local jurisdictions in accordance with the legislation.
- D. Funding: A new revenue source, either in the form of an advanced disposal fee or sales tax charged at the time of purchase of items identified by legislation would have to be developed.

E. Discussion Points:

Pros:

- Local government could recover some of the costs of their illegal dumping cleanup responsibilities.
- The fees would be charged on products that are most commonly dumped, and would be paying for the cost of their disposal.
- The manufacturers, wholesalers and retailers of the identified products might initiate alternative answers to the problem

Cons:

- Additional programs and funding mechanisms would have to be created
- Additional studies would probably have to be funded and conducted to more accurately identify the products that would be included in a predisposal fee or sales tax program.
- Individuals complying with disposal laws and practices would be paying for the acts of those who choose not to comply.

F. Task Force Priority: High

2. Issue: Illegal disposal of waste tires found along roadways and on private property is a major fiscal and waste management problem to local governments.

Recommendation: Inclusion of a waste tire redemption provision within the existing IWMB Tire Management Program would decrease the number of waste tires that are found discarded along highways and on private property.

Background: Used tires remain as one of the top four most common items being illegally dumped. The Task Force members feel that redemption values for beverage containers have significantly reduced the number of containers seen discarded along our roadsides and that a redemption value for used or waste tires would result in a similar decreased in illegal dumping of tires. This concept was strongly supported by participants in the community meetings held concurrently with the IDETF meetings. Task Force and public members also voiced an opinion that requiring vehicle owners or operators to leave the tires being replaced with the tire dealer(s) would also reduce illegal dumping of tires.

The Task Force members also agree that the Tire Management Program has helped reduce the frequency and extent of used and waste tires illegally dumped in the public and private rights of way. With the passage of the California Tire Recycling Act in 1989, the CIWMB was mandated to regulate and manage waste tires within the state. Funded by fees collected during the sale of new tires, the CIWMB Tire Management Program includes programs in tire recycling, cleanup, enforcement, rubberized asphalt technology, used and waste tire haulers, waste tire facility permits, and tire manifest programs. The demand for used tires continues to increase as the market for used tire products such as rubberized asphalt and shredded tires develops. The combined state and local programs effectively regulate individuals or businesses collecting and transporting used and waste tires, and retail or wholesale facilities dealing with new, used and waste tires.

Individuals purchasing new vehicle tires pay a per tire fee that includes the fee charged by the CIWMB Tire Management Program and any fee added by the tire dealer. The purchaser of the new tires is not required to leave their used tire(s) with the dealer nor do they receive a redemption value for the tires. Individuals bringing less than 10 used or waste tires to a dealer do not receive a redemption value for the tires, nor is the dealer required to accept the tires. Individuals or businesses that dispose of used or waste tires at solid waste disposal facilities normally pay the operator a per tire fee for the disposal service.

Description:

- A. Implementation Options: A tire redemption program could be incorporated into the existing CIWMB Tire Management Program. Inclusion of a tire redemption program into the consumer based container redemption programs managed by the Department of Conservation could also be considered.
- B. Legislation: State legislation would be required to provide program authority and funding. Local legislation may be required to permit expanded uses of existing or new recycling facilities.
- C. Agencies Involved: The CIWMB Tire Management Program would be the state agency primarily involved, with the Department of Conservation being potentially involved. At the local level, the Waste Tire Grant Program recipients would be involved along with the County and City Community Development/Planning Departments and the Solid Waste Local Enforcement Agencies.
- D. Funding: A redemption fee would have to be charged at the sale of the tire, and this fee would have to be forwarded to the implementing state agency. The consumer currently pays the tire dealer a fee that includes the tire hauler fees for the Tire Management Program and the additional handling fee the dealer chooses to charge.

E. Discussion Points:

Pros:

- The number of illegally dumped tires would decrease.
- The collection and disposal costs to local and state government would decrease.
- The scenic value of our streets and highways would improve

Cons:

- A state and local tire redemption infrastructure would have to be created.
- The implementation of a tire redemption program would require extensive restructuring of the existing program.
- The potential for increased theft and fraud involving used tires.
- Recycling facilities would be required to obtain additional permits to handle waste tires
- The bureaucratic interference with the developing used tire market.
- The beverage container program may not be an appropriate model as the annual percentage of recycled aluminum, glass and plastic containers has significantly decreased since 1995.

F. Task Force Priority: High

3. Issue: Some illegal dumping enforcement agencies have not been empowered with a clean and lien authority for assistance in abating illegal dumps on private property.

Recommendation: A statewide clean and lien authority should be adopted for use by local illegal dumping enforcement agencies.

Background: City and County agencies involved in abatement of illegal dumping sites sometimes find the property owner unwilling to abate the problem. Many local code enforcement staffs have additional abatement authorities, including an administrative process that includes fines, citation power to the local court system, and implementation of a clean and lien process. The clean and lien process essentially enables the enforcing agency to have products that are illegally dumped on private property, whether or not they are the result of actions by the property owner, cleaned up and to recover the cost by placing a tax lien on the property. The cleanups of these small illegal dumps often cost between \$5,000 and \$10,000, which is considerably less than the costs of cleaning illegal disposal sites.

The process requires the adoption of a county or city code, and is an important and useful tool in the effort to abate illegal dumps, but is not included in the enforcement “toolbox” of all of the local jurisdictions in the state. The clean and lien enforcement option does include due process elements of notification of the property owner, notification of the local abatement cost, notification of proceeding and the right to hearing, appeals prior to the action, notification of the actual costs, and appeals prior to placement of the tax lien. The contracting firm removing and disposing of the illegally dumped materials normally requires payment at completion of the job and is not willing to wait until the tax lien is paid to the enforcing agency. Thus, some jurisdictions have established draw down accounts that are used to pay for the costs of cleanup then replenished when the monies are collected through the tax lien process.

However, the clean and lien authority is not included in the enforcement “toolbox” of all of the local jurisdictions in the state. Some local governments have not adopted clean and lien ordinances and some have not included the authority to all of the different departments commonly involved in illegal dumping enforcement. The administrative process, including field investigation requirements, property owner notification, the contractor bidding process, and time frames for hearings and appeals, varies between local agencies. The result is that some local agencies can make effective use of the clean and lien process; other agencies are faced with an extensive process before the illegal dump is abated, and others must utilize the citation process if they choose to pursue abatement on private property. Finally, some rural jurisdictions choose not to adopt and/or implement the clean and lien authority because annual budgets simply do not have General Funds available for cost recovery programs.

Description:

- A. Implementation Options: Local clean and lien codes or ordinances could be superseded by a state law that would provide all local agencies involved in illegal dumping enforcement the clean and lien authority and define a statewide standardized administrative process. A complimentary state level loan program also could be established that counties and cities could access to fund limited

illegal dumping cleanup projects, with the local jurisdictions repaying the account when funds are received through the lien process.

- B. Legislation: State legislation would be required to establish and delegate clean and lien program authority to all city and county governments. State legislation also would be required if a statewide standard administrative process is to be provided and if a local loan program is to be established. Legislation could delegate the authority to local governments and allow them to adopt their administrative processes.
- C. Agencies Involved: Local administration of statewide clean and lien authority would not involve a state agency. If a local loan program were established, it could be housed in the existing CIWMB grants programs.
- D. Funding: Funding for the delegation and administrative procedures would not be needed. Should a local loan program be adopted via legislation, long term funding for administration would have to be developed, initial funding for the loan program would have to be provided, and additional funding for the loans may have to be addressed if repayments to the fund are not timely.
- E. Discussion Points:
 - Pros:
 - An effective illegal dumping cleanup tool would be available to all local jurisdictions
 - Administrative procedures would be consistent statewide
 - Local elected officials would not have to approve ordinances that could affect their constituents
 - Local jurisdictions would not have delay cleanups due to insufficient funds
 - Cons:
 - Statewide clean and lien authority may be objectionable to private property owners
 - Local government jurisdictions may want grandfather clauses for their existing ordinances, codes and regulations
 - Local government shouldn't need a state loan program to implement delegated local option program authority
 - A loan program will increase the size of government
- F. Task Force Priority: Medium

4. Issue: The application process for Farm and Ranch Solid Waste Cleanup Grants (PRC Section 48100) is a deterrent to some applicants.

Recommendation: CIWMB staff should evaluate the application process to determine if streamlining of the permit process can be completed within the statutory authority of the Board.

Background: The Farm and Ranch Cleanup Grant program is funded at \$1 million/year, and provides grants of up to \$50,000 to cleanup illegal dumpsites on agriculture zoned properties. The grant application is submitted by a local government agency, tribe, or Resource Conservation District (RCD). CIWMB staff review and score the applications, review the site, and make recommendations to the Board. If approved by the Board, the

grant monies are sent to the coordinating agency which, in turn, works with the property owner to facilitate the cleanup. The PRC specifies that the property owner cannot apply directly for the grant, nor can they directly receive the monies for the cleanup. Although not a common event, the property owner can initiate a grant request for reimbursement of expenses previously incurred in the cleanup of an illegal dump on grant eligible property.

Description:

- A. Implementation Options: CIWMB Farm and Ranch Grant staff has initiated a review of the grant process. Representatives of the California Farm Bureau Federation (Farm Bureau) and the waste management industry have met with staff, discussed the issue, and will be submitting revision suggestions to the staff. CIWMB staff continues to participate in training meetings with Farm Bureau members and RCD staff on the grant application process. One suggested option received during outreach meetings is to provide a base grant to participating RCDs that could be spent on low cost cleanups on qualifying properties. In turn, the RCDs could submit several low cost projects at one time to the Board for reimbursement or to charge against an annual grant.
 - B. Legislation: To be determined.
 - C. Agencies Involved: California Integrated Waste Management Board
 - D. Funding: No additional funding required.
 - E. Discussions Points:
 - Pros:
 - Property cleanups would be quicker
 - Increased number of grant applications could be anticipated
 - Smaller sites would utilize the funding
 - Cons:
 - Additional workload on local and state staff
 - Reduced oversight of expended state monies
 - F. Task Force Priority: Medium
5. Issue: Several separate state agencies provide project administration assistance and/or grant assistance for local illegal dumping abatement programs to the same local government agency.

Recommendation: Cooperative state funding of illegal dumping projects or grants should be implemented

Background: The local government cost survey completed by the IDETF, CSAC and League of California Cities found that the 36 reporting counties spend over \$18 million annually on illegal dumping programs, and the 36 reporting cities spend over \$14 million annually. This \$32 million annual cost does not include grant monies currently being received by local governments to support illegal dumping cleanup activities, nor does it include the \$55 million annual Cal Trans budget for litter and illegal dumping abatement along state highways.

There are a number of State grant programs, as described below, that provide some funding related to illegal dumping. However, there is no overall illegal dumping program and little coordination among agencies. The IWMB currently provides grant monies to local communities. Grants directly related to the abatement of illegal disposal are made available through the Solid Waste Disposal and Co-disposal Site Cleanup Program and the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program. Funds from these programs go directly to the cost of remediating illegal disposal sites, and can be used for the cleanup of public and private property. The grant monies are occasionally used in prevention (property fencing) and surveillance (cameras) activities, but cannot be used for educational activities or community cleanups. The IWMB also has monies available to local government agencies that are involved in implementing the Waste Tire Management Program, the Used Oil Program, and the Household Hazardous Waste Management Program. Depending on the program, the use of the funds to cover the costs of local prevention education programs, community clean-ups, solid waste disposal vouchers, and related activities that are non-site specific are allowed under specified conditions. The State Water Resources Control Board has grant monies available to local government agencies in the Stormwater Program, and these monies may be used for cleanup of some illegal disposal sites, community cleanups, public relations and public education. The State Air Resources Control Board has surveillance equipment available to local jurisdictions involved in illegal dumping enforcement, and the Department of Conservation provides local funding for public education programs in recycling. The Department of Transportation provides local funding for ongoing litter cleanup projects, community cleanup days and public prevention education.

Description:

- A. Implementation Options: One option is to provide enabling authority to allow grant funds from one program to supplement program activities of another program. This would require an agency and departmental analysis of the number of local grant or contract programs that involve cleanup of illegal disposal sites, litter abatement, and public education. A second option is to combine existing grant monies that can be used for cleanup, enforcement and education into a block grant and authorize local government to use the money in the ways that best meets the needs of the communities.
- B. Legislation: Legislation may be required to authorize utilization of grants in more than one program if the enabling authority is not included in the existing statutes. Legislation would be required to create an illegal dumping block grant program that utilizes funds from one or more departments or agencies.
- C. Agencies Involved: Several state agencies and departments could be involved in implementation of the concept; these agencies were discussed in the Background section above.
- D. Funding: If the legislature determines that additional funds are needed to support local government activities in illegal dumping cleanup, legislation will be needed.

E. Discussion Points:

Pros:

- Local authority to use funds from different grants to facilitate cleanup activities or public education is more effective and efficient
- A block grant program would allow local government to determine the most effective use of the grant monies
- Duplicative reporting could be reduced

Cons:

- Greater opportunity for funding abuse
- Complexity of relationships between state agencies makes funding cooperation difficult
- Distribution of block grant funds between counties and cities would be challenging
- Legality of using funds originally dedicated for another purpose

F. Task Force Priority: Medium

6. Issue: Local government agencies are required to provide separate program delivery and fiscal tracking for each state grant that is supporting the same program.

Recommendation: Expand the scope of existing programs and allow local government to combine state grant funds from one program with another.

Background: Currently, local Waste Tire Management program grantees can use a portion of the grant for public education and prevention, but it must be related to waste tires. Likewise, local Stormwater program grantees can use a portion of the grant for public education and public relations, but the expenditure must be related to the prevention of water contamination illegal dumping can cause. Monies from the Disposal Site Cleanup Program and, in limited cases, the monies from the Farm and Ranch Grant Program can be used for surveillance and fencing/signs, but it cannot be used for public education or public relations programs. The IDETF identified related issues on this subject, one that program authority for all of the grants needs to be expanded to allow expenditures related to public education and public relations and, second, that local jurisdictions should be able to combine parts of the monies from all of the grants to fund local public education/public relation projects.

Description:

- A. Implementation Options: Obtain administrative or regulatory authority to allow utilization of existing department and agency grant funds, which currently only address limited aspects of illegal dumping, in all aspects of illegal dumping, including cleanup, enforcement, prevention and public education, and allow comparable grant funds to be combined. In essence, \$5,000 from a Stormwater Grant will only pay for a limited public education program. Combining \$5,000 each from the Stormwater, Waste Tired, and Disposal Site Programs will enable the local agency to develop a more comprehensive \$15,000 public relations program.

- B. Legislation: Legislation could be required if the current grant statutes limit the categorical use of the funds, contain specific prohibitions on the use of the funds, or prohibit the combination of different grant funds to be used in a common project or program.
 - C. Agencies Involved: CIWMB and SWRCB would be the primary agencies involved, while additional agencies could include the Air Resources Board, the Department of Toxic Substances Control, and the Department of Conservation.
 - D. Funding: The need for additional funding would be determined by the Legislature
 - E. Discussion Points:
 - Pros:
 - Local government would be able to more effectively fund and operate all aspects of illegal dumping programs
 - Cons:
 - Complexity of the grant and audit process could increase
 - Legislation may be required
 - F. Task Force Priority: Low
7. Issue: Abatement of illegal dumpsites on private properties is a fiscal burden to the property owners.

Recommendation: CIWMB evaluate the potential and cost of expanding the Farm and Ranch Grant Program to include other property owners.

Background: The cleanup of illegal dumpsites on private property is the fiscal and operational responsibility of the property owner. Some property owners are aware of occasional or ongoing illegal dumping on their property and will make a continuous effort to clean the property. Other property owners are not aware of illegal dumps on their property until they are notified of their responsibility to cleanup and properly dispose of the dumped materials. Some property owners will fence their property to discourage illegal dumping and others make no effort to cleanup or prevent illegal dumping on their properties. Whether a responsible property who initiates cleanup action on their own, or a property owner who ignores an order to abate the illegal dump, the cost of remediation can be expensive. The collection, transport and disposal of illegally dumped materials can range from the cost of the vehicle, owner's time, and disposal fees to the common cost of contractors to clean the property commonly ranging from \$1,000 to \$5,000 or more. The local government illegal dumping cost survey previously referenced did not address the cost of illegal dumping to private property owners. The ability of property owners to claim the cost(s) of cleanup of illegal dumping on their property as a income tax write-off for property maintenance was not addressed.

Description:

- A. Implementation Options: Enhancement of an existing loan or grant program to assist property owners with the expense of cleaning up illegal dumpsites on their property. A second option is to fund or encourage local funding of a solid waste disposal voucher program that would waive the disposal fees for documented illegal dump sites.

- B. Legislation: Legislation would be required for a grant or loan program to the property owner as well as for a state funded solid waste disposal voucher program.
- C. Agencies Involved: CIWMB and the Department of Finance would be the primary agencies involved.
- D. Funding: A direct loan or grant program would require legislative appropriation of new funding. Several county waste management agencies already make disposal vouchers available to property owners of documents illegal dumpsites.
- E. Discussion Points:
 - Pros:
 - Property owners may clean up illegal dump quicker
 - Property owner not being penalized for someone's illegal action
 - Cons:
 - Establishment of additional local and state program
 - Cleanup responsibilities come with ownership of property
 - Funding process could result in delays of small cleanups
 - Additional funds would have to be allocated to support the program.
 - Potential for fraudulent activities
- F. Task Force Priority: Low

II. COMMUNITY OUTREACH AND INVOLVEMENT

8. Issue: There is no coordinated public education program on prevention of illegal dumping at the state and/or local level.

Recommendation: CIWMB should develop and conduct a statewide illegal dumping prevention campaign in partnership with local governments, non-profits and tax-paying businesses to raise awareness of illegal dumping issues and encourage prevention.

Background: Individuals who litter are committing an intentional or unintentional act that has no economic gain. In contrast, illegal dumping is an intentional act that is done for economic gain. Littering occurs along roadways and in commerce centers, while illegal dumps are typically found at the end of urban and rural streets, canyons, vacant parcels, and open lands. Reports reviewing the state programs in New Jersey and Washington (5, 12) found that public prevention programs play a key role in reducing both litter and illegal dumping and that a public prevention program is only effective if state government plays a lead media role. Illegal dumping reduction can be correlated to the effectiveness of anti-litter campaigns, but litter reduction does not correlate with illegal dumping reduction campaigns (6).

The California Department of Transportation has a \$55 million annual budget for litter control and abatement along the state highways, and funding is included for both state and local media prevention programs. Local grantees in the Waste Tire Management Program can spend a portion of their grants on public education. The local waste tire public education events usually utilize flyers and posters to encourage the proper disposal of waste tires. Likewise, local grantees in the Stormwater Programs can spend a portion of

their grants on public education, and these concentrate more on not allowing fats, oils, and greases into stormwater drains than illegal dumping. There is not a central function within the CIWMB or other agency to coordinate, integrate, and strengthen illegal dumping prevention and cleanup efforts statewide.

Description:

- A. Implementation Options: Adoption of legislation establishing an effective, ongoing state and local level illegal dumping public education program.
- B. Legislation: State legislation would be required to provide program authority and funding.
- C. Agencies Involved: CIWMB, in cooperation with the Cal Trans anti-litter program.
- D. Funding: Reallocation of existing CIWMB monies may assist, but a permanent legislative allocation will be needed.
- E. Discussion Points:
 - Pros:
 - Public education will decrease the cost of illegal dumping cleanup and enforcement to local and state government
 - Partnering with non-profits, tax-paying businesses and local government agencies with expertise in public education could minimize state staffing needs
 - Responsible agency designation fills a void in state government
 - Cons:
 - Illegal dumping is a statewide problem that must be solved locally
 - Additional state government and funding requirements
 - Use of funds originally dedicated for another purpose
 - Public education is not always effective in changing behaviors
- F. Task Force Priority: High

9. Issue: There is no state level coordinated program that provides training to illegal dumping enforcement staff and volunteers in investigation, enforcement and abatement procedures.

Finding: Illegal dumping enforcement training should be enhanced statewide for both the private and public sector.

Background: At the local level, illegal dumping enforcement is the responsibility of a number of different individuals working in different departments under different position series specifications. Included in the mix of “illegal dumping enforcement officers” are Sheriff’s and Police Department officers, Code Enforcement Officers working in Code Enforcement, Building, Community Development and Environmental Health Departments, Environmental Health and Hazardous Materials Specialists working in Environmental agencies, District Attorney Investigators, Park Rangers and even Equipment Operators in Public Works Agencies. Some of the employees are POST trained (Peace Officer Specialized Training), some are Certified Code Enforcement Officers, some are Registered Environmental Health Specialists or Hazardous Materials Specialists and some are trained by experience. Regardless of their employer or job

specification, many have completed specialty training in enforcement through the Cal EPA Basic Environmental Enforcement classes, classes offered through the Attorney General, seminars offered by the CIWMB, DTSC and the ARB, community college and university academic and/or extended learning classes, and through on-the-job training.

However, with the exception of the CIWMB sponsored seminar in Illegal Dumping Enforcement in early 2000, most training and/or certification classes contain very little information on or recognition for illegal dumping. The POST classes, CIWMB LEA training classes, and Cal EPA Environmental Enforcement classes do contain applicable information and procedures on rules of evidence, case preparation, arrest, citation writing, and testimony, but there is limited coverage of what constitutes state and local illegal dumping codes, enforcement standards and penalties.

Many local government agencies are providing outreach brochures and public service announcements to the public on illegal dumping prevention and enforcement. However, the effectiveness of public participation is often limited by their ability to provide adequate evidence for prosecution and their level of willingness to testify when requested.

Description:

- A. Implementation Options: Existing agencies, organizations and schools that provide training in environmental enforcement should be provided with guidelines on illegal dumping enforcement procedures and encouraged to include these guidelines in their existing curriculums. Likewise, the CIWMB and appropriate Cal EPA agencies should provide ongoing training in illegal dumping abatement, investigation, and enforcement to local and state staff working in areas of illegal dumping enforcement. Further, state/local public seminars should be developed and offered to educate the public on the role they can play in reducing illegal dumping.
- B. Legislation: State legislation would be required to formally add the responsibilities of a comprehensive illegal dumping program to the CIWMB, and private and public training could be included in this mandate.
- C. Agencies Involved: One agency, potentially the CIWMB should play a lead coordination role in the inclusion of illegal dumping enforcement training in the existing environmental enforcement training classes offered by the various Boards, Departments and Organizations (BDOs) in Cal EPA, with the Department of Justice for the POST classes, and with the professional organizations and non-profit organizations that currently offer training to state and local government employees working in environmental enforcement.
- D. Funding: Agency staff time would be needed to develop an illegal dumping training curriculum focused on enforcement, but some of the training needs could be handled by existing staff providing training in the BDOs of Cal EPA. Existing funding allocations for travel and tuition for state and local staff attending CIWMB/Cal EPA training classes should be increased to assist local government in covering training costs.

E. Discussion Points:

Pros:

- Inclusion of illegal dumping enforcement procedures in environmental enforcement curriculums will reduce illegal dumping
- Consistent statewide training in illegal dumping enforcement will not exist until a responsible state agency is identified and operational
- Knowledge and use of illegal dumping and litter laws will provide peace and public officers with an important enforcement tool
- Increased public knowledge and participation in illegal dumping abatement and enforcement will reduce the incidence of dumping

Cons:

- Local jurisdictions will want additional fiscal support to pay for the training
- Illegal dumping is not as important as other criminal or civil issues.
- The public won't be willing to actively participate in enforcement

F. Task Force Priority: High

10. Issue: The impact of local illegal dumping programs is limited by the absence of program coordination between counties, cities and regions that bear the impact of the illegal dumping.

Recommendation: One state agency should help coordinate local programs, and there should be more locally initiated coordination between county and city illegal dumping and litter programs.

Background: Local illegal dumping abatement, enforcement and public education programs have evolved in response to public abatement demands on elected and appointed officials, recognition of the cost of abatement and enforcement to local governments, recognition of the public health impacts of illegal dumping, and the recognition of the economic benefits of clean communities. In response to public demands, many counties and cities have formed task forces composed of county or city staff while others have formed community based task forces. The CIWMB IDETF was charged with evaluating the impact of illegal dumping on local government and part of this project included staff outreach to cities, counties, and community illegal dumping and litter task forces. When the composition of local task forces included membership from program staff, staff of other state and local agencies, the business community, the public and environmental groups, the agendas changed from addressing abatement at specific and/or "hot spot" locations, to developing long range abatement plans, community cleanup days and public education projects. Some staff task forces concentrate on enforcement, and have effective working relationships between city staff and county staff. However, in the opinion of the IDETF Coordinator who attended numerous local task force meetings, intentional, conscientious planning and delivery of illegal dumping programs between counties and the cities in the county were the exception and not the norm. The feedback to the IDETF Coordinator and task force members was that the presence of CIWMB staff at local illegal dumping task force meetings, local government staff meetings, regional roundtables and state level meetings was and is appreciated and

the information provided by CIWMB staff and the CIWMB illegal dumping website will result in improvements in local illegal dumping and litter control programs.

Description:

- A. Implementation Options: Establish a formal illegal dumping outreach program within one agency and staff one or more positions to formalize the program.
- B. Encourage counties and cities to work together on illegal dumping abatement, enforcement and public education issues. Review the grant process to determine if separate grants to cities and counties impede or benefits effective cooperation between counties and the cities in the county.
- C. Legislation: Ongoing outreach activities in illegal dumping cleanup, enforcement and education would be formalized by legislation. Program cooperation between cities and counties would not be a legislative issue.
- D. Agencies Involved: The CIWMB could be the lead agency once the responsibility is formalized.
- E. Funding: The need for additional funds to be allocated by the legislature would be dependent on how the Board wants to structure and staff the ongoing program.
- F. Discussion Points:

Pros:

- Cooperation between state, counties and cities will result in more effective illegal dumping programs
- The CIWMB should be responsible for and provide an effective illegal dumping outreach program to local governments.

Cons:

- The level of concern and response to illegal dumping varies between counties and the cities, making cooperation unrealistic.
- Cooperation at the local level is an unneeded mandate

- F. Task Force Priority: Medium

- 11. Issue: The issuance of disposal vouchers to property owners who are the victims of illegal dumping is an effective cleanup tool and state fiscal support of the program is desirable.

Recommendation: Local governments and solid waste authorities should be encouraged to implement the use of disposal vouchers or fee waivers for documented victims of illegal dumping on property they own.

Background: Several counties, including Monterey, will issue disposal vouchers to private property owners who have been victimized by illegal dumping and are willing to cleanup and transport the waste to a local transfer station or landfill. The voucher option may occur as part of an illegal dumping investigation or the property owner may initiate the request, but the Local Enforcement Agency or other designated agencies must determine that the illegal dump is not the action of the property owner before the voucher will be issued. Vouchers are not issued as often as they are available because local staff often find that the property owner will just go ahead and cleanup the illegal dumpsite once they realize that vouchers are available. Interviews with both public and private solid waste authority managers revealed that it is easier

for them to absorb the cost of the voucher than it is to try and recover the cost from local government. Whether additional local governments would implement voucher programs if state support funding was available was not determined.

Description:

- A. Implementation Options: Encourage the issuance of disposal vouchers as an effective tool to timely property cleanup. Mandate that disposal vouchers be made available and fund the cost of the local program.
- B. Legislation: Legislation would not be required to include the concept in a CIWMB outreach program. Legislation would be required to make the program a mandate and to provide local support funding.
- C. Agencies Involved: The CIWMB would be the lead agency.
- D. Funding: Additional funding would not be required if the option is included in an established outreach program. If the program became a local mandate that was supported by state funding, an ongoing funding and administrative support element would have to be established.
- E. Discussion Points:
 - Pros:
 - Disposal vouchers can expedite cleanup by property owners at a minimum expense to local government and solid waste authorities.
 - Disposal vouchers can change owner irritation to owner cooperation
 - Cons:
 - Local government must bear the administrative cost
 - Property owners shouldn't need disposal vouchers to get them to perform their cleanup responsibilities
- F. Task Force Priority: Medium

12. Issue: Some local jurisdictions have established environmental trust funds where monies from prosecutions are held in trust for use in local education and enforcement programs.

Recommendation: Statewide authority for the establishment of local environmental trust funds to help support illegal dumping program activities should be considered.

Background: Several local jurisdictions, including Riverside County, have established environmental trust funds that serve as a protected depository for fines resulting from settlements of environmental crime litigations. The funds are deposited in the environmental trust fund, which is ongoing and isolated from the annual governmental budget process. The environmental trust funds are used to pay for the cost of training local staff in environmental crime enforcement, purchase of equipment, funding local public education programs, community cleanups, and other activities that can be related to the prevention of environmental crimes. The funds are held in trust by the local agencies administering the programs where the fines are generated, and these include the District or City Attorney office and environmental health/hazardous materials programs. Some jurisdictions have adopted enabling legislation and implemented the trust fund while others have been given counsel that questions the legality of implementing environmental trust funds. Without the

environmental trust fund option, fines generated by environmental enforcement agencies are included into the annual operating budget of the administering department or agency.

Description:

- A. Implementation Options: Provide statewide statutory authority to enable local environmental crime jurisdictions to establish environmental trust funds.
- B. Legislation: Enabling legislation could provide consistent statewide authority.
- C. Agencies Involved: The CIWMB and the other Cal EPA BDOs (Boards, Departments and Offices) involved in enforcement of environmental crime laws, and the Department of Justice.
- D. Funding: State program funding would not be required.
- E. Discussion Points:
 - Pros:
 - Environmental trust funds insure that fines resulting from environmental crime settlements are retained by the enforcing programs
 - Statewide authority minimizes local implementation arguments
 - Statewide authority means offenders can expect the same settlement options in all local jurisdictions
 - Cons:
 - Elected officials should determine how fines from settlements are spent
 - Environmental trust funds become additional unbudgeted revenue generators for implementing agencies
- F. Task Force Priority: Low

III. TARGETED ENFORCEMENT

13. Issue: There are no statewide standards of acceptable evidence and prosecution policies for illegal dumping enforcement actions.

Recommendation: Encourage local enforcement and prosecution organizations, including the California District Attorney's Association, the California County Counsel Association, the California Code Enforcement Officers Association and other interested parties, with work with the Cal EPA enforcement staff to develop guidelines and standards for enforcement and prosecution of illegal dumping investigations.

Background: The public and its legislators desire active illegal dumping enforcement programs, yet the staff involved in enforcement often find the judicial process is inconsistent in what constitutes enforceable evidence, what will be prosecuted, the length of time an illegal dumpsite will remain until the legal prosecution is completed, and the administrative time and costs of prosecution outweighs the benefits. Legislation passed in 2005 (AB 2253, Canciamilla) elevates many illegal dumping offenses from infractions to misdemeanors, and increases the fines for all illegal dumping and littering violations. Several local jurisdictions are modifying programs to increase prosecution with examples being the Environmental Court program in San Francisco, the last Friday of each month being the court prosecution day for environmental crimes in San Joaquin County, and

Riverside County adding staff working in the environmental health/hazardous materials programs to the District Attorney's Office. Kern County has adopted a local ordinance (7) that makes the discovery of two pieces of evidence (i.e., mailing labels, receipts, charge card slips) bearing the same name at an illegal dump site as prima face evidence of ownership and enables enforcement staff to issue a misdemeanor citation to the party. The legality of this authority is questioned by prosecutors in other jurisdictions, so an effective tool is not utilized on a statewide basis. The use of digital and video surveillance cameras as an enforcement tool at chronic illegal dumping sites is becoming an effective tool, yet the willingness to prosecute these cases varies with jurisdictions. Likewise, some local jurisdictions are trying to minimize the need for citizen testimony in witnessed illegal dumping cases by utilizing follow-up investigations by the staff.

Description:

- A. Implementation Options: Development of a statewide guideline for that would standardize the operational procedures of illegal dumping enforcement programs and identify statewide illegal dumping enforcement standards. If unachievable, legislation on rules of evidence and prosecution could be considered.
- B. Legislation: If it is determined that desirable standards cannot be achieved without state statutory authority, legislation would be required.
- C. Agencies Involved: In addition to CIWMB staff, the Legal Counsel offices of the Cal EPA BDOs would be involved along with the Department of Justice. Development of enforcement guidelines would also have to include the active involvement of local government judicial and enforcement agencies.
- D. Funding: Short term funding for coordinating staff would need to be identified or allocated.
- E. Discussion Points:
 - Pros:
 - Statewide enforcement standards will result in increased, effective enforcement and subsequent reduction in illegal dumping
 - Local jurisdictions will not have to spend staff time developing their own local program enforcement standards
 - Equal enforcement of offenses statewide
 - Cons:
 - Local judicial bodies can best determine the content and standards of their enforcement programs
 - The judicial system is already overloaded
- F. Task Force Priority: High

14. Issue: Public oversight of the refuse hauler service provider industry is minimal, and consumers lack insurance that their waste will be legally disposed at a landfill or transfer station.

Recommendation: Refuse hauler service providers should be required to operate under a local permit program.

Background: In most cities and counties, local government agencies administer franchise agreements with residential and commercial waste hauling businesses. These franchise agreements provide the refuse hauler with exclusive, geographically based operational authority to collect, transport, and dispose of solid waste generated by the residents of the dwelling units and businesses. In turn, the franchisee has the obligation to provide the refuse removal service on a scheduled routine basis, often to provide containers for the waste (these often include separate containers and services for green wastes and recyclable wastes), to maintain the refuse hauling equipment in an acceptable manner, to transport the refuse in covered units, and to dispose of the materials at a approved transfer station or sanitary landfill.

In contrast, the refuse hauler service provider industry, commonly referred to as a “mom and pop” refuse hauler, operates outside of the exclusive franchise agreements because they provide the service on an as-requested basis, usually physically remove the waste materials from the subject property and place it in their own vehicles for transport and disposal, and collect the removal and disposal fee directly from the individual requesting the service. Refuse hauler service providers include a growing number of franchise based businesses, the private entrepreneur with the pickup and sideboards, commercial gardeners that remove the yard waste as part of their service, and special districts that haul their own landscape wastes. The refuse hauler service provider will sometimes increase their profit margin by disposing of the waste they collect along a road or on a vacant lot and retain the disposal fee they charged the customer.

Some counties and cities, including Sacramento and Monterey, maintain a list of refuse hauler service providers that have registered with the local agency and encourage the public to only employ individuals or firms on the list. At least one county, Contra Costa, has an ordinance in place requiring the annual permitting of the haulers, but it does not apply to the cities within the county or to haulers operating from outside of the county. Thus, effective regulation of the refuse hauler service provider industry is absent, yet the operators are recognized by local illegal dumping enforcement agencies as being a significant contributor to the statewide illegal dumping problem.

Description:

- A. Implementation Options: Create the requirement for annual permitting and inspection of the vehicles used in the refuse hauler service provider industry, delegate the authority and responsibility to counties, and authorize the local jurisdiction to charge annual fees for the permit and inspection program, provide the authority to charge penalty fees for vehicles operating without permits, and provide legal authority for the administering agency to pursue civil or criminal penalties should an owner or operator not comply with the permit requirements. The program should include the requirement that an operator obtain vehicle permits for each county they enter into business, and that local jurisdictions can also require businesses licenses outside of the refuse hauler service provider permit.
- B. Legislation: State legislation would be required to establish the annual permit requirement, delegation of program authority and responsibility and authority to recover the costs of the state mandated program.

- C. Agencies Involved: Minimal state agency involvement would be anticipated, and it would be dependent on the content of the enabling legislation. If the statute also requires the development of regulations, a state agency existing within the Department of Consumer Affairs could feasibly incorporate the program into their
 - D. existing responsibilities. Involvement of an agency within Cal EPA is not anticipated.
 - E. Funding: If an administrative or regulatory responsibility evolves from the legislation, the delegated state agency may have to allocate additional short or long term funds.
 - F. Discussion Points:
 - Pros:
 - Refuse hauler service provider permit will reduce illegal dumping
 - The permit program would provide needed consumer protection
 - The permit program would protect legitimate businesses
 - Cons:
 - The permit costs would result higher fees to the consumer
 - The permit program would punish low income people who are trying to make a living
 - A local permit and inspection program would have to be established
 - G. Task Force Priority: High
15. Issue: Illegal dumping enforcement staffs find that effective enforcement is hampered by the absence of cradle to grave ownership responsibility.

Recommendation: Owners of disposed materials should be held responsible for the approved transportation and disposal of the materials they discard.

Background: Field investigations of illegal dumping incidents sometimes result in the finding of receipts, letters and invoices in the dump that contain the name of the same individual. When the individual is contacted by the enforcing agency, the response often is that the individual is not responsible for the illegal dump because he/she paid an individual or firm to haul and dispose of the waste, or a neighbor "let me add my material" to a load he/she were already taking to the landfill. The accused will sometimes admit fault or responsibility and cleanup the illegal dump, but the enforcing agency is usually faced with the fact that the invoices or letters are not adequate evidence of ownership.

Some counties, such as Kern and Butte (7, 8), have adopted local ordinances that legally define two or more pieces of material with the same name on it as prima face evidence of ownership. Without such definition, the enforcing agency must rely on the actual illegal dumping action being witnessed by a peace officer or a person who is willing to testify in court, video surveillance (providing the prosecuting agency recognizes the use of video surveillance) or as a result of intensive follow-up investigation by the enforcing agency. The typical resident does not feel any responsibility for the disposal of their waste materials once it leaves their property.

Description:

- A. Implementation Options: Define legal evidence standards for ownership of residential waste materials and the ownership responsibility to insure their proper disposal.
- B. Legislation: State legislation to add ownership evidence standards to the existing Penal Codes on illegal dumping would be required.
- C. Agencies Involved: If passed by the legislative, implementation actions by the CIWMB would not be needed. This would be an enforcement provision in code that any local program could take advantage of.
- D. Funding: Additional state funding would not be required.
- E. Discussion Points:

Pros:

- Increased effectiveness of enforcement will reduce illegal dumping
- Increased utilization of permitted refuse hauler service providers

Cons:

- Individual responsibility for disposal of materials not fair or realistic
- Discarding owner shouldn't be responsible for someone else's illegal act

- F. Task Force Priority: High

16. Issue: Local government agencies recognize the need for assigned staff to enforce illegal dumping codes and ordinance, yet many counties and cities do not have sufficient funding to support the staff positions. This funding issue is particularly true in rural and lower income jurisdictions, which are also areas that are common sites for illegal dumping.

Recommendation: Provide additional funding for local delivery of illegal dumping enforcement programs.

Background: The two main deterrents to reducing illegal dumping and the costs incurred by local jurisdictions are active enforcement programs and ongoing public education programs. In cities and counties, illegal dumping enforcement responsibilities are usually assumed by or assigned to entities that have an enforcement responsibility. The most common illegal dumping enforcement staff are the code compliance officers in the Building Inspection or Code Enforcement Departments, the Environmental Health or Hazardous Materials Specialist or Technician staff in the Environmental Health and Hazardous Materials Department or Agency, the Deputy Sheriff or Policemen in the Sheriff's Office or Police Department, and the District Attorney Investigators in the Office of the District or City Attorney. While some staff in local jurisdictions are assigned sole responsibility to enforcement of illegal dumping laws and the related abatement actions, most combine the illegal dumping enforcement responsibilities with the other responsibilities of their job. Such responsibilities can include routine law enforcement, abandoned vehicle abatement, building code compliance, street maintenance, nuisance complaints, permit inspections, mandatory refuse collection exemptions, and zoning code compliance. Increased response to the public demand to abate illegal dumping sites is often done at the expense of other programs. The limited amount of staff available for illegal dumping enforcement also means that the program is

complaint driven and time to spend on a comprehensive prevention and enforcement program is often not available.

Description:

- A. Implementation Options: Options include: (a) direct state funding to support illegal dumping programs in counties and cities; (b) increase of state funding to the existing Rural Environmental Crimes Circuit Prosecutor Program to fund one or more District Attorney Investigator Positions; (c) allowing the greater use of locally generated solid waste fees to support illegal dumping programs; and (d) incorporating LEA time in illegal dumping enforcement into the annual Enforcement Program Plan (EPP).
 - B. Legislation: The need for legislation would be dependent on whether direct funding would consist of new monies or reallocated monies and whether statutes would have to be amended to allow changes in allocation or use formulas.
 - C. Agencies Involved: CIWMB could act as the lead agency in the study and implementation.
 - D. Funding: Required, but could range from reallocation of existing funding sources to raising the tipping fees paid to the CIWMB by local transfer stations and landfills.
 - E. Discussion Points:
 - Pros:
 - Increased local enforcement will reduce illegal dumping and its associated costs
 - Increased enforcement will result in abatement of more existing sites
 - Increased staff in rural and low income areas addresses environmental justice realities
 - Cons:
 - Justification for rural or underserved communities to receive additional state funding
 - Increase in state administration and staffing responsibilities
 - F. Task Force Priority: High
17. Issue: Illegal dumping laws and enforcement standards vary between counties and cities.

Recommendations: In cooperation with local enforcing and prosecuting agencies, CIWMB staff should develop a supplement to the existing Illegal Dumping website that will detail the basic components of illegal dumping enforcement programs, and encourage local associations to develop guidelines and standards for illegal dumping enforcement.

Background: The California Penal, Vehicles and Health and Safety Codes (9, 10, and 11) contain statutory laws that define illegal dumping and littering, define the violations of the codes, and establish the maximum penalties for code violations. Local county and city codes typically contain abatement and prevention authorities related to illegal dumping. Included in local codes are mandatory refuse collection requirements, clean and lien authorities, evidence of ownership definitions, zoning requirements for refuse related industries, vehicle impoundment authority (Chapter 765, Statutes of 2006),

administrative hearing authorities and procedures, and requirements for refuse hauler permits. Not all cities and counties have adopted comprehensive illegal dumping enforcement and abatement codes, and the enforcement and prosecution procedures vary between jurisdictions. In 2006, the Legislature passed and the Governor signed AB 1992 (Canciamilla), which updated the solid waste definitions in existing code, and upgraded the civil and criminal penalties for violating codes relating to littering and illegal dumping. The legislation should enable local jurisdictions to increase the impact of enforcement activities, but does not insure that all jurisdictions have and utilized needed supplemental authorities.

Description:

- A. Implementation Options: CIWMB continue the enhancement of the Illegal Dumping website to include delineation of existing state statutes, recommended local authorities, and examples of existing local ordinances. In addition, work with local associations to develop standards and procedures for illegal dumping enforcement activities.
- B. Legislation: State legislation would not be required.
- C. Agencies Involved: CIWMB
- D. Funding: Web enhancement can be completed by existing CIWMB staff, but at least one staff position should be permanently appointed into an illegal dumping education and outreach capacity.
- E. Discussion Points:
 - Pros:
 - Local government agencies should be responsible for developing standards and enforcement guidelines for their local ordinances.
 - The CIWMB Illegal Dumping website is an existing assistance tool for local government that can be effectively enhanced.
 - The CIWMB should provide education and outreach assistance on illegal dumping issues to local government
 - Cons:
 - Consistent statewide enforcement of illegal dumping laws will only occur when local codes become state statutes
- F. Task Force Priority: Medium

18. Issue: Illegal dumping will decrease when the vehicles involved in the act of dumping are impounded by enforcing authorities.

Recommendation: Local enforcement agencies should proceed with implementing the statewide illegal dumping vehicle abatement authority resulting from the passage of AB 2253 (Hancock) in 2006.

Background: Several local jurisdictions, including Los Angeles City and County, Riverside County, Kern County and Butte County, have adopted local ordinances that include impound, seizure, and forfeiture authority of vehicles involved in illegal dumping activities. These local codes have played a significant role in educating the public that illegal dumping is not a good choice. The IDETF identified this issue

prior to the passage of AB 2253, which authorizes a court to impound a vehicle used in illegal dumping under prescribed criteria.

Description:

- A. Implementation Options: CIWMB include the AB2253 statute in the Illegal Dumping website and encourage counties and cities to work with their law enforcement agencies to implement the program.
- B. Legislation: Completed
- C. Agencies Involved: Local implementation.
- D. Funding: Not required.
- E. Discussion Points:
 - Pros:
 - Impounding vehicles is an effective deterrent to illegal dumping
 - Cons:
 - Authority penalizes low income people who are trying to make a living
 - Additional workload for local court systems
- F. Task Force Priority: Medium

19. Issue: Mandatory refuse collection/subscription requirements are a deterrent to illegal dumping.

Recommendation: Local government bodies should adopt mandatory refuse collection/subscription ordinances, and these ordinances should include exemption, hearing and appeal criteria.

Background: Local ordinances that require property owners or occupants to subscribe to a routine refuse collection service are based on the protection of public health, welfare and safety. Most ordinances require that residential and commercial facilities be provided with refuse containers, that the occupant utilize the containers, that collection of refuse from the containers occur on a regular and frequent basis, provide an exemption criteria and process, and allow the governing authority the right to initiate service on properties that have not met the mandate and recover the cost of service on a tax lien. An administrative hearing and appeal process is also included in the ordinances. Exemption criteria are based on factors such as (1) the premises being unoccupied; (2) collection service is not available to the premises due to distance from the nearest collector's area or other reason; and (3) that no unsanitary condition, hazard to health, or public nuisance will occur if collection is not provided. Mandatory collection/subscription ordinances are common in most urban areas of California as well as in the most populated rural areas. Illegal dumping often occurs in rural areas where there is no mandatory collection ordinance, but the source cannot always be attributed to individuals who generate refuse but have no collection service. However, regardless of on-property recycling and reuse, occupants generate refuse that is either disposed of properly at a landfill or transfer station or ends up illegally disposed on their own property or on other property.

During the outreach process to local jurisdictions during the term of the IDETF, it was found that local support of mandatory collection/subscription was present, but the general

request was that it be left the responsibility of the local governing agencies. The IDETF agreed to honor this request.

Description:

- A. Implementation Options: CIWMB support the adoption of local mandatory subscription/collection ordinances in California, and list the option as a core illegal dumping prevention program on the Illegal Dumping website, and include links to local ordinances on the website.
- B. Legislation: None required
- C. Agencies Involved: CIWMB could include the adoption of mandatory subscription/collection ordinances in their outreach program.
- D. Funding: Additional state funding would not be required.
- E. Discussion Points:

Pros:

- Refuse collection and disposal is critical for the protection of public health, welfare and safety
- Illegal dumping occurs more often in areas not having mandatory collection ordinances
- Mandatory subscription stabilizes the refuse collection system

Cons:

- Individuals should be allowed to handle their refuse as they please.
- Local program administration and resulting costs are increased.
- Reduction of competition results in higher consumer costs

- F. Task Force Priority: Medium

20. Issue: Illegal dumping surveillance equipment is expensive to purchase or rent.

Recommendation: CIWMB and Cal EPA Boards, Organizations and Departments provide additional surveillance equipment for use by local enforcement agencies.

Background: Surveillance equipment, including motion-activated digital cameras, continuous recording or motion-activated video cameras, and sound recording machines are useful enforcement tools in the enforcement of illegal dumping statutes and ordinances. The sophistication and reliability of surveillance equipment has increased to the level that one piece of equipment can now record pictures simultaneously of vehicle drivers, vehicle license plates, and actual illegal dumping, and the information can either be immediately sent through telemetry to a central location or it can be recorded on an internal or external computer and downloaded at the operator's convenience. The purchase costs of surveillance equipment starts around \$4,000 per monitor, with multi-functional equipment priced higher. Some local jurisdictions buy or rent a limited number of surveillance monitors, then rotate the monitor to different illegal dumping "hot spots". The CIWMB, in cooperation with the Air Resources Board and Cal EPA, makes a limited number of pieces of surveillance equipment available for loan to local jurisdictions. In addition to purchasing their own surveillance equipment, local government code

enforcement agencies have indicated their support to expand the CIWMB equipment loan program.

Description:

- A. Implementation Options: CIWMB/ARB continues to fund and purchase additional surveillance equipment that can be made available for loan to local illegal dumping enforcement agencies. In addition, expanding the authority to expend monies in existing grant programs for the purchase or rent of surveillance equipment by local government.
- B. Legislation: None required unless it is determined to amend the existing grant provisions.
- C. Agencies Involved: CIWMB, ARB, SWRCB and any of the other BDOs in Cal EPA that provide local grant programs.
- D. Funding: An increase in existing allocated funds may be required, and legislative requirements on the use of grant monies for equipment purchase may have to be amended.
- E. Discussion Points:
 - Pros:
 - Surveillance equipment is an important component of an illegal dumping enforcement program.
 - Enforcement results in reduction of illegal dumping
 - Reduction in abatement costs to local government
 - Cons:
 - Prosecution limits
 - Evolving technology quickly outdates purchased equipment
 - Equipment loan program administration required
 - Additional state funding could be required.

Task Force Priority: Medium

21. Issue: Illegal street vendors contribute to the illegal dumping problem.

Recommendation: Local government enforcement agencies actively enforce existing state and local codes and/or adopt local codes that more effectively regulate street vendors.

Background: Street vendors commonly set up temporary stands on vacant properties or offer products for sale from mobile vehicles in urban areas. Common street vendors include fruit and produce stands, flag stands, ice cream push carts, carpet and rug stands, and preserved food product stands. These vendors usually operate without required health permits or business licenses and are in conflict with local zoning codes and land use permits. Operating on a day-to-day basis, these vendors will often leave waste products on site when they close for the day or relocate to a better site. Efforts to control these vendors by Code/Zoning Enforcement units and Environmental Health staff are time consuming, usually needed on weekends which are not normal staff workdays, and are an ongoing issue. The vendors not only leave waste products that require abatement by government agencies and/or the property owner, but sell unregulated, uninspected

products usually at a lower price than businesses that operate from approved structures, have the required permits, and pay their required sales taxes.

Description:

- A. Implementation Options: Development of local options ranging from a total prohibition of street vendors to allowing them in certain locations with permission of the property owner and with required waste collection containers and disposal practices. Include impound, seizure and forfeiture authority for enforcement agencies, and active, funded enforcement programs.
- B. Legislation: None unless it is determined that specific authorities should be amended into the existing Food Code.
- C. Agencies Involved: The State Department of Health Services delegates regulatory authority of retail food vehicles and stands to local environmental health agencies, and would be the lead agency in any amendments to the Health and Safety Code.
- D. Funding: No state funding is involved.
- E. Discussion Points:
 - Pros:
 - Reduction of litter and waste left by vendors or customers
 - Greater assurance of safe food products
 - Reduces neighborhood nuisance complaints
 - Eliminates unfair business practices
 - Cons:
 - Eliminates income for vendor operators
- F. Task Force Priority: Low

22. Issue: Many beverage and cardboard redemption facilities do not provide waste containers for their customers.

Recommendation: Redemption centers should have waste containers available for their use by their customers, and the customers should be encouraged to use the waste containers.

Background: Redemption centers for beverage and cardboard are located throughout the state, and the Department of Conservation regulations do not require the provision and use of waste containers at the centers. Many individuals bringing materials to the centers will store and transport the recyclable materials in plastic bags or similar storage containers. Some centers provide waste containers for the plastic bags and encourage the customers to use them, while others return the plastic bags to the customer once the recyclable containers or materials have been dumped from the bags. Some customers will take the bags with them and discard them in appropriate waste containers, while others will discard them on the sidewalks or along the streets. The result is more litter and illegal dumpsites that have to be abated by the public or private property owner.

Description:

- A. Implementation Options: Local government agencies require redemption centers to provide and maintain waste containers for use by their customers through the passage and enforcement of zoning codes, land use permits and/or mandatory waste collection ordinances.
- B. Legislation: State legislation would not be required.
- C. Agencies Involved: State agency involvement would not be necessary.
- D. Funding: State funding would not be required.
- E. Discussion Points:
 - Pros:
 - Refuse often illegally dumped would remain at the redemption centers
 - Cons:
 - Homeless could lose some materials they use for shelters
 - Additional disposal costs to the redemption centers
- F. Task Force Priority: Low

23. Issue: Solid waste transfer stations and landfills should be able to amend their hours of operation on an as needed basis.

Recommendation: The IDETF recommended that the CIWMB should not initiate action to allow solid waste transfer stations and landfill operators to amend their hours of operation in a manner other than currently defined in regulations.

Background: The hours of operation for solid waste facilities are specified in the facility land use permit and the facility operational permit. These hours are originally identified in the environmental impact report for the facility and have been through public review and hearings before they are included in the permits. Changing the hours of operation is defined as a major change in the operational permit, and would be subject to the CEQA review process and approval by the Board. The LEA does have the authority to approve a temporary change in operational hours under specified emergency conditions. During the IDETF meetings, several comments were made that illegal dumping often occurs when an individual or business needs to dispose of materials after the normal hours of facility operation. In lieu of waiting until the next day to dispose of the materials, they simply dump the materials along roadsides or on private property. Thus, the premise was that illegal dumping would be decreased if solid waste facilities could change their hours of operation at will.

Description:

- A. Implementation Options: a) Status quo: The operator can amend the hours of operation of the facility under the existing permit amendment or permit renewal processes; b) The operator could consider the use of key-locked areas where dumpsters can be accessed for after hours disposal of waste materials; c) Code enforcement authorities could increase surveillance and enforcement along roads leading to solid waste facilities; d) Change existing permitting requirements.

- B. Legislation: State legislation could be required if it is decided to amend the existing procedures for establishing or changing the hours of operation for solid waste facilities.
- C. Agencies Involved: CIWMB would be the lead agency if it is determined that amendments are appropriate.
- D. Funding: No additional state funding would be required.
- E. Discussion Points:
 - Pros:
 - Illegal dumping could potentially decrease if solid waste facility operational hours were extended.
 - The current codes and regulations restrict business opportunities for landfills and transfer stations.
 - Cons:
 - Illegal dumpers dump for economic reasons and changing the hours of operation will only mean they dump later in the day.
 - Keeping solid waste facilities open later will result in impacts from traffic and noise on the community.
- F. Task Force Priority: Low

IV PROGRAM COORDINATION AND MEASUREMENT

24. Issue: There is no one state agency charged with the responsibility of coordinating and evaluating enforcement and education activities in illegal dumping.
- Recommendation: The Board serves as a coordinating agency for illegal dumping programs in California.

Background: The Public Resources Code specifies that the CIWMB is responsible for the permitting and inspection of solid waste landfills and transfer stations and the abatement of illegal disposal sites. The Penal Code, Sections 374 and 374.3, defines illegal dumping and littering, but does not identify the responsible state enforcement or administrative agency. Since illegal dump sites often become locations for additional dumping that eventually results in an illegal disposal site, it can be argued that the CIWMB could assume lead responsibility in the coordination of illegal dumping programs at the state and local level.

Description:

- A. Implementation Options: A program proposal should be developed that identifies the needed components of an Illegal Disposal Program, and this should include lead activities such as outreach with local illegal dumping enforcement programs and development of a state level public information presence in illegal dumping. The proposal should include identification of existing CIWMB funding to local programs that may be directly or indirectly related to the support of local illegal dumping programs, identification of and

justification for additional local support funding needs, and identification of how the program should be staffed and the cost of managing the program.

- B. Legislation: Legislation would be required to incorporate Board responsibility for illegal dumping in the Public Resources Code. Additional legislation may be required to recognize the use of existing funds or identification of additional funds to support the staffing of the program any needed local assistance funds.
- C. Agencies Involved: The CIWMB would act as the lead agency.
- D. Funding: Additional funding or reallocation of existing funding would be required for adequate staffing of the program, the costs of public education and outreach, and any additional local government grant support that could become part of the program.
- E. Discussion Points:
- Pros:
- There should be a designated agency responsible for illegal dumping education, outreach and support and CIWMB is the logical agency.
 - Illegal dumping is an act that local government must respond to, but state level leadership has been missing and is critical to addressing the issue.
- Cons:
- Additional responsibility for CIWMB means additional staffing and administrative costs.
- F. Task Force Priority: Medium

REFERENCES

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2. League of California Cities Illegal Dumping Survey, October, 2006
3. State of New Jersey, Clean Communities and Recycling Grant Act of 1986, Public Law 2002, Chapter 128, Sections 1 -10
4. State of Washington Waste Reduction, Recycling and Model Litter Control Act, RCW, Title 70, Chapter 70.93, 1992
5. New Jersey Litter Survey, 2004; The New Jersey Clean Communities Council; Gershman, Brickner & Batton, Inc. Fairfax, VA, and Institute For Applied Research, Sacramento, CA; January 28, 2005
6. Conversation with Daniel Syrek, Institute For Applied Research, June 27, 2006
7. Kern County Ordinance Code, Title 8 Illegal Dumping, Chapters 8.47-8.54; 2005 amendments
8. Butte County Ordinance Code, Chapter 49, Unlawful Dumping, 2005 amendments
9. California State Penal Code, Sections 372-374.4
10. California State Vehicle Code, Sections 23112-23114(a)
11. California State Health and Safety Code, Section 117555
12. Washington 2004 State Litter Study, March 2005, Publication No. 05-07-029, Solid Waste and Financial Assistance Program

ATTACHMENT 2

Member Roster

Illegal Dumping Enforcement Task Force California Integrated Waste Management Board March-December 2006

Gale Filter

Employer: California District Attorney's Association
Representing: California District Attorney's Association

Brigitta Corsello

Employer: Solano County Department of Public Works
Representing: County Engineers Association of California

Jennifer Lewis/Mary Creasey

Employer: League of California Cities
Representing: League of California Cities

Gary Harris

Employer: Los Angeles City Department of Public Works
Representing: California Association of Code Enforcement Officials

Marlene Mariani

Employer: Keep California Beautiful
Representing: Keep California Beautiful

Karen Keene/Farrah McDaid

Employer: California State Association of Counties
Representing: California State Association of Counties

Larry Sweetser

Employer: Sweetser & Associates
Representing: Regional Council of Rural Counties

Ben Gale

Employer: Santa Clara County Environmental Health Department
Representing: California Conference of Directors of Environmental Health

John Abernathy

Employer: Sacramento County Solid Waste Management Department
Representing: Solid Waste Association of North America

John Gregory

Employer: Contra Costa County Administrators Office
Representing: County Administrators Association of California

John Key

Employer: Federal Bureau of Land Management
Representing: Hazardous Materials Investigators Association of California

George Valdes

Employer: Fresno City Code Enforcement Department
Representing: Fresno City Code Enforcement Department

Sarah Mora

Employer: California Farm Bureau Federation
Representing: California Farm Bureau Federation

Stanton Lange

Employer: Vineyard Owner
Representing: Agricultural Industry

Damian Meins

Employer: Riverside County Environmental Health Department
Representing: Riverside County Illegal Dumping Task Force

John Ramirez

Employer: Monterey County Environmental Health Department
Representing: Monterey County Litter and Illegal Dumping Task Force

James Lawrence

Employer: California State Department of Transportation
Representing: California State Department of Transportation

Neal Fujita

Employer: East Bay Regional Park District
Representing: Local Park Districts

Kit Cole

Employer: Waste Management, Inc.
Representing: Waste Management Industry

Scott Smithline

Employer: Californians Against Waste
Representing: Californians Against Waste

Wendy Breckon

Employer: California Integrated Waste Management Board
Representing: Legal Counsel

Margie Youngs

Employer: California State Water Resources Control Board
Representing: State Water Resources Control Board

Ken Stuart

Employer: California Integrated Waste Management Board
Representing: Task Force Coordinator

ATTACHMENT 3

CALIFORNIA STATE ASSOCIATION OF COUNTIES ILLEGAL DUMPING SURVEY

JANUARY 22, 2007

CSAC Illegal Dumping Survey

Conducted jointly with
the California Integrated Waste Management Board and
the League of California Cities

Updated January 22, 2007

Counties continue to grapple with the challenges created by illegal dumping behavior within their jurisdictions. The CIWMB/CSAC/LCC survey, completed in the summer of 2006, sheds light on both the success stories and barriers local governments encounter in their battle to combat illegal dumping.

Overview – County Results

Thirty-five of 58 counties responded to the survey, with many expressing support for sharing the findings and best practices of the completed survey.

According to the survey results, those 35 counties spend a combined **\$17,981,264, or nearly \$18 million dollars annually** to combat illegal dumping.

Note: Counties' illegal dumping expenditures will prove to be lower than cities', primarily due to the fact that most counties own landfills and therefore are able to waive disposal fees for collected waste.

Most commonly dumped items, in order of appearance:

Appliances, tires, household waste, furniture, vehicles, electronic waste, hazardous waste and constructions materials.

Common sites for illegal dumping:

Rural, unincorporated areas, such as in Amador, Butte and Calaveras Counties

Vacant lots and alleys, such as in Contra Costa and San Diego Counties

Rivers, streams, ditches and ravines, such as in Tulare, Madera and Santa Clara Counties

Unlocked dumpsters, such as in Orange and Placer Counties

Counties employ a number of programs to combat illegal dumping, including:

Enacting ordinances (Butte)

Creating illegal dumping hotlines (Tulare)

Stepping up enforcement efforts through remote surveillance (Sacramento, San Joaquin)

Creating new and specialized collection sites (Calaveras)

Conducting free community cleanup days (El Dorado, Placer, San Joaquin, Sonoma, Yolo)

Creating educational campaigns (Madera, Glenn, Orange, Placer, San Bernardino, Santa Clara, Santa Cruz, Sutter, Yuba)

Many counties find that **free community cleanup or waste disposal amnesty days** prove to be cost effective methods to reduce illegal dumping, including in Madera, Tulare, Sonoma, Solano, San Bernardino and San Benito. Others found that **utilizing grant funding for specialized cleanup efforts** worked well, such as in Calaveras, San Joaquin and Tuolumne Counties. El Dorado, Nevada and Orange Counties offer **public education programs** as a cost-effective measure, and Los Angeles, Placer and Yolo Counties rely on **aggressive enforcement**.

The bulk of the counties surveyed indicated that **funding for illegal dumping abatement programs comes primarily from landfill fees**. Many counties also **supplement such programs through their general fund**, and most also **utilize grant funding** from local sources and CIWMB.

Some **barriers** discussed in the survey include a **lack of funding and staff resources**, but the majority of counties felt that **the existing suite of penalties and enforcement tools were not strong enough** to grab the public's attention and truly address the problem.

Many counties indicated that larger penalties, more grant funding, increased fees, retailer or manufacturer "take back" programs, a reversal in the burden of proof for illegal dumping and a statewide educational campaign would all help in the battle to curb illegal dumping.

CSAC Illegal Dumping Survey Results Local Cost Estimates with 35 Counties Participating

Annual Jurisdiction Costs

Jurisdiction	Department	Staff Costs	Disposal Costs	Total Costs
Amador		13,500	16,300	29,800
	Building/Code Enforcement	5,000	14,300	19,300
	Environmental Health/ Hazardous Materials	1,500		1,500
	Solid Waste	7,000	2,000	9,000
Butte		141,650	8,500	150,150
	Public Works	66,650		66,650
	Solid Waste/Code Enforcement	75,000	8,500	83,500
Calaveras		58,500	142,000	200,500
	County Administrator	4,000		4,000
	Building/Code Enforcement	17,000	30,000	47,000
	Environmental Health/ Hazardous Materials	27,500	109,600	137,100
	Public Works	10,000	2,100	12,100
	Solid Waste		200	200
Contra Costa		1,841,086	100,100	1,941,186
	County Administrator	30,000		30,000
	Building/Code Enforcement	60,000	10,000	70,000
	Environmental Health/ Hazardous Materials	826,000	44,600	870,600
	General Services	109,000	11,000	120,000
	Public Works	577,000	34,500	611,500
	Sheriff	25,000		25,000
	Solid Waste	39,086		39,086
	Other Costs: Attorney	175,000		175,000
Del Norte		201,051	63,696	264,747
	Building/Code Enforcement	96,657	63,696	160,353
	Environmental Health/ Hazardous Materials			10,856
	General Services	53,762		53,762
	Public Works	2,900		2,900
	Sheriff	20,000		20,000
	Solid Waste			14,875
	Other Costs: District Attorney	2,000		2,000
El Dorado		207,037	108,049	315,086
Fresno				700,000
Glenn		11,788		11,788

	Environmental Health/ Hazardous Materials	324		324
	Public Works	2,675		2,675
	Sheriff	832		832
	Solid Waste	4,824	750	5,574
	Other Costs: Air Pollution Control/CUPA	2,383		2,383
Kings		34,040	16,870	50,910
	County Administrator	1,500		1,500
	Environmental Health/ Hazardous Materials	4,928		4,928
	Public Works	23,025	6,139	29,164
	Sheriff	3,965		3,965
	Solid Waste	622	10,731	11,353
Lake		53,149	13,047	66,196
Los Angeles				2,000,000
Madera		161,128	7,120	168,248
	Building/Code Enforcement	2,628		2,628
	Environmental Health/ Hazardous Materials	6,000	4,000	10,000
	Public Works	152,180	2,985	155,166
	Solid Waste	320	135	355
Monterey		615,000	64,000	679,000
	County Administrator	1,000		1,000
	Environmental Health/ Hazardous Materials	150,000	10,000	160,000
	General Services	1,000	1,000	2,000
	Public Works	462,000	53,000	515,000
	Sheriff	1,000		1,000
Napa		62,000	12,000	74,000
Nevada		18,196	702	18,898
	Environmental Health/ Hazardous Materials	12,705		12,705
	Public Works	5,491	702	6,193
Orange		2,903,403	329,330	3,232,733
	Environmental Health/ Hazardous Materials	27,000		27,000
	Public Works	30,036	4,330	34,366
	Solid Waste	2,846,367	325,000	3,171,367
Placer		431,588	100,000	531,588
	Building/Code Enforcement	30,000		30,000
	Environmental Health/ Hazardous Materials	150,000		150,000
	Public Works	75,000	70,000	145,000
	Sheriff	28,800		

	Solid Waste	140,288	28,000	168,288
	Other: Parks	7,500	2,000	9,500
Sacramento				350,000
San Benito				63,500
San Bernardino		199,000	807,800	1,006,800
	Code Enforcement	93,000		93,000
	Environmental Health/ Hazardous Materials	17,300	37,800	55,100
	Sheriff	1,700		1,700
	Solid Waste	87,000	770,000	857,000
San Diego		658,934	449,184	1,108,118
	County Administrator	5,000		5,000
	Building/Code Enforcement	163,718	350,000	513,718
	Environmental Health/ Hazardous Materials	175,000	20,000	195,000
	General Services	2,500		2,500
	Public Works	265,712	79,184	344,896
	Sheriff	47,004		47,004
San Francisco				855,000
San Joaquin		892,716	150,000	1,042,716
	Environmental Health/ Hazardous Materials	10,000		10,000
	Public Works	800,000	125,000	925,000
	Sheriff	23,716	59,000	82,716
	Solid Waste		25,000	25,000
Santa Clara		193,489	105,578	299,067
	Public Works	118,849	30,578	149,427
	Sheriff	6,500		6,500
	Solid Waste	57,500	75,000	132,500
	Other: Integrated Waste Management	10,640		10,640
Santa Cruz				735,000
	Building/ Code Enforcement		70,000	70,000
	Environmental Health/ Hazardous Materials	50,000		50,000
	Public Works	315,000		315,000
	Sheriff	220,000		220,000
	Solid Waste	20,000	25,000	45,000
	Other: County Refuse Collection Franchise		35,000	35,000
Shasta		250,000	75,000	325,000
	Building/ Code Enforcement	150,000	70,000	220,000
	Environmental Health/ Hazardous Materials	100,000	5,000	105,000

Solano		163,358	11,928	180,286
	Building/ Code Enforcement	5,000		5,000
	Environmental Health/ Hazardous Materials	5,000		5,000
	General Services	7,000		7,000
	Public Works	144,358	11,928	156,286
	Sheriff	6,000		6,000
	Solid Waste	1,000		1,000
Sonoma				340,000
	Public Works			300,000
	Solid Waste			40,000
Stanislaus		443,325	38,115	481,440
Sutter		35,271		35,271
	Public Works	30,000		30,000
	Solid Waste	5,271		5,271
Tehama		46,367	15,000	61,367
	Environmental Health/ Hazardous Materials	2,100		2,100
	Public Works	39,881		39,881
	Sheriff	1,886		1,886
	Solid Waste	2,500	15,000	17,500
Tulare		187,000	90,000	277,000
	Public Works	22,000		22,000
	Sheriff	160,000		160,000
	Solid Waste	5,000	90,000	95,000
Tuolumne		55,838	5,575	61,413
	Environmental Health/ Hazardous Materials	32,554		32,554
	Public Works	23,283		23,283
	Solid Waste		5,575	5,575
Yolo		159,000	7,000	166,000
	Environmental Health/ Hazardous Materials	20,000		20,000
	Public Works	39,000	7,000	46,000
	Solid Waste			100,000
Yuba		137,898	30,558	168,456
	Building/ Code Enforcement	36,281	30,558	66,840
	Environmental Health/ Hazardous Materials	8,960		8,960
	Public Works	74,056		74,056
	Sheriff	18,600		18,600
		Staff Costs	Disposal Costs	Total Costs
TOTALS:		\$10,175,312	\$2,767,552	\$17,981,264

CSAC ILLEGAL DUMPING SURVEY - Comments

1. What is your county currently doing to combat littering and illegal dumping? (i.e. mandatory collection, educational campaigns, enforcement, etc.)

Amador: Enforcement

Butte: The County has adopted an Illegal Dumping Ordinance that established a vehicle seizure and forfeiture ordinance and created an Illegal Dumping Hotline. The County created a new position of “Solid Waste Code Enforcement Officer.” And the County has a Community Cleanup Grant program where organization or individual county residents can apply to receive funds for local cleanup projects.

Calaveras: Universal Waste Collection sites throughout the county.

Contra Costa: Created the County’s Illegal Dumping web page; Created the County’s Recycling Hotline; Sends the owners property notices; Investigates complaints regarding littering and illegal dumping in the county; sends out information on how to properly dispose of hazardous waste.

Del Norte: Enforcement through Administrative Citations, or Criminal Prosecution; Cleanup by staff; Cleanups by volunteers or by court ordered community service.

El Dorado: Mandatory collection in certain areas; free community cleanup days; free vouchers for curbside pick up of bulky items; three full-time staff conducting litter and illegal dumping abatement.

Glenn: Anti-littering education to schools including landfill tours; contact with public at events; road signage; free recycling of used oil, filters, latex paint, antifreeze, cardboard, plastic jugs, and rinsed plastic barrels; require load tarping.

Kings: Complaint-based enforcement

Lake: Very low tipping fees and very low residential curbside fees, 24 days annually of Hazmobile program, free “no dumping” signs for property owners.

Los Angeles: Currently implementing case-by-case enforcement, as well as partnerships and grant funding to clean sites.

Madera: Educational campaigns

Monterey: Mandatory collection, public education, increased enforcement – including surveillance and investigation, established/facilitating Adopt-A-Road program, and providing vouchers to cover tipping fees at disposal facilities. In addition, a County Ordinance is in development that will encourage reporting of illegal dumping activities – to include a reward system and substantial fines.

Napa: Free bulky item and waste tire drop-off included with new garbage hauling franchises, allocating funds in a franchise fee to assist with the costs of roadside pickup.

Nevada: Maintain an illegal dumping Hotline; Waste dumped on County right-of-way or easements are collected and disposed of by Public Works; When traceable evidence is discovered,

Environmental Health pursues cleanup by the responsible party; When appropriate, enforcement action may be pursued by the Districts Attorney's Office.

Orange: Public education through advertisements and public announcements; If illegal dumping is being done by a business, enforcement can also be used as a deterrent.

Placer: Our departments and agencies utilize combinations of: Mandatory collection of garbage in some areas; Education (Solid Waste, volunteer efforts, Adopt-A-Road program); Enforcement; Signage at Parks, litter cleanup, fund volunteer cleanups, free disposal coupons, free collection events, and enforcement signage.

Sacramento: The County has implemented a comprehensive illegal dumping program which consists of the following program elements: Enhanced response time for cleanup activities; Installation of barriers, signage and lighting; Illegal dumping sting operations; Purchase & installation of surveillance camera equipment; Media relations community outreach; Website development; Public service announcement; Reward Program.

San Benito: Mandatory refuse and recycling collection as of January 2002.

San Bernardino: In 2004, mandatory collection was imposed on more urbanized areas; Code Enforcement, in association with the Solid Waste Management Division, will conduct 30 community cleanups in 2006; Using grant money from the Lahontan Regional Water Quality Control Board (LRWQCB), a new illegal dumping enforcement program is commencing; the County operates a facility for the collection of household hazardous wastes; the County is developing an illegal dumping ordinance and supporting education campaign; a 30-second television public service announcement has been developed.

San Diego: The County utilizes various enforcement tools, including citations and abatements; do not have limited educational campaigns.

San Joaquin: Mandatory garbage collection in most unincorporated areas; Placement of remote camera(s) in the "high-use" dumping locations; Waste Tire Enforcement Grant to regulate the tire haulers and facilities that store, sell, transport, recycle and dispose of waste tires; Local ordinance increasing fines and rewards for illegal dumping; Annual dumpster days cleanup offered.

Santa Clara: The Sheriff's Office responds and investigates reports of illegal dumping. The Environmental Health/Integrated Waste Management: Enforces county ordinance sections that require mandatory garbage collection; Inspection and surveillance activities as a Waste Tire guarantee; Inspection of refuse collection vehicles; The County's HHW program has developed and implemented an outreach and collection campaign.

Santa Cruz: Educational campaigns; Follow up enforcement is evidence is found linking dumping to individual or business; Posting no-dumping/abandoned vehicle signs; Cost recovery for abandoned vehicle replacement.

Solano: Mandatory Collection; Education and Enforcement; Use of City and County Code Enforcement staff to address vehicles abatement and Environmental Health LEA collecting money to fund extra help staff with pick up programs in Public Works.

Sonoma: Household Hazmat collection at the landfill is at no cost for small (non-commercial) quantities. Free monitor/TV disposal at the landfill. Free dumpsters available for scheduled cleanups.

Sutter: County has mandatory collection in incorporated and most unincorporated areas. Staff educates public about illegal dumping. Brochures have been developed to educate public about illegal dumping of tires. Enforcement. Staff charges hourly rate for each enforcement hour spent investigating.

Tehama: The landfill budgets for tipping fees to cleanup illegal dump sites if labor is provided for cleanup. The Planning Dept recently started a vehicle abatement program to lessen the potential for abandoned vehicles.

Tulare: The Sheriff's Office has a litter and tire abatement program that uses inmates to clean up illegal dumping; Semi-Annual community cleanups with reduced disposal fees; County Ordinance requiring refuse collection.

Tuolumne: Proposing to hire a Solid Waste Technician to implement the Board approved Tuolumne County Illegal Disposal Prevention and Abatement Program.

Yolo: Good Neighbor Coupon – County provides free disposal for materials that residents voluntarily pickup in County right-of-ways and issues a coupon worth up to \$12 for future disposal each time; Code Enforcement Coupon; Waiver for Volunteer Clean-up groups - the County waives disposal fees for volunteer cleanup events; Education.

Yuba: County has mandatory collection in incorporated and most unincorporated areas. Staff educates public about illegal dumping. Brochures have been developed to educate public about illegal dumping of tires. Enforcement. Staff charges hourly rate for each enforcement hour spent investigating.

2. What is the item most commonly illegally dumped, for example: gravel, household refuse, appliances, hazardous waste, bio-waste, e-waste, tires, furniture, vehicles or something else?

Amador: Household waste, appliances, tires and vehicles.

Butte: Household refuse, appliances, tires and mattresses.

Calaveras: Tires, batteries, appliances, construction debris, vehicles.

Contra Costa: Household refuse, followed by landscape trimmings, furniture, tires, construction materials, vehicles, appliances, medical and e-waste.

Del Norte: Appliances, furniture, tires.

El Dorado: Gravel, household refuse, appliances, hazardous waste, e-waste, tires, furniture, vehicles.

Glenn: General refuse, white goods, Freon containing devices, furniture and mattresses, automobiles/boats, tires.

Kings: Tires, furniture, appliances, and household refuse.

Lake: Household waste, appliances, furniture and mattresses, vehicles, construction materials, mobile homes, hazardous waste.

Los Angeles: Electronic waste, furniture, construction and demolition, and household waste.

Madera: Household refuse, tires, furniture, vehicles and hazardous waste.

Monterey: Construction debris, household refuse, bio-waste, appliances, illegal drug lab materials, e-waste, tires, furniture, vehicles, hazardous waste.

Napa: Household refuse, appliances, all types of e-waste, tires.

Nevada: Household refuse, vehicles, furniture, tires, C&D, HHW, and e-waste.

Orange: Used oil, e-waste and hazardous waste, household refuse, paint, appliances.

Placer: Tires, garbage, vehicles, appliances, electronics, hazardous materials, and furniture.

Sacramento: Furniture, appliances.

San Benito: Tires, construction waste.

San Bernardino: Construction debris, household refuse, e-waste, tires, waste oil, paint, solvents, and illegal drug lab waste.

San Diego: Household wastes, tires, appliances, furniture, vehicles.

San Joaquin: Household refuse, tires, appliances, and hazardous materials.

Santa Clara: Household garbage, paints, chemical cans, medical waste, dirt, TV's, computers, furniture, cars, car parts, trailers and old building materials.

Santa Cruz: Appliances, TV's/Monitors, tires and vehicles.

Shasta: N/A

Solano: Appliances, electronic waste, large bulk items not accepted for free at the landfills, waste haulers or curbside pickup.

Sonoma: Household refuse, appliances and tires.

Sutter: Household refuse, appliances, tires, e-waste, furniture and vehicles.

Tehama: Appliances, furniture, and tires

Tulare: Tires, furniture, appliances, and household waste.

Tuolumne: Tires, household refuse, e-waste, furniture and appliances.

Yolo: Tires, Appliances, electronics, furniture, mattresses, garbage, litter, construction/remodeling debris.

Yuba: Household refuse, appliances, tires, e-waste, furniture and vehicles.

3. What is the most common area where illegal dumping occurs in your jurisdiction – remote areas, rural roadsides, waterways, private property, government property or city streets and alleys?

Amador: Remote areas, rural roadsides, and private and public property.

Butte: Rural roadsides.

Calaveras: Rural roadsides.

Contra Costa: Along roads and remote areas; public streets in the lowest income neighborhoods; vacant lots, private property.

Del Norte: Remote areas of rural roads – these are frequently adjacent to rivers and streams.

El Dorado: Rural roadsides and remote areas, private property.

Glenn: Most of Glenn County's roads fall into the rural, remote category, and this is where most complaints come from.

Kings: Private property in remote areas, including arroyos and irrigation ditches/canals.

Lake: County and city parks dumpsters, rural undeveloped areas, rivers and streams.

Los Angeles: Abandoned empty lots, remote rural areas, and former landfills and community disposal sites.

Madera: Remote areas, rural roadsides, waterways, private property.

Monterey: Remote, rural roadsides.

Napa: Roads with limited population.

Nevada: Remote undeveloped areas, rural roadsides and private property.

Orange: City streets and alleys, rural roadsides, flood control channels, unlocked dumpsters, government property.

Placer: Remote areas, private property, along rural roads, commercial dumpsters, and parks.

Sacramento: Rural Roads

San Benito: Rural roadsides, usually private property; Dumping in the San Benito river and its tributaries.

San Bernardino: Private property in rural areas, rural roadways, and vacant property.

San Diego: Remote areas, roadsides, alleys.

San Joaquin: Remote and rural roadside areas and channels.

Santa Clara: Remote areas along roadside on public or private property. Ravines in remote areas are also popular for ditching cars and large items of furniture.

Santa Cruz: Remote turnouts on public and private roads, ravines off rural roads, farmland, and rural private property.

Shasta: N/A

Solano: Rural roadsides in public right of way or private property as well as remote waterways.

Sonoma: Rural roadsides

Sutter: Remote areas, farmlands, rural roadsides, waterways and private property.

Tehama: Remote areas, rural roadsides

Tulare: Roadsides, waterways and private property that is conveniently close to communities but out-of-the-way enough to hide from public view while dumping.

Tuolumne: Remote areas and rural roadsides

Yolo: Remote areas along county roadways adjacent to agriculture fields and waterways.

Yuba: Remote areas, farmlands, rural roadsides, waterways and private property.

4. What programs that you are currently doing have you found to be the most cost effective?

Butte: Adopt-A-Highway

Calaveras: Waste Tire cleanup

Contra Costa: Roadside litter pickup; place responsibility for cleaning of illegally dumped debris on garbage companies/landfills/transfer stations; mandatory subscription and Waste Tire program.

Del Norte: Issuing Administrative Citations when a suspect can be located; use of court ordered community service for cleanup; Abandoned Vehicle Authority to remove abandoned/junk cars.

El Dorado: Public education for recycling, contract with CalTrans for litter abatement on State highways.

Glenn: Just get out and get it.

Kings: We recently started a program with water districts and the Farm Bureau to combine resources with the County and the Kings Waste Recycling Authority to “pre-pay” the tipping fee when private property owners or water districts bring illegally dumped refuse to the MRF.

Los Angeles: Aggressive enforcement to get illegal dumpers to bear the cost.

Madera: Waste disposal amnesty days.

Monterey: Extensive utilization of either inmate or “Work Alternative” personnel to accomplish the removal of illegally dumped materials. A clean road tends to discourage additional dumping activities.

Napa: The only cost-effective programs are the state-funded ones.

Nevada: Environmental Health’s monitoring of the Illegal Dumping Hotline and coordinating with Public Works to dispose of the waste. Public Works providing an e-waste collection center and a HHW & ABOP Collection Center at the local Transfer Station. Public Works also provides an excellent public education website for recycling and waste disposal.

Orange: Educational Outreach in the hazardous waste regulatory program and through grants from the CIWMB; Mandatory collection; Use of locked dumpsters.

Placer: Mandatory collection and enforcement signage (Sheriff)

Sacramento: The post and cable installations have changed behavior and are a cost effective measure; Anecdotal remarks indicate that our roll out of the pilot Appointment Based Neighborhood Clean Up program is also making a difference.

San Benito: The quarterly “bulky item recycle days” program.

San Bernardino: The community cleanup program.

San Diego: Majority are in Code Enforcement areas; recently increased our investments in education and outreach.

San Joaquin: The San Joaquin County Dept of Public Works (DPW) Household Hazardous Waste Facility provides a recycling/disposal alternative for hazardous materials generated in the county. The CIWMB Waste Tire Enforcement Grant helps to curtail illegal tire disposal in the County.

Santa Clara: Where illegal dumping/litter issues are rectified easily, then the costs for correction is relatively low compared to more chronic and obstinate cases. The Roads Department works with the Dept of Corrections to utilize inmates and others assigned to community service to remove trash from roadsides on both weekdays and on scheduled weekends.

Santa Cruz: Use of inmate labor to supplement the clean-up crews for roadside litter and illegal dumping.

Solano: County Cleanup Days as well as Earth Day.

Sonoma: Community Cleanups are cost effective as community volunteers do the majority of ‘staffing.’ Household Hazardous Waste disposal at the landfill avoids some of the costly cleanups from roadside dumping of the products.

Sutter: Responding to citizen complaints and surveillance by the staff.

Tehama: Payment of tipping fees if local residents supply labor.

Tulare: Reduced or waived fee programs such as semi-annual community cleanups in which County disposal fees are half-price and case-by-case approved cleanup of illegal dumping in which the disposal fees are entirely waived.

Tuolumne: Advertisement, grant funded programs such as tire amnesty month, planned cleanups throughout the county and Clean Up Days Coupons.

Yolo: We recently discontinued our existing cleanup events (bulky waste collection) program for the unincorporated areas in the county because it did not appear to be reducing the illegal dumping.

Yuba: Responding to citizen complaints and surveillance by the staff.

5. What funding sources do you utilize to cover the costs of these programs?

Amador: General Fund.

Butte: County landfill gate fees

Calaveras: Code violation fines and vehicle registration fees

Contra Costa: Solid waste/recycling collection franchise fees; Department funds

Del Norte: General Fund and Abandoned Vehicle Authority funds

El Dorado: Parcel fees, CalTrans, CIWMB grants

Glenn: Landfill budget as miscellaneous items

Kings: Reduced tip fee at the MRF, a contribution to the Farm Bureau, water districts, and the County.

Lake: Landfill fees, grants for materials and/or sites, volunteer time, Public Works road funds, code enforcement funds.

Los Angeles: Grants from the State, piecemeal expenditures by various County agencies, volunteers and in kind donation of funds, supplies, and labor from local businesses and organizations.

Madera: Grants, General Fund, and special district funding.

Monterey: “General Fund” dollars are expended for the County staff costs and tipping fees associated with illegal dumping efforts. In addition, a voucher program – funded by the disposal site operators – assists in the litter abatement efforts on both public and private property.

Napa: State grants, franchise fees, and Public Works funding.

Nevada: Environmental Health is Fee for Service and will invoice for time spent on enforcement activities. Public Works is funded through parcel charges and gate fees.

Orange: The CIWMB provides grants to local jurisdictions that fund educational outreach for used oil recycling; disposal fees.

Placer: Public funds, disposal tipping fees, garbage franchise fees, and grants.

Sacramento: State Grant, Dept of Waste Management and Recycling, Dept of Transportation, Solid Waste Authority.

San Benito: Tipping fees and franchise hauler contributions are both utilized to fund the quarterly “Bulky Item Recycle Days” program.

San Bernardino: Landfill tipping fees and grants.

San Diego: County General Fund and the State Abandoned Vehicle Abatement Program; also utilize revenue from some county leases to address illegal dumping on those leased sites.

San Joaquin: EHD Solid Waste Trust Fund for Local Enforcement Agency (LEA) activities; EHD/DPW CIWMB Farm and Ranch Cleanup Grant; EHD CIWMB Enforcement Assistance Grant; EHD CIWMB Waste Tire Enforcement Grant; Public Works Road Fund, Flood Control and Solid Waste Enterprise funding; County General Fund predominately supports Sheriff Patrol costs.

Santa Clara: User fees that are charged to refuse collection vehicles and solid waste facilities; the Waste Tire Program is funded by grant monies received through the CIWMB.

Santa Cruz: Recycling and refuse programs enterprise fund (Solid Waste) provides most of the funding. A portion of the funding for abandoned vehicle abatement comes from vehicle registration fees.

Shasta: N/A

Solano: Landfill dumping fees collected by LEA and Resource Management for mitigation.

Sonoma: A portion of the litter control cost is recovered by a surcharge on refuse disposal. Monitor/TV disposal costs are now reimbursed by state programs.

Sutter: Mostly Regional waste management authority, CIWMB and fines in terms of staff time spent on enforcement to responsible parties.

Tehama: Disposal is budgeted as part of landfill operations paid by tipping fee of legally disposed waste.

Tulare: Solid Waste Enterprise Fund provides for the Sheriff’s litter and tire abatement program and the reduced or waived disposal fees for County cleanup programs. The Road Fund provides for litter abatement activities performed by Road employees. The County Redevelopment Agency offsets some costs of the community cleanups that occur within the Redevelopment Project Areas.

Tuolumne: Tipping fees and some grants.

Yolo: No general funds are used. The landfill is an enterprise fund. Revenue is primarily from tipping fees, with minor amounts from energy royalties, recycling sales and grant funds.

Yuba: Mostly Regional waste management authority, CIWMB and fines in terms of staff time spent on enforcement to responsible parties.

6. What barriers have you encountered in your county’s work to combat littering and illegal dumping?

Amador: Staff and funding.

Butte: The ability to access a higher penalty would help defray costs and act as a stronger deterrent to potential law breakers.

Calaveras: Monitoring of remote and rugged roadways

Contra Costa: Lack of adequate penalties in existing statute, funding.

Del Norte: Penalties less than legal dumping fees; Tire disposal fees too high; cost of recycling tires too high, forcing disposal in landfill.

El Dorado: Rural areas make it easy to dump illegally, litter on State highways seems to be constant, most areas of county do not have mandatory garbage collection.

Glenn: Cost of disposal; lazy, stupid, cheap, or angry people; very low priority for prosecution.

Kings: Difficulty in catching illegal dumpers in the act. The perception that our courts do not impose adequate penalties whenever someone is caught dumping illegally.

Lake: Unenforceable laws, untrained, unavailable or unwilling code enforcers, pre-emption issue for local ordinances, lack of pre-disposal fees for many banned or expensive disposal items.

Los Angeles: Citation powers for the regulatory agencies, clean up or lien power. Clarification of laws to make property owners responsible for cleanups of dump sites on private property.

Madera: The District Attorney and supporting agencies be required to file mandatory charges for individuals who confess or have been caught in the act of illegal dumping or littering.

Monterey: Involvement of the Ag Industry - Illegal dumping fluctuates with the harvest seasons; Enforcement Barriers – funding for health and law enforcement personnel; Availability and affordability of legal disposal sites.

Napa: The biggest barrier is regulatory direction that bans e-waste from landfills with no funding options, recycling infrastructure, or concurrent public education campaign.

Nevada: Lack of staff resources to thoroughly pursue all violators when evidence is discovered in illegally disposed refuse.

Orange: Identifying the perpetrators who illegally dump with educational outreach, and providing additional methods for residents to dispose of their universal wastes.

Placer: Inadequate staffing, program costs, costs of providing free disposal, lack and cost of education, enforcement priority (Sheriff), limited enforcement options.

Sacramento: Lack of resources.

San Benito: Evidence test to 'prove' illegal dumping.

San Bernardino: Availability of law enforcement; finding and prosecuting illegal parties; Cost of enforcement.

San Diego: Large and very remote rural areas; limited funding.

San Joaquin: Illegal dumping is pervasive throughout the county and state; Public apathy and disregard for the environment; difficulty catching perpetrators.

Santa Clara: Workload priorities; the enforcement fine process alone; One barrier is the difficulty in preventing Illegal dumping due to the remoteness of some areas of the County.

Santa Cruz: Too many rural roadways to adequately police; Not enough money to conduct good enforcement and creation of more disincentives for littering.

Shasta: N/A

Solano: Adequate resources to catch and prosecute offenders. The State proposes changes in waste stream disposal before new programs to handle waste stream are available at the City and County level.

Sonoma: Identifying who is doing the dumping is a problem and litter/dumping is not a priority of law enforcement.

Sutter: Easy access to known dump sites, poverty, lack of education, easy to get away without any legal action against the offender.

Tehama: Low on the list of priorities for many departments. Lack of funding.

Tulare: Lack of funding for programs. Lack of ability to properly enforce County Ordinance requiring refuse collection.

Tuolumne: Research and identify a consistent long term funding, manpower to implement the Tuolumne County Illegal Disposal Prevention and Abatement Program, manpower to cleanup sites.

Yolo: Lack of state and regional programs. Illegal dumping does not observe jurisdictional boundaries; High cost to monitor and clean up frequent dumping sites; Insufficient penalties deter illegal dumpers and; low priority to investigate and/or prosecute illegal dumpers.

Yuba: Easy access to known dump sites, poverty, lack of education, easy to get away without any legal action against the offender.

7. What changes would you like to see made to fix some of the encounters you've encountered? Do you believe the changes could be done through regulatory changes, or would they need to be made through legislation?

Amador: Grant funds for private and public property cleanups.

Butte: Larger administrative penalties would have to be done through legislation.

Calaveras: Double the AVA fee

Contra Costa: Need more funding dedicated to illegal dumping abatement/enforcement, additional legislation is needed; Would be helpful if some of the tire disposal fees collected with purchase of new tires could be used to encourage recycling of tires modeled after the CRV program for aluminum cans; or a program like the E-waste disposal program to give consumers a cost effective means to

properly dispose of unwanted appliances; Funding for a full time litter enforcement officer; Funding for prosecution through the District Attorney's Office of repeat offenders.

Del Norte: Increase maximum allowable fines for Administrative Citations for illegal dumping; Subsidize local tire recycling in rural areas.

El Dorado: More public service announcements against highway littering; in process of passing a local Adopt-A-Road ordinance.

Glenn: Block Grant Amnesty Days for refrigerators or appliances; manufacturer and retailer "take back" programs; higher priority on arrest and prosecution, including portable surveillance equipment for repeat sites.

Kings: Subsidize legal disposal of bulky and electronic waste.

Los Angeles: Streamlined grant funding opportunities, including funding for small sites; simplification of process for private property cleanups, billing responsible parties, etc.

Madera: Having the cases filed in the Superior Court (Enforcing our current laws) and the violators be fined in an amount equal to the total cost of the cleanup.

Monterey: Regardless of the method utilized to fix the barriers (regulatory or legislative) – key will be the funding of staff personnel to enforce the chosen process. The Agricultural Industry needs to be involved in any definitive effort; improvement of disposal site locations, facility operation hours, and tipping fees commensurate with the user population's income.

Napa: Immediate funding to local jurisdictions for clean up of material that has been banned from landfills.

Nevada: Enhanced utilization of investigators from the District Attorney's Office; Further utilization of CIWMB Cleanup Grant programs; Funding to further support Environmental Health's Investigations of illegal dumping complaints.

Orange: Legislation can promote manufacturers and retail companies to take back electronic wastes for proper recycling.

Placer: Additional grant funding and expanded enforcement options.

Sacramento: An adequate funding mechanism to fully address the issue is needed.

San Benito: Legislation is needed to reverse the burden of proof for illegal dumping.

San Bernardino: Local agencies need legislative authority to issue citations to illegal dumping violators as well as additional funding for enforcement activities. Regulatory changes to enable the collection of deposits on the purchase of new electronic items are also necessary to fund the collection and disposal of e-waste.

San Diego: Establishment of additional/convenient dumpsites could allow the public to dispose of household and e-waste. Additionally, increased and coordinated public education at the State level would be beneficial.

San Joaquin: Legislation to require predisposal or advance fees for the most commonly dumped items or materials to fund state and local recycling and disposal costs; consider mandatory collection statewide; professional public outreach/mass media campaign to discourage illegal dumping statewide.

Santa Clara: Accountability for the last identified registered owner of illegally dumped vehicles or crafts; implement a lien process for cleanup; implement an easier way to fine and prosecute those that litter and illegally dump; focus finding industries and areas of society that could use more education regarding these matters. Enforcement could be stepped up.

Santa Cruz: Stiffer penalties for illegal dumping and littering; More State funding to provide for follow-up investigation to locate and prosecute offenders.

Shasta: N/A

Solano: Prior to legislation of waste stream the funding to adequately handle the programs. Offer more exemptions – streamline approvals- expand farm cleanup solutions – create alternative disposal.

Sonoma: Mandatory garbage pickup for all residents. It may help to have a hotline number for citizens to contact when they see roadside dumping. Increased enforcement of fines and penalties.

Sutter: Continuous surveillance of know dumpsites and legal action against caught offenders; legislative changes need to be made.

Tehama: N/A

Tulare: Increased funding for programs.

Tuolumne: Make more grant money available and make it easier to get.

Yolo: A State or regional promotional campaign to bring the problem to the public's attention and get them involved; higher penalties for illegal dumping and/or; rewards or incentives for reporting offenders. Some of these solutions may require state legislation and funding.

Yuba: Continuous surveillance of know dumpsites and legal action against caught offenders; legislative changes need to be made.

-end-

ATTACHMENT 4

LEAGUE OF CALIFORNIA CITIES ILLEGAL DUMPING SURVEY

JANUARY 2007

2006 Illegal Dumping Survey- City Responses Local Cost Estimates & Programs

**A survey prepared for the State-Local Illegal Dumping Enforcement Task Force
Formed by the Integrated Waste Management Board, the League of California
Cities
And the California State Association of Counties**

Annual Jurisdiction Costs

Jurisdiction	Department	Staff Costs	Disposal Costs	Total Costs
Apple Valley	Jurisdiction Wide	40,500.00	5,250.00	45,750.00
Arcadia	Jurisdiction Wide			10,000.00
Anaheim	Solid Waste	89,000.00	28,800.00	118,700.00
Brea	Jurisdiction Wide	13,814.00		13,814.00
Brentwood	Jurisdiction Wide	23,210.00	6,744.00	29,954.00
	Building/ Code Enforcement	1,200.00		1,200.00
	Public Works	12,810.00	2,000.00	14,810.00
	Police	2,000.00		2,000.00
	Solid Waste	5,200.00	4,244.00	9,444.00
	Parks and Recreation	2,000.00	500.00	2,500.00
Campbell	Jurisdiction Wide	84,094.00	27,000.00	111,094.00
	Building/ Code Enforcement	10,094.00	12,000.00	22,094.00
	Environmental Health/Hazardous	32,000.00	10,000.00	30,000.00
	Public Works	30,000.00	5,000.00	35,000.00
	Police	12,000.00		12,000.00
Clayton	Jurisdiction wide	1,000.00		1,000.00
Colusa	Jurisdiction wide		25,000.00	25,000.00
Concord	Jurisdiction Wide			33,073.00
	Public Works	23,623.00		23,623.00
	Debris Tech Contract			9,450.00
Clovis	Jurisdiction wide			8,800.00
Costa Mesa	Jurisdiction wide	21,899.96		851,899.96
	City Manager	100.00		100.00
	Building Code Enforcement	21,799.96		21,799.96
	Public Works			830,000.00
Costa Mesa Sanitary District	Jurisdiction Wide	240.00		525,000.00
Daly City	Jurisdiction wide	150,500.00	52,000.00	202,500.00
	City manager	2,000.00		2,500.00
	Building/Code Enforcement	5,000.00		5,000.00
	Public Works	130,500.00	52,000.00	182,500.00
	Police	1,000.00		1,000.00
	Solid Waste	10,500.00		10,500.00

	Clean Community	1,000.00		1,000.00
Del Rey Oaks	Jurisdiction Wide	500.00		500.00
Elk Grove	Jurisdiction wide	474,100.00	240,000.00	714,100.00
	City manager	300.00		300.00
	Building/Code Enforcement	2,800.00		2,800.00
	Environmental Health/Hazardous Material	20,000.00	33,000.00	53,000.00
	Public Works	25,000.00	7,000.00	32,000.00
	Police	6,000.00		6,000.00
	Solid Waste	120,000.00		120,000.00
	Franchised Hauler	300,000.00	140,000+60,000 equipment	500,000.00
Fairfield	Public Works	51,104.23	19,593.38	70,697.00
Fontana	Jurisdiction Wide	39,768.00	28,776.00	68,544.00
	Building Enforcement Code	6,360.00		6,360.00
	Environmental Health/Hazardous Materials	14,400.00		14,400.00
	Public Works	19,008.00	21,576.00	40,584.00
	Police	600.00		600.00
Fortuna	Jurisdiction Wide	5,712.00		5,712.00
Foster City	Police Department Only department info available	630.00		630.00
Glendale	Jurisdiction Wide			350,000.00
La Habra Heights	Jurisdiction wide			10,000.00
La Palma	Jurisdiction wide	700.00	100.00	800.00
	Building/Code Enforcement	400.00		400.00
Livermore	Public Works	44,234.00		44,234.00
Los Angeles	Jurisdiction Wide			10,000,000.00
Madera	Jurisdiction Wide	194,988.75	12,350.00	207,388.75
	Building/Code Enforcement	194,638.75	12,000.00	206,638.75
	Police	350.00		350.00
Monterey Park	Jurisdiction wide	85,000.00	Included in city refuse collection contract	85,000.00
Monrovia	Jurisdiction Wide	1,000.00	Included in city refuse contract	1,000.00
Norwalk	Jurisdiction wide	106,600.00	166,200.00	272,800.00
	Building/Code Enforcement	6,600.00		6,600.00
	Environmental Health		16,000.00	16,000.00
	Public Works	43,000.00	47,000.00	90,000.00
	Police	52,000.00		52,000.00
	Solid Waste	5,000.00	103,200-300,000	108,200-305,000
Ontario	Jurisdiction Wide	491,300.00	327,000.00	961,000.00
	Building/Code Enforcement			10,000.00

	Environmental Health/Hazardous Waste	26,000.00	17,000.00	43,000.00
	Public Works	423,000.00	310,000.00	733,000.00
Pomona	Jurisdiction Wide			350,000.00
	Solid Waste	5,000.00	103,200.00-300,000.00	108,200.00-305,000.00
Rancho Santa Margarita	Jurisdiction Wide	52,500.00		52,500.00
	Building/Code Enforcement	500.00		500.00
	Public Works	52,000.00		52,000.00
Sand City	Jurisdiction Wide	97,810.00	1,500.00	99,310.00
	Hope Services (City Contract)	82,000.00		82,000.00
	Public Works	13,000.00	1,500.00	14,500.00
San Bruno	Jurisdiction Wide	10,850.00	7,350.00	18,200.00
	Building/Code Enforcement	5,500.00	2,000.00	7,500.00
	Public Works	1,350.00	1,350.00	7,500.00
	Parks Division	4,000.00		4,000.00
San Leandro	Jurisdiction Wide	21,000.00	3,000.00	24,000.00
	Environmental/Hazardous Waste	2,000.00		2,000.00
	Public Works	19,000.00	3,000.00	21,000.00
Santa Maria	Jurisdiction Wide	62,842.00	293,065.00	358,407.00
	Building/Code Enforcement	55,000.00		55,000.00
	Fire Department			2,500.00
	Public Works		5,000.00	5,000.00
	Solid Waste	unknown	286,265.00	286,265.00
	Recreation and Parks	1,000.00	1,000.00	2,000.00
	Streets Maintenance	6,842.00	800.00	7,642.00
Selma	Jurisdiction Wide	14,500.00	1000.00	15,500.00
Sunnyvale	Public Works	28,488.00	93.00	28,581.00
	Police	1,300.00	1,500.00	2,800.00
Grand Total				15,718,288.71

Local Programs, Funding Sources and Ways to Improve

Extended Responses

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A. What is your city currently doing to combat littering and illegal dumping?

Anaheim: 3 free bulky item pickups annually (must be fewer than 20 items per pickup)

Arcadia: public education, website information, encouraging citizens to report illegal dumping activities, quick cleanup of sited litter.

Apple Valley: mandatory trash collection and residential recycling, free hazardous waste drop off 2x month, free bulky item pick up 2x annually, tire amnesty days, free mattress pick-up, 3 annual community cleanup days, occasional "blight projects" to target neighborhoods, \$500 reward to report info leading to the arrest of an illegal dumper, 30 day impounding of vehicles used for illegal dumping.

Brentwood: Annual city-wide clean up events, signage, mandatory collection, code enforcement

Brea: Mandatory Collection, website link, code information

Carmel: mandatory collection.

Costa Mesa: "No Dumping" signs posted in alleyways, garbage cans by bus stops and on sidewalks; Costa Mesa sanitary district offers large item collection; one day electronic waste collection day, annual used tire collection, curbside pickup service for used motor oil and other household hazardous waste. An environmental services company was contracted for hazardous waste cleanup and education for the public/school children.

Clayton: illegal dumping is not a major issue here, the city provide education and city trash cans in the downtown area.

Clovis: mandatory collection service, biannual free debris collection, reduced cost special pick up service, waste tire amnesty days

Colusa: annual citizens clean up day annually in spring

Costa Mesa Sanitary District: newsletters, free bulk item pickup 2x annually, furnishes standardized containers, used tire roundup, electronics waste event

Campbell: signage in problem areas, annual community cleanup, education, website information (storm water pollution prevention, business generated wastes, household hazardous waste, recycling and proper disposal of various debris), Police enforcement, agency coordination to clean up homeless encampments, mandatory collection, educational campaigns, kindergarten 4th and 5th grade presentations.

Daly City: increased fines, mandatory collection, education

Del Rey Oaks: enforcement, signage

Elk Grove: education, contracted city garbage collector is required to pick up illegally dumped items; public works staff collects smaller litter items.

Fontana: the city has an illegal dumping hotline, a City Code that allows a vehicle to be seized if caught illegally dumping. The city also offers two free clean up day events a year and two free bulky item pick-ups a year. All of the information regarding these programs is posted on the city's website, printed in the Public Works guide and given out during events.

Fortuna: regular outreach efforts to stress recycling and waste reduction to the business community and the general public; city ordinances against illegal dumping at thrift stores, etc; trash cans on city streets and parks.

Fairfield: enforcement, mandatory collection

Foster City: police patrols in repeat dumping locations

Glendale: education campaign, free bulky item pickup, Adopt a Block Programs, public ash trays in downtown area.

Gilroy: Keep Gilroy Clean campaign

Livermore: one staff person dedicated to collecting litter from main thoroughfares, public works staff, contracted garbage collector collects illegally dumped items and provides bulky item pickup, mandatory residential and commercial collection, informational letters sent to vehicular litterbugs, green waste collection, targeted cleanup in areas of frequent dumping.

La Habra Heights: Enforcement and signage

La Palma: mandatory use of city rubbish contractor, semi annual bulky item collection

Livermore: one staff person dedicated to collecting litter from main thoroughfares, public works staff, contracted garbage collector collects illegally dumped items and provides bulky item pickup, mandatory residential and commercial collection, informational letters sent to vehicular litterbugs, green waste collection, targeted cleanup in areas of frequent dumping.

La Habra Heights: Enforcement and signage

La Palma: mandatory use of city rubbish contractor, semi annual bulky item collection

Monrovia: Mandatory residential and commercial Waste collection, 2 free bulky item pick-ups annually, neighborhood services/code enforcement, anti-litter campaigns, public refuse cans throughout downtown and bus stops, and weekly street-cleaning.

Monterey Park: education and enforcement, mandatory collection, hold property owners responsible for maintaining their park and alleyways

Madera: Alley cleanup effort, surveillance cameras, surveillance by city staff, code enforcement, curb side cleanup

Marina: enforcement, cleanup, fencing, etc.

Norwalk: education, letting people know of available collection services

Ontario: Education, bulky item pickup, debris cleanup, neighborhood cleanup services, code enforcement.

Pasadena: staff targets known illegal dumping sites, 2 free bulky item pickups per year.

Pomona: mandatory residential collection, bulky item collection.

Roseville: local government channel advertising, signs to call and report illegal dumping, quick cleanup of waste to prevent more

Sand City: actively citing individuals caught littering, enforcing camping laws, and the Public Works keeps problem areas clean of brush that is visible to the public which deters dumping.

Seaside: Mandatory collection, county-wide education campaign.

San Bruno: signage, code enforcement, asking landlords to police their vacating residents.

San Leandro: enforcement, monitoring encampments, trying to find those responsible for dumping.

Santa Maria: Mandatory service, no charge landfill to residents 2x a year, monitoring of target code enforcement, Public Works street maintenance, recreation and parks daily rounds, SWAP non violent offender community service, fire department responds to about 10 calls annually for illegal oil dumping/spills.

Selma: mandatory collection, biannual city wide cleanups

Sunnyvale: Public Safety inspects for hazardous wastes/waste tire. Mandatory refuse collection, city-wide cleanups 2x a year, city offers 4 extra dump weekends, transfer station contract responsible for cleaning up litter along the three main roads leading to the station. Public Works educates residents and businesses on prevention of illegal storm drain and sewer dumping.

Upland: garbage cans in heavily used public areas, education

B. What is the item most commonly illegally dumped?

Anaheim: Mattresses, bed frames, couches, chairs, e-waste and appliances.

Arcadia: Furniture, mattresses.

Apple Valley: household refuse, tires, furniture

Brentwood: furniture, appliance, gravel, concrete, household garbage, boxes of junk disguised as cardboard

Brea: Appliances and furniture

Campbell: mattresses, household refuse, appliances, paint, oil.

Carmel: gravel, gasoline, radiator coolant, restaurant grease and residue.

Clayton: yard waste, but this issue has been resolved

Costa Mesa Sanitary District: household furniture/appliances, e-waste, landscape contractor refuse, construction/demolition materials

Clovis: Furniture

Colusa: e-waste items, televisions, computers, tires, vehicles

Costa Mesa: furniture (mattresses couches), appliances, televisions, water heaters, refrigerators, abandoned vehicles in alleys.

Daly City: household furniture, appliances, mattresses, televisions, computer parts, any items the disposal facilities charge a premium to discard.

Del Rey Oaks: tires, household refuse, newspapers

Elk Grove: appliances, trailers, boats, automotive batteries, computers, and televisions.

Fontana: tires, furniture and appliances

Fortuna: household waste dumped in city dumpsters; TVs, tires, mattresses and old couches dumped in vacant lots.

Fairfield: furniture, appliances

Gilroy: household refuse, appliances, furniture

Glendale: furniture, abandoned appliances, hazardous waste.

Livermore: furniture, household appliances, tires, shopping carts, and construction debris

La Habra Heights: gravel, dirt, building materials, tires, hazardous waste, household refuse, furniture.

La Palma: Appliances, Furniture, e-waste, construction waste

Marina: Appliances, mattresses

Monrovia: Large furniture items, mattresses, e-waste.

Monterey Parks: furniture, household refuse

Madera: household refuse, tires, appliances

Norwalk: Furniture/other household items

Ontario: Appliances, tires, furniture, and shopping carts

Pasadena: Furniture

Pomona: mattresses, couches, appliances, green waste, construction/demolition from roofing/remodeling (contractors), tires; hazardous or bio waste is rare but expensive.

Roseville: Furniture and some HHW

Sand City: waste paper, household items from homeless camps, shopping carts, tires and cars.

Seaside: Furniture

San Bruno: Household refuse, appliances, tires, and furniture

San Leandro: gravel, furniture, e-waste, tires, batteries.

Santa Maria: tires, x-mas trees, food wrappers, car parts, tires, old furniture and mattresses

Selma: appliances, tires, furniture

Sunnyvale: furniture, shopping carts and household garbage. Hazardous and bio-waste is rarely dumped.

Upland: concrete, sand gravel, paint, oil and hazardous waste

C. What is the most common area where illegal dumping occurs in your jurisdiction?

Anaheim: Alleys and roads.

Arcadia: City streets, alleyways

Apple Valley: rural, undeveloped areas

Brentwood: Brentwood Café, behind Centro mart and other strip malls, walking trails, and creek

Brea: alleyways

Campbell: private and commercial properties, alleys, city streets, some waterways and remote areas

Carmel: private property, government property, city streets.

Clayton: open spaces maybe 2x a year

Costa Mesa Sanitary District: parkways and alleyways

Clovis: Public streets and alley ways

Colusa: Alleys, and streets

Costa Mesa: city streets, alleyways especially those next high density apartments.

Daly City: high density population areas, freeway overpasses, dead end streets

Del Rey Oaks: rural roadways,

Elk Grove: remote areas, city streets, alleys; often in the area of our neighborhood pick up program.

Fairfield: remote areas, open fields, alleys

Fontana: privately owned fields, unoccupied property and open fields.

Foster City: private property, private dumpsters

Fortuna: private property, city streets and parks.

Glendale: streets and alleys, occasionally dumping occurs in parkways in front residential properties.

Gilroy: Alleys and roadsides

Jackson: most occurs in the rural unincorporated surrounding county

Livermore: railroad properties, alleys, remote areas, and vacant lots

La Habra Heights: remote areas, rural roads, government and private property, vacant parcels, flood control channels.

La Palma: Private and commercial alleyways, loading dock areas

Marina: Remote areas, government property

Monrovia: Alley ways, dead end roads, and enclosures are the most common areas

Monterey Park: city streets, alleys, private property

Madera: alleys and empty lots

Norwalk: alleys, private business areas

Ontario: Roadsides, city streets, alleys, and refuse bin enclosures

Pasadena: high density, multi-unit complexes and alleys

Pomona: alleyways, remote areas and rural roadsides.

Roseville: most illegal dumping happens at recycling sites

San Bruno: Access roads that dead end into parks, remote areas, city streets and transportation easements.

Sand City: the beach, railroad right of way, remote areas, and city streets

San Leandro: remote areas, dead ends, industrial areas, and underpasses.

Santa Maria: remote locations, the road on the way to the landfill, areas of blight, alleyways, parking lots, rural roads maintained by the county

Selma: Alleys

Seaside: city alleyways

Sunnyvale: hazardous waste/tire dumping occurs on vacant industrial/commercial land; shopping carts are often dumped near bus stops and apartment buildings; most illegal dumping occurs throughout the city on streets and in vacant lots.

Upland: Remote areas, alleys, private property, and city streets.

D. What programs that you are currently doing have you found to be the most cost effective?

Anaheim: Bulky Item pick-up program

Arcadia: packaging illegal dumping education with environmental protection education, residents respond better to this kind of holistic approach.

Apple Valley: free drop off programs provided by the Town collect tons of materials and prevent city officials from having to pick up those items in the desert

Brea: free bulky pickup 3x year, plenty of garbage receptacles at large events.

Brentwood: annual city wide clean up events, mandatory subscription, creek cleanup events

Carmel: code enforcement by police dept, planning and building officials

Daly City: concentration of Public Works, Code Enforcement and Police in a city block area (a kind of test case); there was reduction in dumping, but it was not completely eliminated.

Elk Grove: neighborhood cleanup program- monthly cleanup of specific city regions

Fortuna: locking city dumpsters.

Fontana: Most cost effective are the bulky item pick-up, cleanup day events, and advertising programs in the Public Works guide.

Glendale: Adopt a Block Program; 49 active volunteer groups help keep 22 linear miles of streets and alleyways litter free.

Gilroy: Keep Gilroy beautiful campaign, incorporating some pickup requirements in garbage haulers contract. Fenced off an area that was frequently used for dumping

Livermore: increased public education, article in the city newsletter, and neighborhood meetings.

La Habra Heights: Code enforcement and signage

La Palma: rapid removal of dumped waste, “no dumping” signs, and outdoor security cameras (real and fake).

Marina: posting, signing, fencing

Monrovia: Free bulky items, public education and street sweeping

Monterey Park: property owner parkway/alley maintenance enforcement program.

Madera: alley cleanups and staff surveillance

Norwalk: pro active and reactive enforcement, clean up events, newsletters

Ontario: timely bulky item pick-up, debris removal and cleanup, regular maintenance of right of ways, parks and public areas; visible education programs

Pasadena: we incorporate coverage of illegal dumping sites into regularly scheduled bulky item pick-up routes

Pomona: Residential bulk item collection, community cleanup, periodic “hot spot” collection.

Sand City: vehicle abatement and city awareness

Seaside: educational program (television. print media)

San Bruno: Photograph and document info, send to police, exclude areas from public access.

San Leandro: Use sweeper operators and other maintenance staff always in the field to report immediately “potential activity”

Santa Maria: SWAP program, mandatory collection service, extra pickups, citations and fines to offset costs, charging the dumper when that person can identify.

Sunnyvale: WPCP programs have been successful, Neighborhood Preservation responds to incidents illegal dumping and enforces the municipal code.

Upland: school assemblies, bus stop trash cans.

E. What funding sources do you utilize to cover the costs of these programs?

Anaheim: Sanitation Fund

Arcadia: General Fund, Department of Conservation Cans and Bottles Grant.

Apple Valley: general fund

Brentwood: City's solid waste division, Community Development funds staff and postage

Brea: general fund

Campbell: general fund moneys, CDBG funds, Department of Conservation Grant Monies to fund annual cleanup

Carmel: general fund

Clayton: general fund, storm water utility fund

Costa Mesa Sanitary District: the revenue stream is based on trash collection rates charged on property taxes

Colusa: Monthly rates

Costa Mesa: State funds are used for the used oil and household hazardous waste pickup

Clovis: Refuse Enterprise Fund-refuse user fees.

Daly City: Gas Tax funding.

Del Rey Oaks: general fund

Elk Grove: Franchise Fees from commercial and residential sectors, and city fee imposed on developers.

Fontana: Police funds, street funds, gas tax and solid waste funds.

Fortuna: monies are used from Parks and Public Works budgets.

Glendale: Community Development block grant funds are the primary source. Funds are also raised through corporate and individual donors.

Gilroy: general fund, the garbage company under contract provides services.

Livermore: general fund, garbage rate payers, \$50,000 appropriated from the general fund to abate public nuisances.

La Habra Heights: General Fund.

La Palma: General Fund.

Marina: Existing budget

Monrovia: AB 939 fees/Franchise Fees.

Monterey Park: city's refuse fund.

Madera: general fund, CIWMB for tire cleanup efforts, RDA funding for enforcement purposes.

Norwalk: General Fund, used oil grant money.

Ontario: General fund, solid waste utility service rates, Grant programs CDBG, San Bernardino County, State Grant opportunities.

Pasadena: gas tax fund.

Pomona: Refuse fund, general fund; revenue is generated from residential trash fees and solid waste commercial franchise fees.

Sand City: vehicle abatement fees for illegally dumped vehicle, and the annual city budget

San Bruno: General Fund.

San Leandro: Street Cleaning Funds.

Santa Maria: Utilities/Solid Waste budgets, general fund, Gas tax, Measure D,

Seaside: contributory funding from all municipalities in MRWMD and State funding.

Sunnyvale: general fund, solid waste Enterprise fund, wastewater enterprise fund.

Upland: San Bernardino County Co-Permit NPDES Permit Program Fees

F. What barriers have you encountered in your city's work to combat littering and illegal dumping?

Anaheim: Accessibility to alleys, roadsides for others outside the city to illegally dump items.

Arcadia: Due to the nature of the activity, it is extremely difficult to identify the particular demographics, if any, illegally and litter more frequently than others. Lacking this information, public education campaigns can't be targeted at groups where they would be most effective.

Apple Valley: public's unwillingness to report illegal dumping as it occurs

Campbell: limited resources for enforcement and monitoring, difficulty in identifying appropriate agencies responsible for the property; budget in general is a problem. Cities are asked to keep highway medians and freeway on and off ramps clean, but those areas are under separate jurisdiction. More partnering and communication with these agencies is needed.

Clayton: "none, it is not a problem in our community- our problem is trying to convince regulators that it is not a problem in our community

Costa Mesa Sanitary District: non-English speaking customers

Clovis: regardless of city offered alternatives a small percentage of the population continues to dump illegally

Colusa: Funding for special events such as clean up day, vehicle abatement

Costa Mesa: language barriers, inability to communicate with multi family property owners who reside out of state/country who do not provide property management staff, Public Services Department does not have the personnel to stay atop of the problem.

Daly City: The dumping is a direct result of the high cost of properly dumping at a refuse facility, to prosecute illegal dumping you must catch someone in the act.

Del Rey Oaks: people don't care; they simply want to get rid of things.

Elk Grove: Private property is more difficult to arrange for a cleanup

Fontana: not enough information on people who illegally dump, residents not reporting illegal dumping, open spaces and lack of anti-dumping signage.

Fortuna: Some folks don't seem to think that illegal dumping is wrong.

Glendale: Glendale is an ethnically diverse community. Different cultures have different attitudes in regard to litter. The “Don’t Trash Glendale” campaign utilizes multilingual outreach materials to address this issue. Law enforcement personnel do not issue citations for littering.

Gilroy: cost of disposal at the local dump has increased resulting in a higher rate of dumping, Alleys area huge problem, and not enough code enforcement

Livermore: lack of cooperation from railroad companies, and the need for additional assistance from Caltrans at maintaining freeway on and off ramps.

La Habra Heights: High Cost disposal and distance to approved dump sites

La Palma: residents who dump items in front of their home and call the city to report it as illegally dumped, absentee property owners

Marina: Assistance, patrolling, police department(s)

Monrovia: People don’t want to wait until their regular trash pick-up day for bulky item pick-up, so they just throw it out on the parkway. People don’t want to call for bulky item pick-up. People are unaware of bulky item pick-up services.

Monterey Park: language barriers, also the ability to witness illegal dumping as it occurs

Madera: ACLU would like to place a halt on surveillance using cameras

Norwalk: insufficient resources, lack of surveillance equipment

Ontario: Public knowledge, accessibility/convenience of programs and land fills, cost of land fill disposal for the public.

Pasadena: funding

Pomona: Residents perceive it not as a crime, but as a problem that cities should clean up, illegal dumping often goes unreported; police do not have enough staff to enforce illegal dumping codes.

San Bruno: Finding and notifying violating parties

Sand City: time required to complete tasks, lack of public interest

San Leandro: not a police priority, sometimes neighbors are reluctant to get involved

Seaside: lack of personnel to cover both law enforcement and cleanup needs from dumping.

Santa Maria: counter-fit Landfill Free Day Cards, residents have come to rely on “free” illegal dumping, difficulty in identifying the offender(s).

Selma: not being able to identify the dumpers

Sunnyvale: Educating multi family managers and tenants about proper disposal methods, identifying responsible parties, language barriers, inadequate city resources, and having different jurisdictions throughout the city.

Upland: Language Barrier and enforcement authority.

G. What changes would you like to see made to fix some of the barriers you've encountered?

Anaheim: Other cities should convenient bulky item pickup collection programs at no charge to their customers.

Arcadia: It is unlikely that either changes in regulations or legislation would overcome the obstacles presented in question F.

Apple Valley: more compliance with existing ordinances

Brentwood: we are moving the free drop off location and will be installing cameras at the site. Dumping is a relatively minor problem in Brentwood

Campbell: vehicular traffic causes much of the litter that can't be controlled, this issue may take legislation. More policing is needed to combat illegal dumping of yard waste, construction materials, and appliances. State funding is needed. NPDES Storm water Program can't raise rates without an election and 2/3 vote passage. Another issue is litter coming from schools and fast food restaurants, limiting the non-biodegradable waste could be helpful. A single point of contact for litter concerns to put the caller in contact with the appropriate agency in charge of maintaining the property.

Clayton: "We have not had any issues with illegal dumping due to the socio-economics and community location, our issue is that the state regional water board assumes that all communities have this problem and need to do something about (develop a program). They approach it as if all are guilty and you have to jump through hoops to show that it is not a problem in your city."

Costa Mesa: the current laws are sufficient; it is only a matter of changing the behavior of people who indiscriminately dump items.

Daly City: Charge a disposal fee at the time of a purchase of such items as mattresses, appliances, and other frequently dumped items

Elk Grove: no additional regulations, education is needed

Fontana: Stricter enforcement of the laws and regulations, more stringent consequences and advertising that promotes proper disposal.

Fortuna: A gradual move towards mandatory trash collection may alleviate some of these problems.

Glendale: We would like Law Enforcement Personnel to issue citations for littering. Aside from improving our environment, additional revenues could be brought to the City's General Fund.

Gilroy: one of the keys is controlling design of new development to eliminate "dead spaces" that are attractive to illegal dumpers

Livermore: require railroad companies to maintain their properties, increase penalties for illegal dumping, increase funding to local jurisdictions for refuse pickup and disposal.

La Habra Heights: more local roundups for hazardous materials and closer in town locations funded by the state

Marina: Unique to Government Property, funding for barriers, etc to prevent access into abandoned areas.

Monterey Park: funding available at the local level

Monrovia: Regulatory, unless there is new funding for state programs or city programs. State wide education is needed.

Norwalk: harsher punishment for offenders, government funding for surveillance equipment.

Pomona: Standardized policies throughout the state that would require mandatory trash collection and bulky item collection; Pomona experiences illegal dumping from surrounding municipalities.

San Bruno: There is a need for additional law and code enforcement; heavier fines, prosecution, and cost reimbursement.

Sand City: education higher fines, television, media sound bites

San Leandro: "Politically- if illegal dumping was made apriority- our job in Public Works might be easier"

Santa Maria: more monitoring of hot spots, increased fines for violators who are caught.

Seaside: Increased police enforcement and investigation of illegal dumping; regulatory changes

ATTACHMENT 5

Illegal Dumping Legislation Adopted in 2006

AB 1668 (Niello) – Illegal dumping enforcement officers

Summary: This bill authorizes local governments to appoint illegal dumping officers and would grant the officers limited enforcement authority. This bill provides that nothing in its provisions may be construed to award peace officer retirement benefits to illegal dumping enforcement officers.

AB 1992 (Canciamilla) – Solid waste: dumping

Summary: This bill provides clarification to the Health and Safety Code relative to the placing, depositing, dumping, or overflow of solid waste on private property without the owner's consent is a misdemeanor. The bill includes a local enforcement agency (LEA) in the list of entities that determine whether the dumping of solid waste is a public health and safety hazard. The bill changes the violation of illegal dumping in the Penal Code from an infraction to a misdemeanor, and increases some of the fines for violations.

AB 2211 (Karnette) – Solid waste disposal site cleanup

Summary: This bill adds solid waste facilities and sites involving solid waste handling to those sites eligible for emergency action funding from the Solid Waste Disposal Site Cleanup Trust Fund, and authorizes the Board to expend funds directly for the cleanup of a publicly owned or operated site only if the Board determines that the public entity lacks resources or expertise to manage the cleanup itself. The bill deleted the requirement that the grants provided be matching grants and would instead authorize the Board to provide grants to public entities, to assist in site cleanup.

AB 2253 (Hancock) – Vehicles; illegal dumping

Summary: This bill authorizes the impoundment and, in specific instances, civil forfeiture of a motor vehicle used in illegal dumping when the registered owner has multiple convictions for misdemeanor illegal dumping of waste matter.

AB 2449 (Levine) – Recycling; plastic bags

Summary: Beginning July 1, 2007, this bill requires store operators to establish a recycling program that provides an opportunity for a store customer to return a clean plastic carryout bag to the store.