



**CONTRA
COSTA
COUNTY**

TO: BOARD OF SUPERVISORS
FROM: John Sweeten, County Administrator
DATE: June 22, 2004
SUBJECT: Illegal Dumping Task Force Report

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

1. ACCEPT the report of the Illegal Dumping Task Force on the actions to implement an illegal dumping program and ACKNOWLEDGE that the program will center around the goals of:
 - Education
 - Prevention
 - Investigation
 - Prosecution
2. ACKNOWLEDGE that the Community Development Department and the Environmental Health Division of the Health Services Department, with the assistance of Richmond Sanitary Service, have created a list of addresses and a map of parcels in the North Richmond area (incorporated and unincorporated) that do not have weekly garbage service or an exemption from garbage service, as directed by the Board of Supervisors on October 15, 2003 (item C.60). (see Attachment VI)
3. ENDORSE the establishment of a \$150,000 Mandatory Refuse Collection Revolving Fund in the form of an advance of \$100,000 from the Regional Enhancement Fee reserve and \$50,000 from Environmental Health to be used by the Environmental Health Division to implement enforcement of Mandatory Subscriptions.
4. ENDORSE the implementation of a county-wide education effort on illegal dumping to include up to \$73,000 in costs for a recycling guide in the three County area SBC phone books. (see Attachment V)

CONTINUED ON ATTACHMENT: YES SIGNATURE: _____
 _____ RECOMMENDATION OF COUNTY ADMINISTRATOR _____ RECOMMENDATION OF BOARD COMMITTEE
 APPROVE OTHER

SIGNATURE(S): _____

ACTION OF BOARD ON _____ APPROVED AS RECOMMENDED _____ OTHER _____

VOTE OF SUPERVISORS

_____ UNANIMOUS (ABSENT _____)
 AYES: _____ NOES: _____
 ABSENT: _____ ABSTAIN: _____

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN.

Contact: John T. Gregory
335-1089

ATTESTED _____
 JOHN SWEETEN, CLERK OF
 THE BOARD OF SUPERVISORS
 AND COUNTY ADMINISTRATOR

cc: Deidra Dingman, CDD
 Lara Delaney, CAO
 MJ Lanni, CAO
 Micki Davis, GSD
 Bob Tamori, GSD
 Joe Yee, PWD
 Lt. Charles Skuce, Sheriff
 David Brown, DA
 Michael Silva, BID
 Ken Stuart, HSD
 Lew Pascalli, HSD
 Tom Geiger, County Counsel
 Lillian Fuji, County Counsel

BY _____, DEPUTY

5. DIRECT the Environmental Health Division to propose amendments to existing County codes related to hauler permits (Chapter 418-2) and mandatory subscription (Chapter 418-6) and forward those proposed amendments to County Counsel and Community Development within 30 days for review and comment.
6. ACCEPT staff report from County Administrator's Office on its review of the consolidation of litter/debris pick-up activities in the Public Works and General Services Departments. (see Attachment II)
7. DIRECT staff of General Services to continue to work with the Probation Department and Sheriff's Office to increase the amount of offender labor and prioritize labor assigned to the County illegal dumping enforcement efforts.
8. DIRECT Public Works to work with Sheriff personnel to engage in education and enforcement within unincorporated communities to emphasize street sweeping efforts.
9. ACKNOWLEDGE the effort of Republic Services and Electronic Innovations to provide surveillance from their individual properties and authorize up to \$25,000 from the IRRF mitigation funds to assist in support of equipment purchase for pilot monitoring program from these two locations.
10. ACKNOWLEDGE that the Sheriff has authorized the use of 911 dispatch system to receive calls regarding illegal dumping in the North Richmond community on a 90 day pilot program trial.
11. ENDORSE the use of 1-800-NO-DUMPING as an illegal dumping hotline. DIRECT staff from the Contra Costa Clean Water Program to work with staff from Community Development and the County Administrator's Office to direct calls related to illegal dumping to appropriate phone numbers.
12. ACKNOWLEDGE that a North Richmond Community Services Coordinator position will be filled and funded in part by the Redevelopment Agency, Housing Authority and Public Works Department and that this position will work, in part, on the illegal dumping problem in the North Richmond Community.
13. ACKNOWLEDGE that the District Attorney staff has participated in all task force meetings and has indicated commitment to prosecute all cases regarding illegal dumping violations as a priority item.
14. DIRECT staff of Community Development, Public Works and General Services Department to engage municipal advisory council(s) to explore an "adopt a road program."
15. DIRECT staff of the County Administrator's Office and Community Development Department to engage in discussion with county landfill operators and franchised waste haulers to develop additional strategies to address illegal dumping which should include a bulky material removal program and report options within 90 days.

FISCAL IMPACT:

An advance of \$100,000 from the Regional Enhancement Fee reserve designation would be required to initiate the Mandatory Subscription Enforcement program. The printing of the recycling guide is estimated to cost \$73,000. Community Development Department staff has requested contributions from partner agencies to fund the printing.

BACKGROUND:

On September 23, 2003, the Board of Supervisors approved the Environmental Justice Report from the Environmental Justice Ad Hoc Committee. (see Attachment I) In that report it was recommended that the Board:

RECOGNIZE ongoing work on illegal dumping as a pilot program;

ESTABLISH a task force consisting of representatives from those departments most involved in the resolution of illegal dumping, including but not limited to Health Services (Hazardous Materials Program, Environmental Health), Public Works, General Services, Sheriff, District Attorney, Community Development, Building Inspection, County Counsel, District I, District V, the County Administrator's Office and community representatives and;

DIRECT the task force to report back to the Ad Hoc Committee in 90 days on the progress of developing and implementing a strategy to address the problem of illegal dumping.

On March 18, 2004, the Environmental Justice Ad Hoc Committee requested a report be made to the full Board.

Proposed Actions

A. Prevention

1. Mandatory Subscription

Chapter 418-6 of the County Code (commonly referred to as the "Mandatory Subscription Ordinance") was adopted in 1985. This ordinance requires that owners and other persons in control of all premises from which solid waste is generated subscribe for solid waste collection services unless an exemption is granted by the Health Officer. This ordinance provides the County with the authority to subscribe for collection services on behalf of an owner if the owner fails to subscribe within 15 days of receiving written notice from the County, unless they have requested a hearing. The ordinance also authorizes the County to recover actual expenses (including administrative costs and payments made to the hauler) as long as they are not in excess of the amount specified in the notice sent to owner (or written decision from hearing if applicable). The specified mechanism to recover these costs is placement of a special assessment against the parcel on their tax bill.

The County has entered into Franchise Agreements with several private haulers for solid waste and recycling collection in the following unincorporated communities: Alhambra Valley, Bay Point, Bay View/Montalvin Manor, Canyon, Clyde, Crockett, Discovery Bay, East Richmond Heights, El Sobrante, Knightsen, Morgan Territory, North Richmond, Pacheco, Port Costa, Rollingwood and Tara Hills. These Franchise Agreements require that the haulers assist the County in its enforcement of the Mandatory Subscription Ordinance by providing the County with the addresses of properties not subscribing to collection service within their franchise areas and by providing collection service to such properties upon written request by the County.

A source of one-time funding is needed to initiate a pro-active enforcement system for Chapter 418-6. The amount of funding needed will depend on how many owners fail to subscribe to solid waste collection service after receiving notice from the County's Health Officer. For example, if owners of 898 residences failed to subscribe for service, the County would have to pay the haulers between \$15,715 and \$21,372 per month for collection services at these 898 residences.

Upon dedication of funding for this pro-active enforcement system, the following steps could be initiated:

- a. Community Development Department (CDD) requests in writing from each Franchised Hauler a list of addresses of all properties not subscribing to collection service within each County Franchise Area;
- b. CDD transmits list of addresses of properties not subscribing to collection service to the Environmental Health Division of the Health Services Department (HSD);
- c. HSD sends notices to owners of all properties not subscribing to collection service requiring that they either subscribe or request a hearing within 15 days. These notices must state the consequences for not subscribing (including estimated costs that could be levied as special assessment lien against their property);
- d. HSD subscribes for service, including making payments to haulers, on behalf of all owners that do not subscribe or request hearing within 15 days;
- e. HSD keeps an account of the charges incurred for each parcel of real property served including administrative costs;
- f. HSD transmits allowed costs that are not paid within 30 days of final order to the Auditor-Controller and Tax Collector to be entered as assessments against the designated parcels and included on bills for taxes levied against said parcels.

Additional information is provided in Attachment III on mandatory subscription from Ken Stuart from Environmental Health. As a related item, please see Attachment IV on Waste Hauler Permits from Ken Stuart from Environmental Health.

What is Illegal Dumping and What is the County currently doing to prevent it

Illegal dumping is disposal of waste in an unpermitted area. Illegally dumped wastes are primarily non-hazardous materials that are dumped to avoid either disposal fees or the time and effort required for proper disposal. These materials can include: construction and demolition waste such as drywall, roofing shingles, lumber, bricks, concrete, and siding; abandoned automobiles, auto parts, scrap tires, appliances or "white goods", furniture, yard waste, household trash and medical waste

Sites used for illegal dumping vary but may include abandoned industrial, residential, or commercial buildings; vacant lots on public or private property; and infrequently used alleys or roadways. Because of their accessibility and poor lighting, areas along rural roads and railways are particularly vulnerable. Illegal dumping can occur at any time of day but is more common at night or in the early morning hours during warmer months.

If not addressed illegal dumps often attract more waste, potentially hazardous wastes such as asbestos, household chemicals and paints, automotive fluids, and commercial or industrial wastes.

Offenders can include: construction, demolition, remodeling, roofing, or landscaping contractors, general hauling contractors, operators of junkyards, automobile repair or tire shops, scrap collectors, local residents and "do-it-yourselfers. An individual may claim to be operating a transfer station or recycling business and accept waste at an unpermitted facility, only to abandon the facility when it reaches capacity. A resident may dump wastes that did not get picked up by local waste haulers, such as bulky items, carpeting, or household hazardous wastes. In many cases, illegal dumpers are breaking other laws relating to vehicle licensing, insurance, drug possession or theft.

The health risks associated with illegal dumping are significant. Areas used for illegal dumping may be easily accessible to people, especially children, who are vulnerable to the physical (protruding nails or sharp edges) and chemical (harmful fluids or dust) hazards posed by wastes. Rodents, insects, and other vermin attracted to dump sites may also pose health risks. Dump sites with scrap tires provide an ideal breeding ground for mosquitoes, which can multiply 100 times faster than normal in the warm, stagnant water in scrap tire casings. Severe illnesses, including encephalitis and dengue fever, have been attributed to disease-carrying mosquitoes originating from scrap piles. In addition, countless neighborhoods have been evacuated and property damage has been significant because of dump sites that caught fire, either by spontaneous combustion or, more commonly, by arson. Illegal dumping can impact proper drainage of runoff, making areas more susceptible to flooding when wastes block ravines, creeks, culverts, and drainage basins. In rural areas, open burning at dump sites can cause forest fires and severe erosion as fires burn away trees and undergrowth. Dumping activities in such areas can also have a negative impact on plants and wildlife. Additionally, runoff from dump sites containing chemicals may contaminate wells and surface water used as sources of drinking water.

Dump sites serve as magnets for additional dumping and other criminal activities. As a result of illegal dumping, property values decrease and the community becomes unattractive to commercial and residential developers. Without the tax revenues that accompany development, the funding available to establish and maintain effective illegal dumping prevention programs is limited. Ultimately, it is the development of areas susceptible to illegal dumping that eradicates the problem.

Finally the costs to local government and industry associated with continuous clearing dumped waste materials are significant. Some urban areas have reported spending several million dollars per year on cleanup, hauling, and disposal activities associated with illegal dump sites. These costs may be passed along to residents in the form of higher service fees or property taxes.

Existing Activities Related to Illegal Dumping Prevention and Abatement

Public Works Department

A. Litter/debris collection on approximately 640 centerline miles of County roadway. In regards to pick up of illegally dumped debris, Public Works is responsible for dealing with items dumped along the public road right of way under County jurisdiction. Public Works maintains about 700 miles of roadway throughout the county. When a call comes in reporting illegal dumping, information is collected as to the location of the material and a work order request is generated and given to the appropriate road supervisor to investigate. Items that are deemed a road or health safety issues are dealt with immediately to mitigate the any potential hazard. Any dumped items that are not an immediate road or health hazard remain until it can be removed efficiently with available crew. Typically, if the items dumped can be handled manually, a referral is sent to General Services to pick up with their Work Fare Program. Public Works usually handles the large, heavy items such as boats, appliances, furniture, etc. Any dumping complaints can be called into our Maintenance general phone number, 925-313-7000.

B. Clean water program is responsible for eliminating pollutants from storm drains and natural waterways

Public Works Department

Debris Pickup Costs for fiscal years 1997-98 through 2002-03

Work Order #	Activity Description	Cost 2002-2003	Cost 2001-2002	Cost 2000-2001	Cost 1999-2000	Cost 1998-1999	Cost 1997-1998
2304	Debris Pickup - Countywide	\$360,717	\$299,085	\$259,724	\$203,485	\$84,360	\$44,577
2315	Low level hazardous waste - roadside*	\$17,432	\$12,635	\$8,411			
2318	N. Richmond litter/debris pickup**	\$209,895	\$142,564	\$83,252			
2409	Workfare G21 West County	\$143,463	\$79,240	\$90,103	\$207,474	\$76,734	\$21,914
2410	Workfare G31 North County	\$36,013	\$40,110	\$32,653	\$27,221	\$12,868	\$9,695
2411	Workfare G36 East County	\$242,183	\$110,528	\$120,338	\$65,512	\$11,417	\$4,795
2412	Workfare G41 South County	\$36,010	\$54,447	\$17,777	\$19,343	\$11,931	\$2,106
		\$1,045,713	\$738,609	\$612,258	\$523,035	\$197,310	\$83,087

* Environmental Health discontinued the collection of low-level hazardous materials for the roadway after fiscal year 1999-2000.

** The tracking of debris collection costs specifically to the North Richmond area was initiated in fiscal year 2000-2001.

General Services Department

A. General Services uses manual labor to do roadside litter pick-up. GSD crews pick up debris, tires, discarded furniture, appliances, and assorted garbage. GSD does not use heavy equipment to pick up items or materials for removal, nor do the crews pick up low-level hazardous material; this is a function performed by Public Works. The crews dispose of the material by using County garbage services and/or direct hauling to the dumps.

- B. At this time, due to budget constraints, Public Works staff is only picking up litter/debris that poses as immediate road or health safety issue and has instructed General Services staff to follow suit. All other debris will accumulate until it is cost efficient to send a work crew out for its removal.
- C. GSD crews are composed of a permanent Work Program Crew Leader and one to three temporary Work Program Aides. The number of WPAs fluctuates with the number of referrals made to GSD by EHSD, as well as the reliability of the staff hired.
- D. The GSD Work Program, including the recycling operations, has been very effective for many years in providing work experience for welfare recipients and providing the County with unskilled, manual services at a low cost. Recently, however, the decreased numbers of welfare referrals, increased costs of salary and benefits, increased disposal fees, and the reduction in budget for roadside litter have had a significant impact on this program.
- E. The funding for roadside litter pick-up throughout the County, allocated to General Services by the Public Works Department, for FY 2003-04 is \$320,000.
- F. The Keller Mitigation funds are granted directly to General Services for removal of litter and landscape maintenance in the Bay Point and Bethel Island areas. The amount granted for FY 2003-04 is \$145,000. These two sources of funding, the only two identified for litter pick-up purposes at this time, are budgeted at a total of \$465,000 for fiscal year 2003-04.

FOR ADDITIONAL INFORMATION ON THIS MATTER, PLEASE SEE ATTACHMENT II.

Building Inspection Department

- A. One inspector assigned to North Richmond, two assigned to Bay Point, performs daily inspections in their areas. The Property Conservation Division provided Code Enforcement for the Building Inspection and Community Development Departments. We enforce Title 7 and Title 8 of the County ordinance. We also provide enforcement and inspection services in 39 Mobile Homes Parks located in the unincorporated areas of the County. We provide building code enforcement for the Cities of Clayton, Moraga, Lafayette and Orinda. Grading violations are investigated and enforced by the Grading Inspectors in the Building Inspection Department.
- B. Letters to property owners
- C. Abatement of dumping on private property
- D. Notify other departments of dumping
- E. We have one inspector assign to North Richmond and two to Bay Point. The inspectors are in their areas daily. We send letters to property owners, notify other departments of dumping, and abate dumping on private property.
- F. The inspectors spend about half of their time on dumping issues. This adds up to approximately \$150,000.00 per year. Placing a tax lien on the property covers the cost of the abatement. Some may take years to collect but we do collect on most. The department may not be reimbursed if the property is not sold for enough to cover all the bills. The department estimates its losses at \$10,000 per year.
- G. The new ordinance allows us to fence the property. This has changed the location of the dumping. They are now dumping on the street and not on lots.

Community Development Department

- A. Oversight of the County's solid waste collection franchise agreements in some unincorporated areas and coordination with JPA and Special Districts that directly franchise solid waste collection in the remaining unincorporated areas.
- B. Oversight of existing and future solid waste facilities in the unincorporated areas subject to County land use permits.
- C. Provide referrals and information regarding recycling and disposal facilities through the County Recycling Hotline.
- D. Our department does not clean-up illegally dumped materials; the most related cost we have incurred is our staff time spent on the EJ Illegal Dumping pilot (attend meetings and review/comment on reports).
- E. Our department's involvement in the illegal dumping issue is as a result of our responsibility to: (1) oversee the County's solid waste collection franchise agreements in various Unincorporated areas -and- (2) oversee

existing or establishment of new solid waste facilities subject to County Land Use Permits. The County's solid waste collection franchise agreements are meant to regulate the terms of collection of waste from residences and commercial businesses (not industrial businesses). These agreements require the franchise haulers to assist the County with enforcement of the County's mandatory subscription ordinance. In addition to regular weekly garbage collection from residences, these agreements require the haulers to provide 1 to 2 on-call large pick-ups per residence per year (about 11 33-gallon trash bags per pick-up). The haulers are also required to provide up to ten 20-cubic yard drop-boxes per year for community clean-up days (locations to be selected by the County). There are requirements in the County's Land Use Permits for some of the solid waste transfer stations and landfills which require the operators to collect litter in certain areas near their facilities.

- F. Additionally, our department is responsible for staffing the County's Recycling Hotline where we provide information regarding the facilities or services in their area that accept materials for reuse, recycling or disposal. This Hotline is a toll-free number that can be used by residents and businesses.
- G. These responsibilities although related to illegal dumping are not actions taken solely to prevent or abate illegal dumping; therefore, representing the money or staff-hours spent on these activities as being "spent on prevention/abatement of illegal dumping" would be misleading.
- H. CDD incurred \$25,660.80 in staff costs related to Environmental Justice (including Illegal Dumping Pilot) for FY 2002-2003. We do not have this amount broken down between overall EJ and the Illegal Dumping Pilot, however we estimate that the Illegal Dumping Pilot represents about 15-20% of the staff costs (\$3,849.12 – \$5,132.16).
- I. CDD spent 186.10 staff hours related to Environmental Justice (including Illegal Dumping Pilot) during FY 2002-2003. We do not have this amount broken down between overall EJ and the Illegal Dumping Pilot, however we estimate that the Illegal Dumping Pilot represents about 15-20% of the staff time (28-37 hours).

Environmental Health Division

- A. The California Integrated Waste Management Board (CIWMB) has designated Contra Costa Environmental Health as the Local Enforcement Agency for Solid Waste Programs. In addition to permitting and inspection of landfills and transfer stations, the Division staff provided services in waste tire abatement and nuisance abatement.
- B. Waste Tire: A program receiving grant funding from the CIWMB, the program staff are responsible for guiding the proper disposal of waste tires on property throughout the county (excluding Pittsburg).
- C. Nuisance Abatement/Code Enforcement: Staff initiates, investigates and abates complaints about solid waste (including litter) and animal waste accumulation on vacant and occupied properties. These services are provided in all unincorporated areas of the county and in cities that request the service.
- D. Funding levels are based on tonnage fees, and remain the same as least fiscal year. Addition of the Waste tire grant included offset fees for costs related to exclusive disposal of waste tires and waste tire site cleanup.
- E. \$133,650 (3,600 hours) staff costs for three E.H. Technicians working on illegal dumping.

Hazardous Materials Programs Division

- A. The Health Services Department's Hazardous Materials Programs Division is responsible for the regulation and oversight of businesses in Contra Costa County that handle, store, and process hazardous materials. One additional program responsibility that we carry is as the Primary Response Agency for inappropriately released, spilled, abandoned or dumped hazardous materials in all areas of the County.
- B. The Incident Response Team (IRT) is one of the major Programs of the Division. The IRT is comprised of highly trained and experienced Hazardous Materials Specialists who have to be certified, at a minimum, with 240 hours of training by the California Specialized Training Institute. In addition, they bring with them science degrees and years of experience in a broad spectrum of regulatory agencies and industry.
- C. There are presently four (4) four (4) person teams available for duty. One team is on duty 24/7. This staffing level can be expanded as the circumstances dictate.
- D. The IRT receives calls from citizens, police agencies, and other agencies regarding discovered hazardous materials dumped at various locations and in various states of containment. Based on the IRT's evaluation of the response needed, they usually respond when requested by an Incident Commander or if there appears to be a potential or existing imminent threat to the community or the environment.
- E. When a call is received, either in our office during regular work hours or from Sheriff's Dispatch after hours, the Lead, Incident Response Team member, evaluates the situation; and if the circumstances dictate that there is a potential threat to the Community's Health, the Incident response team goes to the site. Upon arriving at the scene, the IRT works with the Incident Commander, if present; or conducts an assessment,

contains the release, if possible, and then mitigates the release by cleaning it up, or by having the materials properly disposed of.

- F. Our statistics for 2003 so far this year through 7 NOV 03 demonstrating that there were 59 reports of potential Illegal Dumping activities with 18 resulting in IRT action. The costs of responses range from hundreds to thousands of dollars. In most instances, when the materials recovered meet criteria set by the California State Department of Toxic Substance Control the State may pick the materials up with no cost to the County except the labor and supplies used by IRT.
- G. For hazardous materials not meeting the State's criteria, the County is responsible for costs of proper disposal. The costs for these responses, is calculated. When a Responsible Party (RP) is ascertained, we attempt to obtain reimbursement for that party. There is no cumulative cost assessment for the labor and supplies expended for these activities.

Sheriff Department

- A. The Office of the Sheriff shall be responsible for enforcement and administration of the Abandoned Vehicle Abatement program. Persons authorized by the Sheriff may enter onto the private or public property to examine a vehicle or parts thereof, obtain information as to the identity of a vehicle and to remove or cause the removal of an abandoned vehicle. The program removes dismantled, wrecked or inoperable vehicles from private property under County Ord. 95-2. CA Vehicle Code Section 22660 supports the ordinance.
- B. No General Funds are used to fund the Program
- C. The Sheriff's Office is a member agency of the Cities & County of Contra Costa Abandoned Vehicle Abatement Service Authority. The Service Authority receives funding from the state to be distributed to its member's agency. Monies received from the Service Authority fund the Sheriff's Office Abandoned Vehicle Abatement Program. The revenue is then distributed on a formula. 50% of the population in the entire county and 50% performance (number of vehicles removed) of all agencies.
- D. Procedures:
 - 1. Receive referrals – phone, written, self-initiated
 - 2. Visit site, make contact with resident if possible, tag & inventory vehicles
 - 3. Prepare letters of intent to remove abandoned vehicle. Mail by both certified & regular mail.
 - 4. If a hearing is requested, action is put on hold until the hearing process is exhausted.
 - 5. Two levels of hearing:
 - a. Before the Zoning Administrator
 - b. Before the full Board
 - 6. If a hearing is not requested, tow the vehicle(s) in approximately 20 days after receipt of certified letter. Dependent on scheduling with tow company.