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DEVELOPING AN EFFECTIVE ILLEGAL DUMPING PROGRAM

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INTRODUCTION

- ✓ **ILLEGAL DUMPING** – Is an intentional act done for economic gain
- Illegal dumping is unsightly, is a risk to public health, and detracts from community values
- Cost to local and state governments to abate, enforce and prevent is more than \$140 million on an annual basis
- The Public Resources Code charges the California Integrated Waste Management Board (CIWMB) with responsibility and authority to investigate, remediate, and enforce illegal solid waste disposal sites

THE ILLEGAL DUMPING TASK FORCE (IDETF)

- ✓ **Formed by the CIWMB in February, 2006**

The IDETF Report was presented to the CIWMB on March 13, 2007 and its recommendations included the following:

- The need for statewide coordination and technical assistance
- Legislation was needed to provide more tools for local programs
- Legislation was needed to provide funding for local programs
- Some recommendations can be implemented locally with existing authorities

These recommendations have now been included in the Strategic Directives of the CIWMB

CHARACTERISTICS OF ILLEGAL DUMPING

- Illegal dumping is disposal of waste in an unpermitted area, and is usually dumped to avoid either disposal fees or the time and effort required for proper disposal
- Profiling an illegal dumper is difficult, but may include individuals involved in building trades, repair businesses and refuse/recycling services
- Communities with limited access to convenient, affordable waste disposal facilities or services and recycling programs
- Undeveloped lots, abandoned structures, remote spaces, and unused industrial facilities invite illegal dumping

PROGRAM ANALYSIS

✓ **Benefits to local programs**

- Less reaction time and state or federal agencies
- Proactive approach to abatement and enforcement
- Personnel already have relationship with Board of Supervisors, City Councils, District/City Attorneys
- Familiarity with geographic and environmental characteristics
- Program can be tailored to community needs

PROGRAM ANALYSIS

✓ Buy-In and Planning

- Local politicians and senior management must be committed
- Provision of local ordinances and authorities
- Sufficient monetary funding
- Dedicated and trained personnel
- Provision of adequate equipment

PROGRAM ANALYSIS

✓ Planning Elements

- Determine the proper management structure
- Determine the process for educating practitioners, public and illegal dumpers
- Determine the process for utilizing administrative authority
- Determine enforcement and criminal and civil legal options
- Determine how to clean-up illegal dumping sites
- Determine ongoing program planning and management

PROGRAM ANALYSIS

✓ Management Structure

- One agency, lead agency, or multiple agencies – what works, or would work best for your community?
- Administration, Prevention, Abatement, Enforcement – what personnel series meets the needs?
 - Code Enforcement/Compliance staff
 - Public Works/Solid Waste staff
 - Environmental Health/LEA staff
 - Sheriff/Police Department staff
 - Board of Supervisors/City Council staff
 - District/City Attorney staff



KEY PROGRAM ELEMENTS

\$\$ Funding

■ Long Term

- Tipping/Collection Fees
- Parcel Taxes
- General Fund
- Administrative Fees
- Service Contracts
- Court Fees

■ Grants

- CIWMB – Clean-Up, Waste Tire, Used Oil, E-Waste
- SWRCB and Coastal Commission - Clean-Up Days
- Local Businesses
- Non-Profit Organizations

KEY PROGRAM ELEMENTS

- ✓ **Cooperative Programs**
 - Judicial Work Crews (Probation and Sheriff's Department)
 - California Conservation Corps
 - Local Conservation Corps
 - Cal Trans Adopt-A-Highway Program
 - Clean Community Programs /Keep California Beautiful
 - Community Clean-up Days





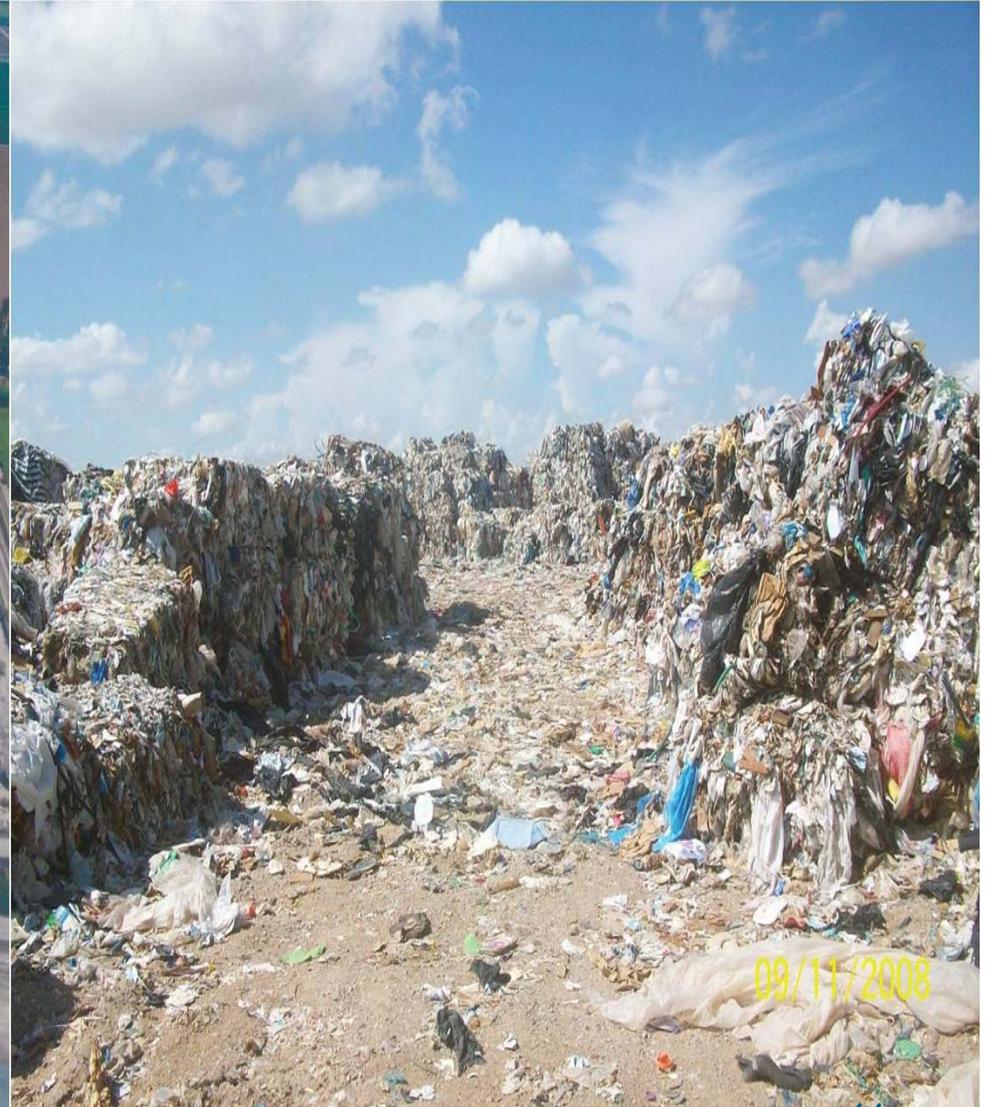
KEY PROGRAM ELEMENTS

- **Data Management** – Lead Agency and participating agencies
- **Cooperation** – Administering agencies, communities and industry

CASE STUDY – MISSION FIBER

- Long Beach – Code Enforcement, City Attorney, Los Angeles County LEA, District Attorney
- Ontario- Code Enforcement, City Attorney, San Bernardino County LEA, District Attorney
- Riverside/Blythe – Code Enforcement, Riverside County LEA, District Attorney
- Kern County – Sheriff’s Office, LEA, District Attorney
- Cal-EPA Legal Office, Department of Toxic Substances Control
- CIWMB – Legal Office, LEA staff, Disposal Site clean-up Staff

MISSION FIBER PHOTOS





KEY PROGRAM ELEMENTS

✓ **Training**

- Program Staff – Administrative Processes, Abatement, Enforcement
 - Cal/EPA Basic Inspector Course
 - Police Officer Specialized Training (POST)
 - California Code Enforcement Officers Association
 - CIWMB
- Volunteers

✓ **Publicity**

- Access to Services and Accomplishments



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“Efforts of One Result in Power of Many”

- ✓ **Engage with multiple partners in the local community that already participate in community improvement projects**

WHO:

- KAB Local Affiliate and KCB Proud Community Partners
- Environmental Non-Profit Organizations
- Local, State and Federal Governmental Organizations
- Chamber of Commerce
- Elected Officials
- Local Businesses and Industry Partners



“Efforts of One Result In Power of Many”

- ✓ **Engage with multiple partners in the local community that already participate in community improvement projects**

WHY?

- Early, continuous and effective communication is key
- Networking helps leverage limited resources
- Engaging multiple stakeholders, within governmental agencies’ programs for a community, will help break down established communication barriers, ensuring success
- These are your partners in prevention, clean-up and endorsing enforcement

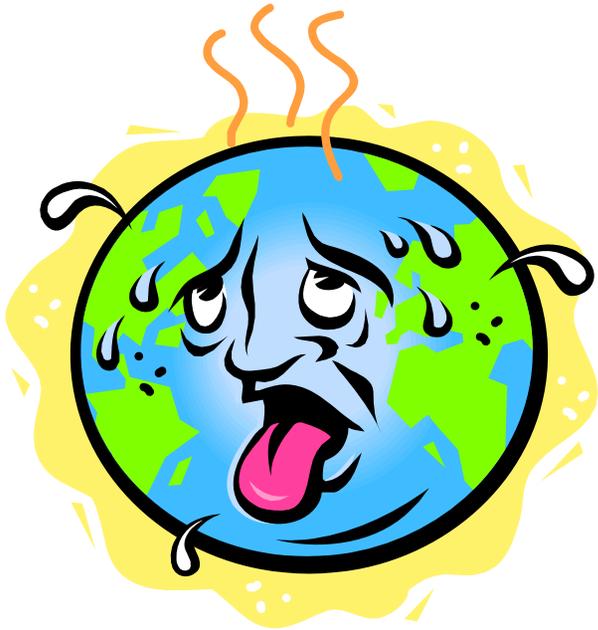
You Never Know What You Will Find

Keep California Beautiful and its partner communities participate in the Adopt-A-Highway Program, Coastal clean-up , State Parks Day and Great American clean-up.

Many volunteer events clean-up illegal dumpsites.



**SINCE WE ONLY HAVE ONE PLANET
LET'S GET ON THE SAME BUS FOR THE ROAD TO
SUCCESS**





PREVENTION

- Utilize local authorities to facilitate proper disposal of waste materials
- Zoning Codes – Maintenance of private property based on community standards
- Land Use Permits – Maintenance of business properties
- Solid Waste Facility Permits
 - Maintenance of facility property – clean and sanitary
 - Maintenance of transport routes

PREVENTION

✓ Core Local Programs

■ Mandatory Refuse Collection

- Subscription to local collection service
- Needs to include variance and exemption criteria
- Lack of ordinance makes illegal dumping or burial on property an attractive alternative

■ Franchise Waste Hauler Program

- Defines how, when, why and where of collection
- Critical to collector's business plans
- Government agencies, private haulers, districts



PREVENTION

- ✓ **Residential Refuse Service Provider Ordinance**
 - Mom and Pop haulers, including landscapers
 - Operate outside of franchise agreements
 - Permits, business licenses, registration
 - Coordination with cities and county authorities
 - Should include citation, impound and administrative authorities



PREVENTION

- ✓ **Local Illegal Dumping Ordinances**
 - Definitions that expand and identify state statutes
 - Defines program authorities
 - Identifies agencies with delegated authorities
 - Provides citation authority
 - Provides statutory standard of ownership
 - Provides settlement authority and process
 - Provides clean and lien authority and funding

PREVENTION

RECOMMENDED LOCAL OPTION PROGRAMS

- Free residential pick-up days and/or vouchers
- Load covering program
- Green waste collection and/or drop off sites
- Multi-family bulky waste collection service
- Community clean-up days

PREVENTION

Recommended CIWMB Funded Local Option Programs

- Household Hazardous Waste Collection – sites/days/mobile
- Electronic Waste Collection- business, community days
- Waste Oil Collection Program
- Waste Tire Facility/Hauler Program
- Tire Amnesty Days

OUTREACH

Education of the Involved Individuals

- Practitioners – Deliver the services, need knowledge of:
 - Local agencies responsible for service delivery
 - Local program coordination and access
 - Utilization of local and state codes
 - Abatement, investigation and prosecution processes
- Public – want to access and/or support the services
 - Local agencies responsible for service delivery
 - Local program coordination and access
 - Utilization of local and state codes
 - Abatement, investigation and prosecution processes
- Illegal Dumpers
 - Recognize that illegal dumping is an illegal act that violates community standards
 - Recognize that if they commit the act, they will be caught and prosecuted

CLEAN-UP AND ABATEMENT

“Illegal dumping sites must be cleaned up in a timely manner as trash left onsite attracts additional illegal dumping”.

Clean-Up

- Local agency facilitation
 - Illegal dumping clean-up vouchers
 - Scheduled/call-in free collection days
 - Neighborhood clean-ups – lead agencies, elected officials, property owners and volunteers



CLEAN-UP AND ABATEMENT

Abatement

- Core Local Programs
 - Evidence of ownership standard – including Notice of Violation and administrative settlement process
 - Clean and lien authority – tax lien to pay for clean-up, must include appeal and hearing processes and designated program funding

CLEAN-UP AND ABATEMENT RESOURCES

- **CIWMB Local Assistance Programs**
 - Farm and Ranch clean-up Program
 - Solid Waste Disposal & Co-disposal Site clean-up Program
 - Waste Tire Management Program



ENFORCEMENT

- **Actions taken** against a person (or persons) that is responsible for committing the act of illegal dumping
 - **Actions include** administrative processes, civil prosecutions and
 - criminal prosecutions
 - **Essential component** in making sure that a community's illegal dumping enforcement program is a success
- ✓ **Critical Components**
- Staffing
 - Insure presence and funding of adequate staff positions
 - Insure authority and training to deliver a comprehensive program



ENFORCEMENT PROCESSES

- Administrative Authority - Abate and settle cases before judicial action has to be initiated; can include fines
- Administrative Law Judges – May be used to handle major cases and/or serve as an appeal body for administrative cases; can impose fines and community work time
- Judicial Prosecution – Prosecutor determines if the administering agency has provided sufficient evidence of proof, and can seek civil or criminal routes of prosecution; can impose fines and jail time on the violators