



---

# ILLEGAL DUMPING

---

An Imperial County  
Discussion

---

Submitted by: The Public  
Health Department

---



## Acknowledgements

The Public Health Department would like to thank the following individuals and organizations for their generous input to this document.

Bob Douthitt, Coordinator	The Integrated Waste Management Task Force
William Brunet, Director	Imperial County Public Works
Fred Miramontes, Undersheriff	Imperial County Sheriff-Coroner
Jurg Heuberger, Director	Imperial County Planning and Development Services
Nicole Rothfleisch, Executive Director	Imperial County Farm Bureau
Michael King, Water Manager	Imperial Irrigation District
Don Gibson, Owner	Gibson Shaffer
Ted Rauh, Program Director	California Integrated Waste Management Board
Bill Orr, Division Chief	California Integrated Waste Management Board
Jeff Lamoure, Manager	Environmental Health Services/Local Enforcement Agency

## Table of Contents

**Introduction.....Page 4**

### **Section 1 – Illegal Dumping Prevention Plan Components**

Plan Components.....	Page 5
Political Leadership.....	Page 7
Key Stakeholder Identification, Buy-In and Participation.....	Page 8
Public Education, Outreach and Involvement.....	Page 9
Prevention Strategies.....	Page 11
Targeted Enforcement.....	Page 15
Remediation and Site Maintenance and Controls.....	Page 17
Publicizing Results.....	Page 20
Proposed Ordinance.....	Page 20

### **Section 2 – Draft Imperial County Ordinance**

Unlawful and Unauthorized Dumping of Solid Waste

### **Section 3 – State and Local Codes, Regulations and Ordinances Governing Illegal Dumping**

California Penal Code – Sections 370-374

California Vehicle Code – Section 23112.7

California Public Resources Code – Sections 40100-40201; 40901-41956; 45005

California Code of Regulations Title 14 – Sections 17225 – 17402.5

Imperial County Codified Ordinances – Section 91012.07 – 91012.09

### **Section 4 – Recommendations of the State/Local Illegal Dumping Enforcement Task Force**

## Introduction

On November 27, 2007, the Imperial County Board of Supervisors directed that a discussion regarding illegal dumping in Imperial County be agendaized at the first available opportunity. The Public Health Department was tasked with the responsibility of contacting key stakeholders with vested interest in this complex and pervasive issue and with gathering information that would facilitate the discussion. This document has been compiled to comply with this directive. There are numerous programs and enforcement activities in place at both the state and local level, but there is no framework in place for coordination or integration. The framework of a comprehensive illegal dumping prevention plan was chosen to provide structure for the discussion. This framework is based on a variety of federal and state documents that recommend a coordinated and integrated approach to reducing the burden of illegal dumping. Where possible, state and local data has been inserted into this framework in order to acknowledge both what exists and what is missing. This information is most likely not complete and it is not our intention to exclude or diminish any project or activity that has not yet been included. This document is a starting point for the discussion.

Imperial County is not unique in facing a tremendous burden from illegal dumping. A 2006 survey conducted jointly by CSAC, the California Integrated Waste Management Board and the League of California Cities found that, of the 33 counties that participated, counties spend a combined \$17,425,824 annually to combat illegal dumping. The survey found that the most commonly dumped items, in order of appearance are appliances, tires, household waste, furniture, vehicles, electronic and hazardous waste and construction materials. The most common sites for illegal dumping are: rural, unincorporated areas; vacant lots and alleys; rivers, streams ditches and ravines; and, unlocked dumpsters. Several counties have enacted programs to reduce illegal dumping in their jurisdictions. Madera, Tulare, Sonoma, Solano, San Bernardino and San Benito counties have implemented free community cleanup or waste disposal



O'Brien Road and Alamo River near Brawley

amnesty days. El Dorado, Nevada and Orange counties offer public education programs. Los Angeles, Placer and Yolo counties have implemented aggressive enforcement. Finally, the majority of counties stated that the existing suite of penalties and enforcement tools were not strong enough to grab the public's attention and truly address the problem.

At the state level, 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 findings of the IDETF 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 final recommendations of the IDETF were released in January 2007 and have been included in Section 4. Several excerpts from the final report have been included in this document including an assessment on the need for a coordinated public education campaign and potential strategies for prevention programs that may be helpful in Imperial County.

## **Illegal Dumping and Prevention Plan Components**

Illegal dumping is a major problem with significant social, health, environmental and economic impacts for Imperial County residents. Areas used for illegal dumping may be easily accessible to people, especially children, who are vulnerable to the physical hazards posed by wastes. Rodents, insects, and other vermin attracted to dump sites pose health risks. Dump sites containing waste tires provide an ideal breeding ground for mosquitoes, which can multiply 100 times faster than normal during our warmer months. Severe illnesses, including West Nile Virus and Encephalitis have been attributed to disease-carrying mosquitoes originating from discarded waste tires. Illegal dump sites serve as a magnet for additional dumping and other criminal activities. As a result of illegal dumping, property values can decrease and the community may become unattractive to commercial and residential developers. Farming practices are also significantly impacted as a result of illegal dumping. Dumping on or near ready-to-eat crops could result in monetary losses for farmers as a result of potential contamination. Property owners are subject to costs incurred for waste removal or could be subject to enforcement action for failure to properly clean up the illegally dumped waste.



**LaBrucherie Road and New River near El Centro**

Illegal dumping is the disposal of waste in an unpermitted area. Businesses and individuals can cause an illegal dump site on their own property. Examples of this are: homeowners who stockpile their abandoned vehicles, non-functioning appliances and/or household waste; and, businesses such as trucking or construction companies who may stockpile loads or demolition waste. A more common practice is the illegal dumping of waste onto others private property or onto public property and right-of-ways. Illegally dumped waste often occurs in remote open areas, from vehicles along roadsides and often occurs on weekends and early evenings. The materials dumped typically include:

- Household trash
- Furniture
- Appliances
- Yard Waste
- Abandoned automobiles, auto parts and scrap tires
- Construction and demolition waste such a drywall, roofing shingles, lumber, bricks, concrete and asphalt.

Unlike litter, there is no accidental illegal dumping. Illegal dumping is an intentional act. It is difficult to profile a typical illegal dumper. Research indicates that socioeconomic factors are not a dependable predictor of illegal dumping. Some individuals will choose to engage in illegal dumping despite the convenience or efficiency of the collection and disposal services. Some reasons why people dump their trash illegally are:

- Missed collection day or lack of mandated collection;
- Too costly to dispose of waste properly;
- Hauler won't accept large items;
- Too inconvenient;
- To hide other activity such as vehicle licensing, insurance, drug possession or theft; and,
- As an illegal business itself such as an person who collects money to haul waste to the dump and then chooses not to pay dump fees.

The following illustration is a summary of the key elements of situational crime prevention. They can serve as the model for illegal dumping prevention. If our community can make illegal dumping more difficult, strengthen surveillance and enforcement, deny financial benefits, make it more convenient to properly dispose of waste than it is to illegally dump it and educate and inform our community, we may never eliminate illegal dumping, but we can make a major impact.



Information published in the U.S. EPA Illegal Dumping Prevention Guidebook and documents provided by other states and other counties in California recommend that, in order to make a measurable impact in reducing illegal dumping, an integrated and coordinated approach is necessary. The key elements that have been described include:

1. Political leadership
2. Key stakeholder identification, buy-in and participation
3. Public education, outreach and involvement
4. Prevention strategies
5. Targeted enforcement
6. Remediation and site maintenance and controls
7. Program measurement
8. Publicizing results

## **Political Leadership**

Effective leadership is essential in addressing the burden of illegal dumping in any community. Political leadership is necessary to garner the resources including funding, equipment and labor, necessary for prevention, enforcement and remediation. Local ordinances and state laws already exist and more



**Silsbee Road and New River near Calexico**

effective ones can be developed to discourage illegal dumping. However, ordinances and laws are ineffective without a commitment from high-level authorities for enforcement. If illegal dumping is not viewed as a priority and little action is taken, residents become frustrated and stop contacting police or local officials to report problems. In addition to resources, political leadership is the most effective tool to develop cooperation and collaboration among jurisdictions and agencies. Such coordination allows sharing of resources and helps avoid duplication of effort. For example, a typical coordination effort involves establishment of an illegal dumping task force made up of

representatives from each local agency with the authority or resources to address the problem. For a truly integrated program the cooperation of partners from government, the community, and industry are needed to plan, implement and sustain a successful prevention program.

The State/Local Illegal Dumping Enforcement Task Force acknowledges that California does not charge a specific state or local agency with the responsibility of a comprehensive illegal dumping program. What are currently in place at the state level in California are limited enforcement codes and remediation programs.

The local picture is similar to that of the state. The Local Enforcement Agency (LEA) is the local arm of the California Integrated Waste Management Board. The Environmental Health Services Division of the Public Health Department serves as the LEA for Imperial County. The LEA has the responsibility for the local enforcement of illegal dump sites.

The Imperial County Board of Supervisors has taken a key step forward in directing that a local discussion about illegal dumping begin at the soonest opportunity. In addition, the Imperial Valley Waste Management Task Force has been created as a Joint Powers Authority between the County and the Cities. This local Task Force coordinates and provides several services and programs that help reduce the burden of illegal dumping in our communities. However, the local Task Force, as described more fully in the Prevention section, has a mission that complements but does not directly address the issue of illegal dumping.

## **Key Stakeholder Identification, Buy-In and Participation**

Many of the agencies and organizations that would be helpful as key stakeholders have been identified and asked to provide input to this document and to the public discussion of illegal dumping in Imperial County. These agencies and organizations include:

The Integrated Waste Management Task Force

Imperial County Public Works

Imperial County Sheriff-Coroner

Imperial County Planning and  
Development Services

Imperial County Farm Bureau

Imperial Irrigation District

Gibson Shaffer

California Integrated Waste  
Management Board

Environmental Health  
Services/Local Enforcement  
Agency



**Zenos Road and Alamo River near Holtville**

This is by no means a complete list and several key stakeholders such as representatives from the cities, local business, solid waste facilities and the community are the most obvious stakeholders that need to be included.

In addition to identifying the key stakeholder, the structure of how these stakeholders interact and cooperate must be developed. As stated previously, the most common structure is an illegal dumping task force.



## **Public Education, Outreach and Involvement**

There is no coordinated public education and outreach program at either the state or local level. The State/Local Illegal Dumping Enforcement Task Force is recommending a statewide illegal dumping prevention campaign in partnership with local government, non-profits and tax-paying businesses to raise awareness of illegal dumping issues and encourage prevention. The IDETF further states that 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. Therefore illegal dumping reduction can be correlated to the effectiveness of anti-litter campaigns, but litter reduction does not correlate with illegal dumping reduction campaigns.

The EPA has identified four key components of effective illegal dumping public education campaigns. These key points are:

1. Identification of a Target Audience – It is important to begin by designing an approach tailored to the specific characteristics of the target audience. An Audience assessment can determine which information media are appropriate and the best ways to explain concepts as well as the need for multilingual information. Involving members of the target audience greatly assists in the development of outreach materials.
2. A Clear and Simple Message – A clear, simple message to which the target audience can relate must be developed. The message can be as simple as “no dumping”, “Nail A Dumper”, or “Keep It Clean”. The message can then be supported with information convincing the audience to comply, including listing fines or penalties, indicating that areas are under surveillance, showing photographs of dump sites or listing proper disposal sites and practices.
3. Various Communication Methods – The use of various methods to disseminate information will ensure that the message is received by the target audience. Media that can be used include newspapers, magazines, flyers, billboards, posters, television, radio, the internet, wallet cards, and refrigerator magnets. An integrated approach involving different media can maximize the impact of the message.
4. Confirmation – Soliciting feedback on outreach and education efforts assists in continuation of current programs and development of future efforts. For example, callers to a 24-hour hotline can be asked how they heard about the system. The responses can be documented and evaluated to determine which advertising methods are reaching residents.

Several counties in California and other states have developed their own public education campaigns. Examples include:

Sacramento’s campaign:



Riverside County's:



Santa Barbara's:



Iowa's:



Ohio's:



## Prevention Strategies

The majority of the prevention programs that are currently in effect at the state and local levels are by-products of other environmental priorities, particularly programs targeting source reduction and recycling to meet the California Integrated Waste Management Act. In accordance with this Act, cities and counties must develop a program that incorporates the following:

- A waste characterization component;
- A source reduction component;
- A recycling component;
- A composting component;
- A solid waste facility capacity component;
- An education and public information component;
- A funding component; and,
- A special waste component.

In response to the mandates identified in the California Integrated Waste Management Act, the County and Cities in Imperial formed the Imperial Valley Waste Management Task Force, a JPA funded by contributions by the County and cities and by grants. The mission of the Imperial Valley Waste Management Task Force is to develop, implement, and support efficient and sustainable programs for waste reduction, reuse, recycling, hazardous waste management, composting and recycled-content purchasing for Imperial Valley citizens in accordance with local, state, and national mandates.



**Moss Drain Dump Site 1**

The Imperial Valley Waste Management Task Force oversees three grant programs. The Local Government Waste Tire Cleanup and Amnesty Event Grant Program removes and properly disposes of illegally dumped waste tires along public roadways and on public and private property. In 2006 52,062 waste tires were collected and as of November 20, 2007, 66,635 were collected. The Household Hazardous Waste Grant provides funding to operate the two local household hazardous waste collection facilities in El Centro and Brawley. The Electronic Waste Grant funding is used to collect electronic and universal waste for recycling. In

addition to the work of the Imperial Valley Waste Management Task Force, the County and cities all have various community programs. At the County level, Planning and Development Services coordinates a vehicle abatement program, enforces a nuisance abatement program (trashy property remediation) which is enforced through zoning ordinances and is spearheading, with Public Works' assistance, community clean up events. The kick-off event will target Bombay Beach and will occur early in 2008.

The Imperial County Department of Public Works provides: free disposal to residents for e-waste and waste tires; coordination with Allied for the collection of Christmas Trees; provides information to schools and organizations such as the Farm Bureau to encourage recycling; implemented a recycling program for County departments; and is pursuing the development of an ordinance which would address construction and demolition waste.

These programs serve as a double edged sword for illegal dumping in our community. Many of the programs are directly beneficial. Reducing the amount of waste generated translates into less waste that may be illegally dumped. Cleanup programs remove illegally dumped waste and remove the “attractive nuisance” component of illegal dump sites. The public education campaigns help to inform the community of options and programs available to them to help residents properly dispose of waste. On the other hand, many of the restrictions created through the waste characterization component and other environmental regulations, confuse people and make it more difficult for individuals to properly dispose of waste. In other words, they can’t just throw it in the trash.

The following excerpts from the State/Local Illegal Dumping Enforcement Task Force are included in this section because each has been identified as potential strategies that may help local communities prevent or reduce the burden of illegal dumping by directly addressing illegal dumping.

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:**

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.



**Wienert Road and New River near Imperial**

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 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 decrease 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.

3. 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.

4. 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.



Cole Road and RR Tracks near Calexico

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.

5. 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.

6. 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.



Gentry Road and New River near Westmorland

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.

## Targeted Enforcement

At the state level, the California Public Resources Code charges the California Integrated Waste Management Board (CIWMB) with the responsibility and authority to investigate, remediate and enforce illegal solid waste disposal sites. This after the fact authority over illegal dumping has significant limitations when the illegal dumping is not caused by the property owner. If the perpetrator of the illegal dumping is not caught in the act by a law enforcement officer, the owner of the property where the illegal site is located is required to remediate the site. In addition to the authority provided through the Public Resources Code and Title 14 of the California Code of Regulations, California has enacted illegal dumping codes in both the Penal Code and the Vehicle Code. The following is a brief summary of the California codes and regulations. The applicable codes are included in Section 3.

- Penal Code (Sections 370-374) defines both littering and illegal dumping and defines violations as being punishable by an infraction or misdemeanor. On January 1, 2007, AB 1992 went into effect which expands the prohibition against illegal dumping to include private property and increased the minimum mandatory penalty from \$100 to \$250, and increased second and third offenses to a maximum mandatory penalty of \$1,500 and \$3,000 respectively. Section 373.3(f) states that the court may require, in addition to any fine imposed upon a conviction, that, as a condition of probation, a person remove or pay to remove any waste matter which the person dumped. Section 373.3 (h) defines the penalties for illegally dumping commercial quantities of waste which include imprisonment in a county jail for not more than six months and fines up to a maximum of \$10,000.
- Vehicle Code (Section 23112.7) authorizes a court to impound, in specific instances, a motor vehicle used in illegal dumping of waste when the registered owner has multiple convictions for misdemeanor illegal dumping of waste matter. This section of the Vehicle Code was enacted on January 1, 2007 as a result of AB 2253.
- Public Resources Code
- Title 14 California Code of Regulations



**Cole Road and RR Tracks near Calexico**

In addition to the state codes and regulations, there are three ordinances, contained in the Land Use Code, that address illegal dumping:

- Section 91012.07 Noxious, noisome and nauseous nuisances;
- Section 91012.08 Disposal of dead stock; and,
- Section 91012.09 Unlawful accumulations of Waste.

In the last three years the Environmental Health Services (EHS) Division, acting in its capacity as the Local Enforcement Agency (LEA) of the CIWMB, has investigated complaints at 168 sites that were of sufficient magnitude to require clean up notices to property owners. Of these 168 sites, 84 were classified as small costing between \$500-\$2,000 to cleanup; 42 were classified as medium costing between \$5,000-\$10,000 for cleanup; 40 sites were classified as large costing between \$15,000-\$50,000 to cleanup and 2

sites required clean up costs exceeding \$100,000. An example of a large illegal dump site is International Fabricators. The site is located on the west side of the Heber Meadows development and was created by the prior International Fabricators. Don Gibson purchased the property and was tasked with the cleanup. Initial indications were that the total cost would be approximately \$1,000,000 to remove and recycle 32,550 cubic yards of waste. In the end, 9,000 cubic yards was recycled to be used as marketable fill material (road base), 1,000 cubic yards of material was recycled with Edman Steel and 2,600 cubic yards was disposed at the Allied Imperial Landfill. The difference in volume has to do with the material reduced in size through the screening and crushing process. Cleanup is complete and creative and innovative methods brought the actual costs down to \$100,000.

In February of this year, with the assistance of the California Highway Patrol and CIWMB, EHS staff identified an additional 47 illegal disposal sites located on public and private properties just along portions of the Alamo and New Rivers. This surveillance effort was part of the ongoing program to identify and remediate illegal waste tire piles in the border region of southern California. The surveillance flight was initiated from the Imperial County Airport and total flight time was a little over three hours. The 47 illegal disposal sites were not previously documented by waste tire enforcement personnel. During the site investigation an additional 17 sites were also discovered. Each of the sites was cataloged as either a waste tire pile, an illegal solid waste disposal site with greater than 100 waste tires present, or an undocumented used or waste tire generator.



## **Remediation and Site Maintenance and Controls**

It is impossible to calculate the total costs in Imperial County for the remediation of illegal dumping. Many property owners cleanup illegal dump sites on their property without filing a complaint. Records from the cities for their costs were not available for this report and neither were estimates from Imperial County Public Works. Based on the 168 citations, a very rough estimate of the costs over a three year period are between 1.2 – 2.6 million dollars. This dollar amount is not reliable because property owners may have effectively cleaned up sites for much less than official estimates as evidenced by the Edman Steel site.

In addition to public and private property owner remediation of sites there are several remediation programs currently available. Remediation programs that are available at the state level include:

- CIWMB-Managed Remediation – The Solid Waste Disposal and Co-disposal Site Cleanup Program addresses cleanup of solid waste disposal and co-disposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect the public health and safety or the environment.
- Farm and Ranch Solid Waste Cleanup and Abatement Grant – This grant program provides funding to solid waste local enforcement agencies to remediate an illegal dump site if the site is zoned for agricultural use, where unauthorized solid waste disposal has occurred, and where the site is in need of cleanup in order to abate a nuisance or public health threat or a threat to the environment.
- Waste Tire Enforcement Grant – This grant program provides funding to solid waste local enforcement agencies or city and county agencies in California for waste tire enforcement activities.
- Local government Waste Tire Cleanup and Amnesty Event Grants – This grant program provides funding to local governments for the costs of cleanup, abatement, or other remedial actions related to the disposal of waste tires collected at cleanup projects and amnesty events.



**Hartshorn and Alamo River near Holtville**

There are a variety of grant funded efforts conducted to cleanup illegal dumping in the County. Since 2001 agencies within Imperial County have been awarded 1.4 million dollars in state funds toward the cleanup of illegally dumped solid waste. The Local Enforcement Agency (LEA) administers the Farm and Ranch Grant to clean up property zoned for agriculture. The LEA also administers the Waste Tire Enforcement Grant that funds monitoring of waste tire generators, waste tire haulers, tire dealers and auto dismantlers to ensure proper management and disposal of tires. The Solid Waste Disposal Site and Co-disposal Site Cleanup Program is administered by CIWMB. This program requires cost reimbursement and was used to assist with the Poe Colonia. The following charts summarize the grant funded remediation.

<b>Imperial County</b>	FR15-03-0003	<b>Farm and Ranch Cleanup and Abatement Grants</b> \$193,315.00
<b>Project Summary:</b> A grant application was prepared by the Imperial County Environmental Health Services requesting grant monies from the California Integrated Waste Management Board (CWIMB) to clean up eight (8) illegal disposal sites in Imperial County. The eight sites were identified as Alder Canal East Site (Imperial), Memory Gardens Cemetery Site (Imperial), McCabe Road East Site (Holtville), Villa Drain Site (El Centro), City/County Site (El Centro), McCabe Road West Site (El Centro), English Road Site (Niland), Heber/Wilson Road Site (Holtville). In total, the estimated cleanup and disposal costs (including administrative costs of the grant) for approximately 7,400 cubic yards (or roughly 1,850 tons) of illegally deposited solid waste was \$193,315. A breakdown of the types of waste present at the sites suggests that the majority of the solid waste by volume is mixed household waste, green waste and furniture (mattresses, sofas, etc.). Approximately 206 tires were removed from the site		
<b>Imperial County</b>	FR21-04-003	<b>Farm and Ranch Cleanup and Abatement Grants</b> \$41,361.00
<b>Project Summary:</b> A grant application was prepared by the Imperial County Environmental Health Services requesting grant monies from the California Integrated Waste Management Board (CWIMB) to clean up two (2) illegal disposal sites in Imperial County. The two sites were identified as Larsen/Weinert Road (Imperial) and Willoughby/Ware Road (Heber). In total, the estimated cleanup and disposal costs (including administrative costs of the grant) for approximately 320 cubic yards (or roughly 100 tons) of illegally deposited solid waste was \$41,361. A breakdown of the types of waste present at the sites suggests that the majority of the solid waste by volume is mixed household waste, appliances, green waste and furniture (mattresses, sofas, etc.). Approximately 120 tires were removed from the site.		
<b>Imperial County</b>	FR25-06-0002	<b>Farm and Ranch Cleanup and Abatement Grants</b> \$112,270.00
<b>Project Summary:</b> A grant application was prepared by the Imperial County Environmental Health Services requesting grant monies from the California Integrated Waste Management Board (CWIMB) to clean up four (4) illegal disposal sites in Imperial County. The four sites were identified as Blair Rd/Bowles Road Site (Calipatria), Eady Road/New River Site (Calexico), Evan Hewes/Jessup Rd Site (Seeley), and Hogue Rd Site (Holtville). In total, the estimated cleanup and disposal costs (including administrative costs of the grant) for approximately 1,600 cubic yards (or roughly 495 tons) of illegally deposited solid waste was \$112,270. To date, \$57,006 has been expended for the cleanup of two of the sites – the Eady Rd/New River Site and the Hogue Road Site. A breakdown of the types of waste present at the sites suggests that the majority of the solid waste by volume is mixed household waste, appliances, green waste, tires, and furniture (mattresses, sofas, etc.). Approximately 90 appliances have been illegally disposed of at the four sites, along with nearly 320 tires and over 150 pieces of furniture and mattresses.		
<b>Imperial County</b>	FR26-06-0002	<b>Farm and Ranch Cleanup and Abatement Grants</b> \$71,710.00
<b>Project Summary:</b> A grant application by the Imperial County Environmental Health Services was approved by the California Integrated Waste Management Board (CWIMB) in December 2006 to clean up two (2) illegal disposal sites. The sites were identified as the Alcott/English Road Site and the O'Brien Road/Alamo River Site. The O'Brien Rd/Alamo River Site was unique in that it was initiated by the County in an attempt to assist a private property owner to comply with an enforcement order issued for an illegal dumpsite located on his property. The property owner conducted the cleanup work and provided substantial in-kind services to reduce the overall cost of the cleanup project. The total cost expended to complete the cleanup of this project was \$48,894. In total, the estimated cleanup and disposal costs (including administrative costs of the grant, which are approximately 7 percent) for approximately 1,160 cubic yards (or roughly 260 tons) of illegally deposited solid waste are \$71,710. A breakdown of the types of waste present at sites suggests that the majority of the solid waste by volume is mixed household wastes, construction and demolition debris, agriculture-related wastes, appliances, and waste tires. Approximately 70 appliances have been illegally disposed of at the two sites, along with 440 tires and roughly 240 cubic yards of construction and demolition debris.		
<b>Imperial County</b>	FR7-01-4788	<b>Farm and Ranch Cleanup and Abatement Grants</b> \$49,063.02
<b>Project Summary:</b> A grant application was prepared by the Imperial County Environmental Health Services requesting grant monies from the California Integrated Waste Management Board (CWIMB) to clean up five (4) illegal disposal sites in Imperial County. The four sites were identified as Hwy 78/Alamo River (Brawley), Fredricks Road/New River (Brawley), Robinson/Dogwood Road (Imperial) and Neckel/Dogwood Road (Imperial). In total, the estimated cleanup and disposal costs (including administrative costs of the grant) for approximately 630 cubic yards (or roughly 196 tons) of illegally deposited solid waste was \$49,063. A breakdown of the types of waste present at the sites suggests that the majority of the solid waste by volume is mixed household waste, appliances, green waste and furniture (mattresses, sofas, etc.). Approximately 225 tires were removed from the site.		
<b>Total Awards:</b>	5	<b>Total Awarded:</b> \$467,719.02

Applicant Name	Grant No.	Cycle Name	Awarded Funds	Primary Contact	Phone
Calexico	SWC18-06-0004	Illegal Disp. Site & LF Cleanup Remediation Matching Grants	\$345,000.00	Luis Estrada	(760)768-2180
<p><b>Project Summary:</b> The City of Calexico is proposing to remove and dispose a large accumulation of solid waste including concrete, wood debris, appliances, household waste and other solid waste in the northwest portion of the Calexico International Airport located at 801 W. 2nd Street, Calexico, California. The removal and disposal of the solid waste will be done in four (4) phases. Phase I will consist of separating the different types of solid waste, phase II will consist of demolishing certain types of solid wastes (ex: concrete, asphalt.) and screening street sweeper waste which can later be used as recycling material, phase III will consist of transporting the solid waste to landfill and phase IV will consist of installation of fence, barricades and warning signs. The City will be installing approximately 1,000 ft. of fence on the west side of said property. In addition, barricades and warning signs will be placed at various locations in order to prevent and minimize reoccurrence of the problem.</p>					

Applicant Name	Grant No.	Cycle Name	Awarded Funds	Primary Contact	Phone
El Centro	TCU11-03-0011	Local Gov't Waste Tire Cleanup Matching	\$200,000.00	JB West	(760)337-4538
<p><b>Project Summary:</b> The County of Imperial covers approximately 4,594 square miles of predominantly agricultural land with a population density of 31 people per square mile. Approximately 50% of the County is undeveloped with the largest developed areas located between the Westside Canal and the Highline Canal known as the Imperial Valley. The County is located in the southwest corner of California, bordered by San Diego County to the west, the Republic of Mexico (Baja California) to the south, the Arizona boundary to the east and Riverside County to the North. Site Definition: Imperial Valley Waste Management Task Force represents all eight jurisdictions in Imperial County. These include the Cities of Brawley, Calipatria, Calexico, El Centro, Holtville, Imperial, Westmoreland, and the unincorporated areas of the County. The county is divided into four road districts and each of these road districts is to be considered as a project/tire collection site. Tires that have been illegally discarded on public roadways, easements, or public access to roadways will be collected.</p>					

Applicant Name	Grant No.	Cycle Name	Awarded	Primary	Phone
El Centro	TCU12-04-0012	Local Gov't Waste Tire Cleanup Grant	\$200,000.00	JB West	(760)337-4538
<p><b>Project Summary:</b> The County of Imperial covers approximately 4,597 square miles of predominantly agricultural land with a population density of 31 people per square mile. Approximately 50% of the County is undeveloped with the largest developed area located between the Westside Canal and the Highline Canal known as the Imperial Valley. The County is located in the southwest corner of California, bordered by San Diego County to the west, the Republic of Mexico (Baja California) to the south, the Arizona boundary to the east and Riverside county to the North. Site Definition: IVWMTF represents all eight jurisdictions in Imperial County. These include the Cities of Brawley, Calipatria, Calexico, El Centro, Holtville, Imperial, Westmorland, and the unincorporated area of the County. The County is divided into four road districts and each of these road districts is to be considered as a project/tire collection site.</p>					

Applicant Name	Grant No.	Cycle Name	Awarded	Primary	Phone
El Centro	TCU8-02-0004	Local Gov't Waste Tire Cleanup Matching Grants	\$269,433.00	JB West	(760) 337-4538
<p><b>Project Summary:</b> Is not available at this time.</p>					

**Total Awards: 4**

**Total Awarded: \$1,014,433.00**

## **Publicizing Results**

As identified by the federal EPA, publicizing program results is necessary to obtain continued support from high-level authorities and to maintain cooperation between authorities and the community. Prevention programs must be recognized as cooperative efforts, and successes need to be shared with all parties involved to validate their participation, gain additional support, and allow others to benefit from lessons learned. Tracking program impacts such as arrests, fines, vehicle impoundments, cleaned-up sites, and avoided costs is integral to the continuation of illegal dumping prevention efforts. Evaluating program efforts provides data for cost-benefit analyses, publicity efforts, budget hearings, and grant program accountability.



Camacho Road and New River near Calexico

## **Proposed Ordinance**

The Public Health Department recognizes the burden that illegal dumping places on our community; both from an environmental and public health and safety perspective and from the burden of remediation that is placed on public and private property owners. The Environmental Health Services Manager has been working with County Counsel to develop a significant and long needed new tool. The proposed ordinance that is included in Section 1 was the outcome of years of frustration in working with the limitation of state codes and the limitation of law enforcements' ability to witness the clandestine act of illegal dumping. As the LEA, the enforcement authority of EHS personnel targets property owners and not illegal dumpers. This is most often backwards. The experience of our EHS personnel demonstrates that the majority of illegal dump sites in our County are not created by the owners of the property where the illegal site is located. This is the reasoning that has fueled the need to create a local ordinance that targets illegal dumpers directly

The proposed ordinance strengthens our ability to enforce illegal dumping prohibitions in four important ways:

1. Expands who can issue citations for violations of the illegal dumping ordinance.
2. Provides a tiered structure for assessing penalties.
3. Establishes a sufficient evidence threshold.
4. Establishes a dumping remediation special revenue fund.

Unlike the current ordinance which requires a peace officer to witness and issue a citation for illegal dumping, the proposed ordinance allows the Health Officer the ability to designate Illegal Dumping Enforcement Officers. The Health Officer initially has indicated that the most appropriate personnel are registered environmental health specialists, environmental compliance technicians and vector control technicians employed by the County. Currently, if EHS staff observes a person in the act of illegally dumping waste, the EHS staff members does not have the authority to issue a citation and therefore must contact local law enforcement for assistance. This requires EHS staff to persuade the perpetrator to wait until law enforcement arrives so that they could be appropriately cited. This has not proven to



**Wienert Road and New River near Imperial**

be effective. In addition, law enforcement personnel have a broad spectrum of responsibility which reduces the likelihood of observing illegal dumping. The primary focus of EHS staff is the environment and the normal course and scope of their duties include surveillance in the more remote areas of the County that are prime illegal dumping locations.

The majority of illegal dumping is done without someone witnessing the act and therefore it becomes very difficult to prosecute the responsible party. The proposed ordinance will hold a person accountable for abandonment of their waste if there is a presence of at least two pieces of addressed mail or other identifying information in the dumped material. This information would be sufficient evidence to create a rebuttable presumption that the person did cause the illegal dump site.

The proposed ordinance also creates a special revenue fund that can be used to fund surveillance and enforcement programs, and to remediate illegal dump sites. Funding for this special revenue fund can come from a variety of sources. The proposed ordinance requires that all funds collected through fines imposed for illegal dumping shall be placed in this special revenue account. Grants targeting illegal dumping could be a source of funding. It is also possible to identify a portion of solid waste fees that could be earmarked for illegal dumping enforcement and remediation.

**DRAFT**

AN ORDINANCE ADDING SECTIONS TO TITLE 8 OF THE CODIFIED  
ORDINANCES OF THE COUNTY OF IMPERIAL REGARDING THE UNLAWFUL AND  
UNAUTHORIZED DUMPING OF SOLID WASTE

ORDINANCE NO. \_\_\_\_\_

The Board of Supervisors of the County of Imperial ordains as follows:

**Section 1.** Sections 8.73.010 through 8.73.050 are hereby added to the Codified Ordinances of the County of Imperial to read as follows:

**UNLAWFUL AND UNAUTHORIZED DUMPING OF SOLID WASTE**

**Section 8.73.010 Findings.**

The Board of Supervisors of the County of Imperial has determined that:

- A. Residents of Imperial County complain about the nuisances created in their neighborhoods by illegal dumping of trash, bulky items and potentially hazardous materials in their neighborhoods;
- B. Illegal dumping activities pose a danger to public health and safety, decrease property values, lower the quality of life, contribute to blight, and attract more illegal dumping;
- C. Materials that are illegally dumped create a nesting area for rodents, insects, and other vermin while impacting the proper drainage of runoff, and making areas more susceptible to flooding when draining basins become clogged;
- D. Illegal dumping activities also place an undue burden on the county of Imperial, for cleanup, public education, and enforcement costs.

**Section 8.73.020 Definitions.**

As used in this chapter the following terms are defined as:

- A. “Authorized public officer” or “enforcement officer” is a peace officer with authority to arrest under

California Penal Code Sections 830 through 830.14, inclusive or as each of those statutes may be amended or reenacted;

B. “Bulky item” is any discarded furniture, home or industrial appliance or abandoned vehicle or a part of an abandoned vehicle;

C. “Hazardous material” is any waste as defined in California Health and Safety Code Section 25117, or as that statute may be amended or reenacted;

D. “Illegal dumping” is the willful throwing, dropping, placing or depositing of a bulky item, hazardous waste or solid waste on public or private property not designated for that dumping or disposal purpose. An illegal dumping does not include the discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including, but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspapers, and magazines and including waste matter that escapes or is allowed to escape from a container, receptacle, package, or vehicle;

E. “Solid waste” is all putrescible and non-putrescible solid, semisolid and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, dewatered, treated or chemically fixed sewage sludge, which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes-

### **Section 8.73.030: Dumping Waste Unlawful**

1. It is unlawful for any person or entity to dump or cause the dumping of any waste, except at permitted facilities used to receive, temporarily store, separate, convert or otherwise process the materials or public property specifically designated to receive such waste.

2. Any person who causes or permits the dumping of waste on right-of-way of any public highway, street, easement or thoroughfare, or upon any public park, private property, or on any premises, or in any container, without legal permission; or who causes, maintains or permits the accumulation of waste which creates an unsanitary condition or permits or encourages the accumulation or breeding of vectors, is guilty of an infraction and subject to a civil penalty of two hundred fifty dollars (\$250). A second or subsequent violation of this section is an infraction and subject to a civil penalty of five hundred dollars (\$500). A third violation is an infraction and subject to a civil penalty of one thousand dollars (\$1,000).

3. For the purposes of this section, the presence of at least two pieces of addressed mail or other identifying information in the dumped material shall be deemed to create a rebuttable presumption that the person so identified is responsible for the dumping or causing the dumping of the waste.

4. Upon discovery of a violation of this Section, the enforcement officer or authorized public officer shall issue a citation directing the responsible party to court.

5. The court shall require, in addition to any fine imposed upon a conviction, that, as a condition of probation and in addition to any other condition of probation, a person convicted under this section remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon public or private property.

6. Except when the court requires the convicted person to remove waste matter which he or she is responsible for dumping as a condition of probation, the court may, in addition to the fine imposed

upon a conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section to perform 12 hours of community service.

**Section 8.73.040      Dumping Remediation Fund**

There is hereby established a Dumping Remediation special revenue fund under the jurisdiction of the Director of Public Health. All civil penalties collected under this Chapter shall be placed unto the Dumping Remediation Fund. Expenditures from the Dumping Remediation Fund may be made at the discretion of the Director of Public Health based on a budget approved by the Board of Supervisors and are limited to remediation of illegal dumping, educational activities regarding illegal dumping and expenses of enforcing this chapter.

**Section 8.73.050      Severability.**

If any provision of this chapter is found to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

**Section 3.** This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in a newspaper of general circulation published in the County of Imperial.

**PASSED, ADOPTED AND APPROVED**      by the Board of Supervisors of the County of Imperial this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

By: \_\_\_\_\_  
Larry L. Grogan,

ATTEST:

By: \_\_\_\_\_  
Sylvia Bermudez, Clerk of the Board  
of Supervisors



**RESOLUTION OF THE IMPERIAL COUNTY BOARD OF SUPERVISORS**

---

RESOLUTION NO. 2007-

WHEREAS, illegal dumping is a continuing problem in the State of California and the County of Imperial; and

WHEREAS, the State of California has enacted a vehicle forfeiture program to discourage illegal dumping in Vehicle Code Section 23112.7; and

WHEREAS, it is necessary for the County of Imperial to designate those County employees (other than peace officers) that are authorized to enforce this program

**NOW, THEREFORE, BE IT RESOLVED** by the Imperial County Board of Supervisors that those individuals within the Imperial County Public Health Department who are designated by the Imperial County Health Officer are hereby designated as "Illegal Dumping Enforcement Officer" as defined by Penal Code section 830.7 as that section may be amended or reenacted.

**PASSED AND ADOPTED** by the Imperial County Board of Supervisors during a regularly scheduled meeting on this \_\_\_ day of \_\_\_\_\_, 2007.

**DRAFT**

ATTEST:

---

Larry L. Grogan, Chairman  
Imperial County Board of Supervisors

---

Sylvia Bermudez, Clerk of the Board  
County of Imperial, State of California

**DRAFT**

---

**MEMORANDUM OF UNDERSTANDING BETWEEN****IMPERIAL COUNTY SHERIFF'S DEPARTMENT AND IMPERIAL COUNTY PUBLIC  
HEALTH DEPARTMENT**

This Memorandum of Understanding between Imperial County Public Health Department and Imperial County Sheriff's Office is entered into for the purpose of facilitating enforcement of the laws regulating illegal dumping, as required by Penal Code Section 830.7, Subsection j.

**TERM**

This agreement shall be indefinite but may be terminated by either party with 30 days written notice. All obligations of the parties accrued through the date of termination shall continue in full force and effect.

**PERFORMANCE**

The Imperial County Public Health Department shall provide the Imperial County Sheriff's Office with a list of its employees who are designated as illegal dumping enforcement officers. The Imperial County Public Health Department shall ensure that each of these individuals is not disqualified from serving as a peace officer pursuant to Government Code Section 1029.

Imperial County Sheriff's Office shall maintain the list provided by the Imperial County Public Health Department and acknowledges that those individuals are illegal dumping enforcement officers as defined by Penal Code Section 830.7.

**HOLD HARMLESS**

The parties mutually agree to identify, hold harmless, and defend each other and their officers, agents, and employees from any and all claims and losses accruing or resulting to any and all contractors, suppliers, laborers, and any other person, firm, or corporation furnishing or supplying work, services, material or supplies in connection with this agreement, and from any and all claims and losses accruing or resulting to any person, firm, or corporation who may be injured or damaged by acts or omission in the performance of this agreement.

**NOTICES**

Any notice by either party to the other shall be personally delivered to the party or sent by certified mail, return receipt requested, to the addresses set forth below:

//

//

PROVIDER

COUNTY:

Imperial County Sheriff's Department  
328 Applestill Road  
El Centro, CA 92243

Attn: Director  
Imperial County Dept. of Public Health  
935 Broadway  
El Centro, CA 92243

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Imperial County Sheriff's Department

Imperial County Public Health Department

\_\_\_\_\_  
By: Raymond Loera, Sheriff

\_\_\_\_\_  
By: Robin Hodgkin, Director

**CALIFORNIA PENAL CODE**

370. Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a public nuisance.

371. An act which affects an entire community or neighborhood, or any considerable number of persons, as specified in the last section, is not less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.

372. Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

373a. Every person who maintains, permits, or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another who maintains, permits or allows a public nuisance to exist thereon, after reasonable notice in writing from a health officer or district attorney or city attorney or prosecuting attorney to remove, discontinue or abate the same has been served upon such person, is guilty of a misdemeanor, and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense, and it is hereby made the duty of the district attorney, or the city attorney of any city the charter of which imposes the duty upon the city attorney to prosecute state misdemeanors, to prosecute all persons guilty of violating this section by continuous prosecutions until the nuisance is abated and removed.

374. (a) Littering means the willful or negligent throwing, dropping, placing, depositing, or sweeping, or causing any such acts, of any waste matter on land or water in other than appropriate storage containers or areas designated for such purposes.

(b) Waste matter means discarded, used, or leftover substance including, but not limited to, a lighted or nonlighted cigarette, cigar, match, or any flaming or glowing material, or any garbage, trash, refuse, paper, container, packaging or construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

374.2. (a) It is unlawful for any person to maliciously discharge, dump, release, place, drop, pour, or otherwise deposit, or to maliciously cause to be discharged, dumped, released, placed, dropped, poured, or otherwise deposited, any substance capable of causing substantial damage or harm to the operation of a public sewer sanitary facility, or to deposit in commercial quantities any other substance, into a manhole, cleanout, or other sanitary sewer facility, not intended for use as a point of deposit for sewage, which is connected to a public sanitary sewer system, without possessing a written authorization therefore granted by the public entity which is charged with the administration of the use of the affected public sanitary sewer system or the affected portion of the public sanitary sewer system.

As used in this section, "maliciously" means an intent to do a wrongful act.

(b) For the purposes of this section "person" means an individual, trust, firm, partnership, joint stock company, limited liability company, or corporation, and "deposited in commercial quantities" refers to any substance deposited or otherwise discharged in any amount greater than for normal domestic sewer use.

(c) Lack of specific knowledge that the facility into which the prohibited discharge or release occurred is connected to a public sanitary sewer system shall not constitute a defense to a violation charged under this section.

(d) Any person who violates this section shall be punished by imprisonment in the county jail for not more than one year, or by a fine of up to twenty-five thousand dollars (\$25,000), or by both a fine and imprisonment. If the conviction is for a second or subsequent violation, the person shall be punished by imprisonment in the county jail for not more than one year, or imprisonment in the state prison for 16, 20, or 24 months, and by a fine of not less than five thousand dollars (\$5,000) or more than twenty-five thousand dollars (\$25,000).

374.3. (a) It is unlawful to dump or cause to be dumped waste matter in or upon a public or private highway or road, including any portion of the right-of-way thereof, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a public park or other public property other than property designated or set aside for that purpose by the governing board or body having charge of that property.

(b) It is unlawful to place, deposit, or dump, or cause to be placed, deposited, or dumped, rocks, concrete, asphalt, or dirt in or upon a private highway or road, including any portion of the right-of-way of the private highway or road, or private property, without the consent of the owner or a contractor under contract with the owner for the materials, or in or upon a public park or other public property, without the consent of the state or local agency having jurisdiction over the highway, road, or property.

(c) A person violating this section is guilty of an infraction. Each day that waste placed, deposited, or dumped in violation of subdivision (a) or (b) remains is a separate violation.

(d) This section does not restrict a private owner in the use of his or her own private property, unless the placing, depositing, or

dumping of the waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry and Fire Protection, in which case this section applies.

(e) A person convicted of a violation of this section shall be punished by a mandatory fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than three thousand dollars (\$3,000) upon a third or subsequent conviction. If the court finds that the waste matter placed, deposited, or dumped was used tires, the fine prescribed in this subdivision shall be doubled.

(f) The court may require, in addition to any fine imposed upon a conviction, that, as a condition of probation and in addition to any other condition of probation, a person convicted under this section remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon public or private property.

(g) Except when the court requires the convicted person to remove waste matter which he or she is responsible for dumping as a condition of probation, the court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that a person convicted of a violation of this section pick up waste matter at a time and place within the jurisdiction of the court for not less than 12 hours.

(h) (1) A person who places, deposits, or dumps, or causes to be placed, deposited, or dumped, waste matter in violation of this section in commercial quantities shall be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than six months and by a fine. The fine is mandatory and shall amount to not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000) upon a first conviction, not less than three thousand dollars (\$3,000) nor more than six thousand dollars (\$6,000) upon a second conviction, and not less than six thousand dollars (\$6,000) nor more than ten thousand dollars (\$10,000) upon a third or subsequent conviction.

(2) "Commercial quantities" means an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard. This subdivision does not apply to the dumping of household waste at a person's residence.

(i) For purposes of this section, "person" means an individual, trust, firm, partnership, joint stock company, joint venture, or corporation.

(j) Except in unusual cases where the interests of justice would be best served by waiving or reducing a fine, the minimum fines provided by this section shall not be waived or reduced.

374.4. (a) It is unlawful to litter or cause to be littered in or upon public or private property. A person, firm, or corporation violating this section is guilty of an infraction.

(b) This section does not restrict a private owner in the use of his or her own property, unless the littering of waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry and Fire Protection, in which case this section applies.

(c) As used in this section, "litter" means the discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including, but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspapers, and magazines, in a place other than a place or container for the proper disposal thereof, and including waste matter that escapes or is allowed to escape from a container, receptacle, or package.

(d) A person, firm, or corporation convicted of a violation of this section shall be punished by a mandatory fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than three thousand dollars (\$3,000) upon a third or subsequent conviction.

(e) The court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than eight hours.

374.5. (a) It is unlawful for any grease waste hauler to do either of the following:

(1) Reinsert, deposit, dump, place, release, or discharge into a grease trap, grease interceptor, manhole, cleanout, or other sanitary sewer appurtenance any materials that the hauler has removed from the grease trap or grease interceptor, or to cause those materials to be so handled.

(2) Cause or permit to be discharged in or on any waters of the state, or discharged in or deposited where it is, or probably will be, discharged in or on any waters of the state, any materials that the hauler has removed from the grease trap or grease interceptor, or to cause those materials to be so handled.

(b) The prohibition in subdivision (a), as it pertains to reinsertion of material removed from a grease trap or grease interceptor, shall not apply to a grease waste hauler if all of the following conditions are met:

(1) The local sewer authority having jurisdiction over the pumping and disposal of the material specifically allows a registered grease waste hauler to obtain written approval for the reinsertion of decanted liquid.

(2) The local sewer authority has determined that, if reinsertion is allowed, it is feasible to enforce local discharge limits for fats, oil, and grease, if any, and other local requirements for best management or operating practices, if any.

(3) The grease waste hauler is registered pursuant to Section

19310 of the Food and Agricultural Code.

(4) The registered grease waste hauler demonstrates to the satisfaction of the local sewer authority all of the following:

(A) It will use equipment that will adequately separate the water from the grease waste and solids in the material so as to comply with applicable regulations.

(B) Its employees are adequately trained in the use of that equipment.

(5) The registered grease waste hauler demonstrates both of the following:

(A) It has informed the managerial personnel of the owner or operator of the grease trap or interceptor, in writing, that the grease waste hauler may reinsert the decanted materials, unless the owner or operator objects to the reinsertion.

(B) The owner or operator has not objected to the reinsertion of the decanted materials. If the owner or operator of the grease trap or interceptor objects to the reinsertion, no decanted material may be inserted in that grease trap or interceptor.

(c) A grease waste hauler shall not transport grease removed from a grease trap or grease interceptor in the same vehicle used for transporting other waste, including, but not limited to, yellow grease, cooking grease, recyclable cooking oil, septic waste, or fluids collected at car washes.

(d) For purposes of this section, a "grease waste hauler" is a transporter of inedible kitchen grease subject to registration requirements pursuant to Section 19310 of the Food and Agricultural Code.

(e) Any person who violates this section shall be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than six months or a fine of not more than ten thousand dollars (\$10,000), or both a fine and imprisonment.

A second and subsequent conviction, shall be punishable by imprisonment in a county jail for not more than one year, or a fine of not more than twenty-five thousand dollars (\$25,000), or both a fine and imprisonment.

(f) Notwithstanding Section 1463, the fines paid pursuant to this section shall be apportioned as follows:

(1) Fifty percent shall be deposited in the Environmental Enforcement and Training Account established pursuant to Section 14303, and used for purposes of Title 13 (commencing with Section 14300) of Part 4.

(2) Twenty-five percent shall be distributed pursuant to Section 1463.001.

(3) Twenty-five percent to the local health officer or other local public officer or agency that investigated the matter which lead to bringing the action.

(g) If the court finds that the violator has engaged in a practice or pattern of violation, consisting of two or more convictions, the court may bar the violating individual or business from engaging in the business of grease waste hauling for a period not to exceed five years.

(h) The court may require, in addition to any fine imposed upon conviction, that as a condition of probation and in addition to any other punishment or condition of probation, that a person convicted under this section remove, or pay the cost of removing, to the extent they are able, any materials which the convicted person dumped or caused to be dumped in violation of this section.



(i) This section does not prohibit the direct receipt of trucked grease by a publicly owned treatment works.

374.7. (a) A person who litters or causes to be littered, or dumps or causes to be dumped, waste matter into a bay, lagoon, channel, river, creek, slough, canal, lake, or reservoir, or other stream or body of water, or upon a bank, beach, or shore within 150 feet of the high water mark of a stream or body of water, is guilty of a misdemeanor.

(b) A person convicted of a violation of subdivision (a) shall be punished by a mandatory fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than three thousand dollars (\$3,000) upon a third or subsequent conviction.

(c) The court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of subdivision (a), pick up litter at a time and place within the jurisdiction of the court for not less than eight hours.

374.8. (a) In any prosecution under this section, proof of the elements of the offense shall not be dependent upon the requirements of Title 22 of the California Code of Regulations.

(b) Any person who knowingly causes any hazardous substance to be deposited into or upon any road, street, highway, alley, or railroad right-of-way, or upon the land of another, without the permission of the owner, or into the waters of this state is punishable by imprisonment in the county jail for not more than one year or by imprisonment in the state prison for a term of 16 months, two years, or three years, or by a fine of not less than fifty dollars (\$50) nor more than ten thousand dollars (\$10,000), or by both the fine and imprisonment, unless the deposit occurred as a result of an emergency that the person promptly reported to the appropriate regulatory authority.

(c) For purposes of this section, "hazardous substance" means either of the following:

(1) Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the environment, including, but not limited to, hazardous waste and any material that the administering agency or a handler, as defined in Chapter 6.91 (commencing with Section 25410) of Division 20 of the Health and Safety Code, has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the environment.

(2) Any substance or chemical product for which one of the following applies:

(A) The manufacturer or producer is required to prepare a MSDS, as defined in Section 6374 of the Labor Code, for the substance or product pursuant to the Hazardous Substances Information Training Act

(Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.

(B) The substance is described as a radioactive material in Chapter 1 of Title 10 of the Code of Federal Regulations maintained and updated by the nuclear Regulatory Commission.

(C) The substance is designated by the Secretary of Transportation in Chapter 27 (commencing with Section 1801) of the appendix to Title 49 of the United States Code and taxed as a radioactive substance or material.

(D) The materials listed in subdivision (b) of Section 6382 of the Labor Code.

374a. A person giving information leading to the arrest and conviction of a person for a violation of Section 374c, 374.2, 374.3, 374.4, or 374.7 is entitled to a reward for providing the information.

The amount of the reward for each arrest and conviction shall be 50 percent of the fine levied against and collected from the person who violated Section 374c, 374.2, 374.3, 374.4, or 374.7 and shall be paid by the court. If the reward is payable to two or more persons, it shall be divided equally. The amount of collected fine to be paid under this section shall be paid prior to any distribution of the fine that may be prescribed by any other section, including Section 1463.9, with respect to the same fine.

374c. Every person who shoots any firearm from or upon a public road or highway is guilty of a misdemeanor.

374d. Every person who knowingly allows the carcass of any dead animal which belonged to him at the time of its death to be put, or to remain, within 100 feet of any street, alley, public highway, or road in common use, and every person who puts the carcass of any dead animal within 100 feet of any street, alley, highway, or road in common use is guilty of a misdemeanor.

**California Vehicle Code**

23112.7. (a) (1) A motor vehicle used for illegal dumping of waste matter on public or private property is subject to impoundment pursuant to subdivision (c).

(2) A motor vehicle used for illegal dumping of harmful waste matter on public or private property is subject to impoundment and civil forfeiture pursuant to subdivision (d).

(b) For the purposes of this section, the following terms have the following meanings:

(1) "Illegal dumping" means the willful or intentional depositing, dropping, dumping, placing, or throwing of any waste matter onto public or private property that is not expressly designated for the purpose of disposal of waste matter. "Illegal dumping" does not include the discarding of small quantities of waste matter related to consumer goods and that are reasonably understood to be ordinarily carried on or about the body of a living person, including, but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspaper, magazines, or other similar waste matter that escapes or is allowed to escape from a container, receptacle, or package.

(2) "Waste matter" means any form of tangible matter described by any of the following:

(A) All forms of garbage, refuse, rubbish, recyclable materials, and solid waste.

(B) Dirt, soil, rock, decomposed rock, gravel, sand, or other aggregate material dumped or deposited as refuse.

(C) Abandoned or discarded furniture; or commercial, industrial, or agricultural machinery, apparatus, structure, or other container; or a piece, portion, or part of these items.

(D) All forms of liquid waste not otherwise defined in or deemed to fall within the purview of Section 25117 of the Health and Safety Code, including, but not limited to, water-based or oil-based paints, chemical solutions, water contaminated with any substance rendering it unusable for irrigation or construction, oils, fuels, and other petroleum distillates or byproducts.

(E) Any form of biological waste not otherwise designated by law as hazardous waste, including, but not limited to, body parts, carcasses, and any associated container, enclosure, or wrapping material used to dispose these matters.

(F) A physical substance used as an ingredient in any process, now known or hereafter developed or devised, to manufacture a controlled substance specified in Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code, or that is a byproduct or result of the manufacturing process of the controlled substance.

(3) "Harmful waste matter" is a hazardous substance as defined in Section 374.8 of the Penal Code; a hazardous waste as defined in Section 25117 of the Health and Safety Code; waste that, pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code, cannot be disposed in a municipal solid waste landfill without special handling, processing, or treatment; or waste matter in excess of one cubic yard.

(c) (1) Whenever a person, who has one or more prior convictions of Section 374.3 or 374.8 of the Penal Code that are not infractions, is convicted of a misdemeanor violation of Section 374.3 of the Penal Code, or of a violation of Section 374.8 of the Penal Code, for illegally dumping waste matter or harmful waste matter that is

committed while driving a motor vehicle of which he or she is the registered owner of the vehicle, or is the registered owner's agent or employee, the court at the time of sentencing may order the motor vehicle impounded for a period of not more than six months.

(2) In determining the impoundment period imposed pursuant to paragraph (1), the court shall consider both of the following factors:

(A) The size and nature of the waste matter dumped.

(B) Whether the dumping occurred for a business purpose.

(3) The cost of keeping the vehicle is a lien on the vehicle pursuant to Chapter 6.5 (commencing with Section 3067) of Title 14 of Part 4 of Division 3 of the Civil Code.

(4) Notwithstanding paragraph (1), a vehicle impounded pursuant to this subdivision shall be released to the legal owner or his or her agent pursuant to subdivision (b) of Section 23592.

(5) The impounding agency shall not be liable to the registered owner for the release of the vehicle to the legal owner or his or her agent when made in compliance with paragraph (4).

(6) This subdivision does not apply if there is a community property interest in the vehicle that is owned by a person other than the defendant and the vehicle is the only vehicle available to the defendant's immediate family that may be operated on the highway with a class A, class B, or class C driver's license.

(d) (1) Notwithstanding Section 86 of the Code of Civil Procedure and any other provision of law otherwise prescribing the jurisdiction of the court based upon the value of the property involved, whenever a person, who has two or more prior convictions of Section 374.3 or 374.8 of the Penal Code that are not infractions, is charged with a misdemeanor violation of Section 374.3 of the Penal Code, or of a violation of Section 374.8 of the Penal Code, for illegally dumping harmful waste matter, the court with jurisdiction over the offense may, upon a motion of the prosecutor or the county counsel in a criminal action, declare a motor vehicle if used by the defendant in the commission of the violation, to be a nuisance, and upon conviction order the vehicle sold pursuant to Section 23596, if the person is the registered owner of the vehicle or the registered owner's employee or agent.

(2) The proceeds of the sale of the vehicle pursuant to this subdivision shall be distributed and used in decreasing order of priority, as follows:

(A) To satisfy all costs of the sale, including costs incurred with respect to the taking and keeping of the vehicle pending sale.

(B) To the legal owner in an amount to satisfy the indebtedness owed to the legal owner remaining as of the date of the sale, including accrued interest or finance charges and delinquency charges.

(C) To recover the costs made, incurred, or associated with the enforcement of this section, the abatement of waste matter, and the deterrence of illegal dumping.

(3) A vehicle shall not be sold pursuant to this subdivision in either of the following circumstances:

(A) The vehicle is owned by the employer or principal of the defendant and the use of the vehicle was made without the employer's or principal's knowledge and consent, and did not provide a direct benefit to the employer's or principal's business.

(B) There is a community property interest in the vehicle that is owned by a person other than the defendant and the vehicle is the

only vehicle available to the defendant's immediate family that may be operated on the highway with a class A, class B, or class C driver's license.

**Public Resources Code**

40100. Unless the context otherwise requires, the definitions in this article govern the construction of this division.

40105. "Authorized recycling agent" means a person that a local governing body or private commercial entity authorizes or contracts with to collect its recyclable waste material. An authorized recycling agency may be a municipal collection service, private refuse hauler, private recycling enterprise, or private nonprofit corporation or association.

40106. (a) "Biomass conversion" means the controlled combustion, when separated from other solid waste and used for producing electricity or heat, of the following materials:

- (1) Agricultural crop residues.
- (2) Bark, lawn, yard, and garden clippings.
- (3) Leaves, silvicultural residue, and tree and brush pruning.
- (4) Wood, wood chips, and wood waste.
- (5) Nonrecyclable pulp or nonrecyclable paper materials.

(b) "Biomass conversion" does not include the controlled combustion of recyclable pulp or recyclable paper materials, or materials that contain sewage sludge, industrial sludge, medical waste, hazardous waste, or either high-level or low-level radioactive waste.

(c) For purposes of this section, "nonrecyclable pulp or nonrecyclable paper materials" means either of the following, as determined by the board:

- (1) Paper products or fibrous materials that cannot be technically, feasibly, or legally recycled because of the manner in which the product or material has been manufactured, treated, coated, or constructed.
- (2) Paper products or fibrous materials that have become soiled or contaminated and as a result cannot be technically, feasibly, or legally recycled.

40110. "Board" means the California Integrated Waste Management Board.

40115. "City" or "county" includes city and county.

40116. "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. "Compost" includes vegetable, yard, and wood wastes which are not hazardous waste.

40117. "Gasification" means a technology that uses a noncombustion thermal process to convert solid waste to a clean burning fuel for the purpose of generating electricity, and that, at minimum, meets all of the following criteria:

- (a) The technology does not use air or oxygen in the conversion

process, except ambient air to maintain temperature control.

(b) The technology produces no discharges of air contaminants or emissions, including greenhouse gases, as defined in subdivision (g) of Section 42801.1 of the Health and Safety Code.

(c) The technology produces no discharges to surface or groundwaters of the state.

(d) The technology produces no hazardous waste.

(e) To the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream prior to the conversion process and the owner or operator of the facility certifies that those materials will be recycled or composted.

(f) The facility where the technology is used is in compliance with all applicable laws, regulations, and ordinances.

(g) The facility certifies to the board that any local agency sending solid waste to the facility is in compliance with this division and has reduced, recycled, or composted solid waste to the maximum extent feasible, and the board makes a finding that the local agency has diverted at least 30 percent of all solid waste through source reduction, recycling, and composting.

40120. "Designated recycling collection location" means the place where an authorized recycling agent has contracted with either the local governing body or a private entity to pick up recyclable material segregated from other waste material. "Designated recycling collection location" includes, but is not limited to, the curbside of a residential neighborhood or the service alley of a commercial enterprise.

40120.1. "Disposal" has the same meaning as "solid waste disposal" as defined in Section 40192.

40121. "Disposal facility" or "facility" means any facility or location where disposal of solid waste occurs.

40122. "Disposal site" or "site" includes the place, location, tract of land, area, or premises in use, intended to be used, or which has been used, for the landfill disposal of solid wastes. "Disposal site" includes solid waste landfill, as defined in Section 40195.1.

40123. "Disposal site owner" means the person who holds title to the property used as a disposal site after January 1, 1977.

40124. "Diversion" means activities which reduce or eliminate the amount of solid waste from solid waste disposal for purposes of this division, including Article 1 (commencing with Section 41780) of Chapter 6.

40130. "Enforcement agency" means the local agency designated pursuant to Article 1 (commencing with Section 43200) of Chapter 2 of

Part 4 for the purpose of carrying out this division, or the board if no designation of a local agency has been approved by the board.

40131. "Enforcement program" means the regulations and procedures adopted by the board pursuant to Chapter 2 (commencing with Section 43200) of Part 4.

40131.5. "Federal act" means the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.).

40135. "Fund" means the Integrated Waste Management Fund, which is hereby created in the State Treasury. Any reference in this division or any other provision of law to the Solid Waste Management Fund shall mean the Integrated Waste Management Fund.

40135.1. "Account" means the Integrated Waste Management Account created in the fund pursuant to Section 48001.

40140. "Hazard" includes any condition, practice, or procedure which is or may be dangerous, harmful, or perilous to employees, property, neighbors, or the general public.

40141. (a) "Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:

(1) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

(2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(b) Unless expressly provided otherwise, "hazardous waste" includes extremely hazardous waste and acutely hazardous waste.

40148. "Large state facility" means those campuses of the California State University and the California Community Colleges, prisons within the Department of Corrections, facilities of the State Department of Transportation, and facilities of other state agencies, that the board determines, are primary campuses, prisons, or facilities.

40150. "Local governing body" means the legislative body of the city, county, or special district which has authority to provide solid waste handling services.

40151. "Nondisposal facility" means any solid waste facility



required to obtain a permit pursuant to Article 1 (commencing with Section 44001) of Chapter 3 of Part 4, except a disposal facility or a transformation facility.

40160. "Operator" means the person to whom the approval to operate a disposal site, transfer or processing station, or collection system is granted.

40170. "Person" includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

40171. "Pollution" means the condition caused by the presence in or on a body of water, soil, or air of any solid waste or substance derived therefrom in such quantity, of such nature and duration, or under such condition that the quality, appearance, or usefulness of the water, soil, land, or air is significantly degraded or adversely altered.

40172. "Processing" means the reduction, separation, recovery, conversion, or recycling of solid waste.

40180. "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. "Recycling" does not include transformation, as defined in Section 40201.

40181. "Regional agency" means an agency formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code and Article 3 (commencing with Section 40970) of Chapter 1 of Part 2.

40182. "Regional water board" means a California regional water quality control board.

40183. (a) "Rural city" means either of the following:

(1) A city that has a geographic area of less than three square miles, has a current waste disposal rate of less than 100 cubic yards per day, or 60 tons per day, and is located in a rural area.

(2) A city that has a population density of less than 1,500 people per square mile, has a current waste disposal rate of less than 100 cubic yards per day, or 60 tons per day, and is located in a rural area.

(b) Nothing in this section shall affect any reduction granted to a rural city or rural county by the board pursuant to Section 41787

prior to September 1, 1994.

40184. (a) "Rural county" means any county that has a population of 200,000 or less and is located in a rural area.

(b) For the purposes of this section, Section 40183, and subdivision (d) of Section 40973, "rural area" means those counties and cities located in agricultural or mountainous areas of the state and located outside the Department of Finance's Primary Metropolitan Statistical Areas.

(c) Nothing in this section shall affect any reduction granted to a rural city or rural county by the board pursuant to Section 41787 prior to September 1, 1994.

40190. "Segregated from other waste material" means any of the following:

(a) The placement of recyclable materials in separate containers.

(b) The binding of recyclable material separately from the other waste material.

(c) The physical separation of recyclable material from other waste material.

40190.5. "Sharps waste" means waste generated by a household that includes a hypodermic needle, syringe, or lancet.

40191. (a) Except as provided in subdivision (b), "solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

(b) "Solid waste" does not include any of the following wastes:

(1) Hazardous waste, as defined in Section 40141.

(2) Radioactive waste regulated pursuant to the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).

(3) Medical waste regulated pursuant to the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to this division.

40192. (a) Except as provided in subdivisions (b) and (c), "solid waste disposal" or "disposal" means the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state.

(b) Except as provided in Part 2 (commencing with Section 40900), for purposes of Part 2 (commencing with Section 40900), "disposal" means the management of solid waste through landfill disposal or

transformation at a permitted solid waste facility.

(c) For purposes of Chapters 16 (commencing with Section 42800) and 19 (commencing with Section 42950) of Part 3, Part 4 (commencing with Section 43000), Part 5 (commencing with Section 45000), Part 6 (commencing with Section 45030), and Chapter 2 (commencing with Section 47900) of Part 7, "solid waste disposal" or "disposal" means the final deposition of solid wastes onto land.

40193. "Solid waste enterprise" means any individual, partnership, joint venture, unincorporated private organization, or private corporation, which is regularly engaged in the business of providing solid waste handling services.

40194. "Solid waste facility" includes a solid waste transfer or processing station, a composting facility, a gasification facility, a transformation facility, and a disposal facility.

40195. "Solid waste handling" or "handling" means the collection, transportation, storage, transfer, or processing of solid wastes.

40195.1. (a) "Solid waste landfill" means a disposal facility that accepts solid waste for land disposal, but does not include a facility which receives only wastes generated by the facility owner or operator in the extraction, beneficiation, or processing of ores and minerals, or a cemetery which disposes onsite only the grass clippings, floral wastes, or soil resulting from activities on the grounds of that cemetery.

(b) For the purposes of Article 3 (commencing with Section 43500) and Article 4 (commencing with Section 43600) of Chapter 2 of Part 4, "solid waste landfill" does not include a facility which receives only nonhazardous wood waste derived from timber production or wood product manufacturing. For the purposes of the fee imposed by Section 48000, facilities which receive only nonhazardous wood waste derived from timber production or wood product manufacturing shall, notwithstanding Section 48000, pay a quarterly fee to the state board on all solid waste disposed at each disposal site, which does not exceed the amount of the fee due and payable to the state board by those facilities during the 1992 calendar year.

40196. "Source reduction" means any action which causes a net reduction in the generation of solid waste. "Source reduction" includes, but is not limited to, reducing the use of nonrecyclable materials, replacing disposable materials and products with reusable materials and products, reducing packaging, reducing the amount of yard wastes generated, establishing garbage rate structures with incentives to reduce the amount of wastes that generators produce, and increasing the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials. "Source reduction" does not include steps taken after the material becomes solid waste or actions which would impact air or water resources in lieu of land, including, but not limited to, transformation.

40196.3. "State agency" means every state office, department, division, board, commission, or other agency of the state, including the California Community Colleges and the California State University. The Regents of the University of California are encouraged to implement this division.

40196.5. "State board" means the State Board of Equalization.

40197. "State water board" means the State Water Resources Control Board.

40200. (a) "Transfer or processing station" or "station" includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation.

(b) "Transfer or processing station" or "station" does not include any of the following:

(1) A facility, whose principal function is to receive, store, separate, convert, or otherwise process in accordance with state minimum standards, manure.

(2) A facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.

(3) The operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business in accordance with regulations adopted pursuant to Section 43309.

40201. "Transformation" means incineration, pyrolysis, distillation, or biological conversion other than composting. "Transformation" does not include composting, gasification, or biomass conversion.

40900.1. The Legislature hereby further finds and declares all of the following:

(a) It is important to encourage state agencies to plan and implement programs that will reduce the amount of solid waste going to disposal facilities through source reduction, recycling, and composting.

(b) Local agencies, other than a host jurisdiction, and federal agencies should be encouraged to plan and implement programs that will reduce the amount of solid waste going to disposal facilities through source reduction, recycling, and composting.

(c) Each state agency shall, to the extent feasible and within existing budgetary constraints, develop and implement source reduction, recycling, and composting programs that will reduce the amount of solid waste going to disposal facilities. Those programs

shall be consistent with Executive Order W-7-91, which ordered state agencies to establish recycling programs, reduce paper waste, purchase recycled products, and implement measures that minimize the generation of waste.

(d) Local, state, and federal agencies generating solid waste that is sent to a host jurisdiction for disposal should be encouraged to provide the host jurisdiction with information on the amount of solid waste and regarding any solid waste source reduction, recycling, or composting programs that have been implemented by the agency, to assist the host jurisdiction in developing and implementing the planning requirements of this division.

40901. (a) The following shall apply with regard to the preparation, revision, and implementation of source reduction and recycling elements pursuant to this part:

(1) To determine solid waste amounts in the base year and in the first locally adopted source reduction and recycling element, cities, counties, and regional agencies shall quantify all solid waste generated. For the purposes of this requirement, solid waste generated is equal to existing disposal plus existing diversion, unless modification to these amounts is required pursuant to Section 41801.5.

(2) To determine solid waste amounts in subsequent elements, and for the purposes of determining whether the diversion requirements of Section 41780 have been met, cities, counties, and regional agencies shall report the amounts of solid waste disposed of at permitted disposal facilities. For these purposes, cities, counties, and regional agencies are not required to quantify the amounts of solid waste which have been diverted from disposal through recycling or composting, except for diversion which results from recycling and composting programs which are operated or funded by cities, counties, or regional agencies.

(3) For revisions of the documents specified in Sections 41032, 41033, 41050, 41070, 41072, 41200, 41260, 41350, 41352, 41370, 41372, 41400, 41402, and 41460, cities, counties, and regional agencies shall follow the procedures identified in paragraph (2).

(b) Cities and counties which choose to form a regional agency shall not be required to revise source reduction and recycling elements which were complete at the time of the formation of the regional agency. Any revisions which are needed to reflect program and other changes caused by the formation of a regional agency shall be reflected in the revised source reduction and recycling element submitted by the regional agency at the time of the five-year revision.

41950. (a) No person, other than the authorized recycling agent of the city or county, shall remove paper, glass, cardboard, plastic, used motor oil, ferrous metal, aluminum, or other recyclable materials which have been segregated from solid waste materials and placed at a designated recycling collection location for residential curbside collection programs authorized by a city, county, or local agency for the purposes of collection and recycling.

(b) No person shall be subject to an action for a violation of this section, unless the person knows, or reasonably should know,

that the materials would otherwise be collected by the authorized recycling agent for residential curbside collection programs authorized by a city, county, or local agency for the purpose of recycling the materials.

(c) From the time that the recyclable materials specified in subdivision (a) are placed for collection at curbside, for a residential curbside collection program authorized by a city, county, or local agency, the recyclable materials are the property of the authorized recycling agent.

41951. (a) For the purposes of this section, "commercial entity" includes a multifamily residential complex.

(b) Unless otherwise provided by contract, paper, glass, cardboard, plastics, used motor oil, ferrous metal, aluminum, and other recyclable materials, which have been segregated from other waste materials, and placed at the designated recycling collection location by any commercial or industrial entity, shall not be removed by anyone other than the authorized recycling agent.

(c) Unless otherwise provided by contract, from the time that the recyclable materials specified in subdivision (b) are placed at the designated recycling location, the recyclable materials are the property of the authorized recycling agent.

41952. Nothing in this chapter limits the right of any person to donate, sell, or otherwise dispose of his or her recyclable materials.

41953. (a) In any civil action by a recycling agent against a person alleged to have violated Section 41950 or 41951, the court may either allow treble damages, as measured by the market value of the recyclable material removed, or award a civil penalty of not more than two thousand dollars (\$2,000), whichever is greater, for each unauthorized removal, against the unauthorized person removing the recyclable material.

(b) In any civil action by a recycling agent against a person alleged to have violated Section 41950 or 41951 for a second, or subsequent time, in any 12-month period, the court may either allow treble damages, as measured by the market value of the recyclable material removed, or award a civil penalty of not more than five thousand dollars (\$5,000), whichever is greater, for each unauthorized removal against the unauthorized person removing the recyclable material.

41954. Nothing in this article limits the authority of a local agency to adopt or enforce regulations or ordinances on the same matters of this article. However, any ordinance which imposes civil penalties shall be approved by a majority vote of the governing board which has proposed adoption of the ordinance.

41955. If the value of the stolen material is more than fifty dollars (\$50), but less than four hundred dollars (\$400), a violation

of this part may be charged as either a misdemeanor or an infraction. A violation after a second conviction within a 12-month period shall be charged as a misdemeanor punishable pursuant to Section 19 of the Penal Code.

41956. The board may award special enforcement grants to cities or counties to support pilot programs designed to develop and evaluate enforcement techniques to reduce the theft of recyclable materials from commercial, industrial, or other nonresidential establishments.

45005. A person who is operating, or proposes to operate, a solid waste facility, or who is disposing of solid waste in an unauthorized manner, or who owns a solid waste facility and causes or permits the operator to operate the facility (1) in violation of a solid waste facilities permit or in violation of this division, or any regulation adopted pursuant to this division, or (2) without a solid waste facilities permit, or (3) in a manner that causes or threatens to cause a condition of hazard, pollution, or nuisance shall, upon order of the enforcement agency, cease and desist any prohibited activities.

**Title 14 California Code of Regulations****Section 17225. General.**

(a) Unless the context requires another construction, the definitions set forth in this article and in Division 30 of the Public Resources Code shall govern the construction of this Chapter. No definitions which are present in Division 30 of the Public Resources Code are repeated herein. Consequently, those definitions should be read in conjunction with the ones set forth herein.

**Section 17225.1. Abandoned Vehicles.**

"Abandoned Vehicles" include vehicles, with or without motor power, including cars, trucks, trailers, mobile-homes, buses, etc., left on public or private property for an extended period of time and usually in an inoperable or hazardous condition.

**Section 17225.2. Repealed.****Section 17225.3. Agricultural Solid Wastes.**

"Agricultural Solid Wastes" include wastes resulting from the production and processing of farm or agricultural products, including manures, pruning and crop residues wherever produced.

**Section 17225.4. Approval Agency.**

"Approval Agency" includes any agency with regulatory powers regarding solid waste generation, collection, transportation, processing or disposal and includes, but is not limited to the Board, the Department, California Regional Water Quality Control Boards, local air pollution control districts, local enforcement agencies, local health entities and local land use authorities.

**Section 17225.5. Ashes.**

Ashes includes the residue from the combustion of any solid or liquid materials.

**Section 17225.6. Bailing.**

"Bailing" includes the process of compressing and binding solid wastes.

**Section 17225.7 Repealed.****Section 17225.8. Bulky Waste.**

"Bulky Waste" includes large items of solid waste such as appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal collection, processing or disposal methods.

**Section 17225.9. Repealed.****Section 17225.10. Collection.**

"Collection" means the act of collecting solid waste at the place of waste generation by an approved collection agent (public or private) and is distinguished from "removal".

**Section 17225.11. Combustible Refuse.**

"Combustible Refuse" means any burnable refuse.

**Section 17225.12. Commercial Solid Wastes.**

"Commercial Solid Wastes" include all types of solid wastes generated by stores, offices and other commercial sources, excluding residences, and excluding industrial wastes.

**Section 17225.13. Collection Vehicle or Equipment.**

"Collection Vehicle or Equipment" includes any vehicle or equipment used in the collection of residential refuse or commercial solid wastes.

**Section 17225.14. Composting.**

"Composting" includes a controlled microbial degradation of organic wastes yielding a safe and nuisance free product.



**Section 17225.15. Construction and Demolition Wastes.**

"Construction and Demolition Wastes" include the waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

**Section 17225.16. Repealed.****Section 17225.17. Repealed.****Section 17225.18. Dead Animals.**

"Dead Animals" include those animals whose carcasses require disposal.

**Section 17225.19. Repealed.****Section 17225.20. Repealed.****Section 17225.21. Disposal Area.**

"Disposal Area" means that portion of a disposal site which has received or is receiving solid wastes.

**Section 17225.22. Repealed.****Section 17225.23. Repealed.****Section 17225.24. Repealed.****Section 17225.25. EA.**

"EA" means enforcement agency as defined in PRC Section 40130.

**Section 17225.26. Repealed.****Section 17225.27. Repealed.****Section 17225.28. Repealed.****Section 17225.29. Flue.**

"Flue" includes any duct or passage for air, gases, or the like, such as a stack or chimney.

**Section 17225.30. Garbage.**

"Garbage" includes all kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of food stuffs.

**Section 17225.31. Repealed.****Section 17225.32. Hazardous Wastes.**

"Hazardous Wastes" include any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such a waste or Mixture of wastes may cause substantial personal injury, serious illness or harm to humans, domestic animals, or wildlife, during, or as an approximate result of any disposal of such wastes or mixture of wastes as defined in Article 2, Chapter 6.5, Section 25117 of the Health and Safety Code. The terms "toxic", "corrosive", "flammable", "irritant", and "strong sensitizer" shall be given the same meaning as in the California Hazardous Substances Act (Chapter 13 commencing with Section 28740 of Division 21 of the Health and Safety Code).

**Section 17225.33. Incinerator.**

"Incinerator" includes any equipment used for the volume reduction or destruction of combustible wastes by burning, from which the exhaust gases pass through a flue.

**Section 17225.34. Incinerator Residue.**

"Incinerator Residue" includes the solid materials remaining after reduction in an incinerator.

**Section 17225.35. Industrial Wastes.**

"Industrial Wastes" include all types of solid wastes and semi-solid wastes which result from industrial processes and manufacturing operations.

**Section 17225.36. Infectious Wastes.**

"Infectious Wastes" include:

(a) Equipment, instruments, utensils and other fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies;

(b) laboratory wastes, including pathological specimens (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto;

(c) surgical operating room pathologic specimens including recognizable anatomical parts, human tissue, and disposable materials from hospitals, clinics, outpatient areas and emergency rooms, as is also defined in Section 314(d) of the California Administrative Code, Title 17.

**Section 17225.37. Institutional Solid Wastes.**

"Institutional Solid Wastes" include solid wastes originating from educational, health care, correctional, research facilities or other similar facilities.

**Section 17225.38. Repealed.****Section 17225.39. Repealed.****Section 17225.40. Repealed.****Section 17225.41. Liquid Wastes.**

"Liquid Wastes" means waste materials which are not spadeable.

**Section 17225.42. Litter.**

"Litter" means all improperly discarded waste material, including, but not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state, but not including the properly discarded waste of the primary processing of agriculture, mining, logging, sawmilling, or manufacturing.

**Section 17225.43. Local Government.**

"Local Government" is a local public entity which is a county, city, district, or any other special political subdivision, but is not the State.

**Section 17225.44. Non-Combustible Refuse.**

"Non-Combustible Refuse" includes miscellaneous refuse materials that are unburnable at ordinary incinerator temperatures (1300 to 2000 degrees F).

**Section 17225.45. Nuisance.**

"Nuisance" includes anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of annoyance or damage inflicted upon the individual may be unequal and which occurs as a result of the storage, removal, transport, processing or disposal of solid waste.

**Section 17225.46. Repealed.****Section 17225.47. Repealed.****Section 17225.48. Repealed.**

**Section 17225.49. Repealed.****Section 17225.50. Premises.**

"Premises" includes a tract or parcel of land with or without habitable buildings or appurtenant structures.

**Section 17225.51. Repealed.****Section 17225.52. Putrescible Wastes.**

"Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases or other offensive conditions, and include materials such as food wastes, offal and dead animals.

**Section 17225.53. Refuse.**

"Refuse" includes garbage and rubbish.

**Section 17225.54. Repealed.****Section 17225.55. Removal.**

"Removal" means the act of taking solid wastes from the place of waste generation either by an approved collection agent or by a person in control of the premises.

**Section 17225.56. Removal Frequency.**

"Removal Frequency" means frequency of removal of solid wastes from the place of waste generation either by an approved collection agency or by the owner of the waste.

**Section 17225.57. Residential Refuse.**

"Residential Refuse" includes all types Of domestic garbage and rubbish which originate in residential dwellings.

**Section 17225.58. Resource Recovery.**

"Resource Recovery" means the reclamation or salvage of wastes for reuse, conversion to energy or recycling.

**Section 17225.59. Rubbish.**

"Rubbish" includes non-putrescible solid wastes such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, plastics, rubber by-products or litter.

**Section 17225.60. Repealed.****Section 17225.61. Salvaging.**

"Salvaging" means the controlled removal of waste material for utilization.

**Section 17225.62. Repealed.****Section 17225.63. Scavenging.**

"Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

**Section 17225.64. Septic Tank Pumpings.**

"Septic Tank Pumpings" include sludge and wastewater removed from septic tanks.

**Section 17225.65. Sewage Sludge.**

"Sewage Sludge" includes any residue, excluding grit or screenings, removed from a waste water, whether in a dry, semidry or liquid form.

**Section 17225.66. Shredding.**

"Shredding" includes a process of reducing the particle size of solid wastes through use of grinding, shredding, milling or rasping machines.

**Section 17225.67. Sludge.**

"Sludge" includes the accumulated solids and/or semisolids deposited from wastewaters or other fluids.

**Section 17225.68. Small Volume Transfer Station.**

"Small volume Transfer Station" means a transfer station which receives less than 100 cubic yards of waste per operating day. (Also see Transfer/Processing Station.)

**Section 17225.69. Repealed.****Section 17225.70. Solid Waste Management.**

"Solid Waste Management" includes a planned program for effectively controlling the generation, storage, collection, transportation, processing and reuse, conversion or disposal of solid wastes in a safe, sanitary, aesthetically acceptable, environmentally sound and economical manner. It includes all administrative, financial, environmental, legal and planning functions as well as the operational aspects of solid waste handling, disposal and resource recovery systems necessary to achieve established objectives.

**Section 17225.71. Street Refuse.**

"Street Refuse" includes materials picked up by manual or mechanical sweeping of alleys, streets or sidewalks, litter from public litter receptacles and material removed from catch basins.

**Section 17225.72. Repealed.****Section 17225.73. Vector.**

"Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease, or disrupting the normal enjoyment of life by adversely affecting the public health and well being.

**17225.74. Repealed.****Section 17225.710. Applicant.**

"Applicant" means any person seeking a permit to operate a waste tire facility.

**Section 17225.715. Baled Tires.**

"Baled Tires" means either whole or altered waste tires that have been compressed and then secured with a binding material for the purpose of reducing their volume. Baled tires are waste tires as defined in PRC Section 42801.6, until fully enclosed or encapsulated in an engineered construction project for which all required local, state, and/or federal government approvals have been obtained. "Baling" in reference to waste tires means action which produces baled tires.

**Section 17225.717. Collection.**

Waste tires are considered in the "collection" process when they are temporarily placed in fully enclosed, licensed road transportable containers that are not stored at a permitted waste tire facility or a facility identified in Section 18420(a). The requirements of Article 5.5 of this Chapter and Chapter 6, with the exception of Article 8.5, Chapter 6, shall not apply to "collection" as long as the following conditions are met:

- (1) Containers shall be kept closed except while loading and unloading.
- (2) Containers shall be kept locked when not being loaded or unloaded unless unauthorized access is controlled pursuant to section 17352 of this Article.
- (3) All waste tire deliveries shall be manifested in accordance with Article 8.5 of this Chapter.
- (4) For the purpose of this section "temporarily" shall mean less than 90 days.

**17225.720. Crumb Rubber.**

Crumb rubber means rubber granules derived from waste tires that are less than or equal to one-quarter (1/4) inch (6mm) in size. "Crumbing" in reference to waste tires means action which produces crumb rubber.

**Section 17225.725. Design.**

"Design" means the layout of a waste tire facility (including the numbers and types of fixed structures), total volumetric capacity of a waste tire facility or total throughput rate, vehicular traffic flow and patterns surrounding

and within the facility, proposed contouring, and other factors that may be considered a part of the facility's physical configuration.

**Section 17225.750. Operation.**

"Operation" means the procedures, personnel, and equipment used to receive, store, process, or dispose of waste tires.

**Section 17225.755. Operator.**

"Operator" means the person legally responsible for the operation of a waste tire facility or the owner if there is no operator.

**Section 17225.760. Owner.**

"Owner" means a person who owns, in whole or in part, a waste tire facility, the waste tires located at a facility, or the land on which a waste tire facility is located.

**Section 17225.770. Passenger Tire Equivalents (PTE).**

"Passenger Tire Equivalents" means the total weight of altered waste tires, in pounds divided by 20 pounds. This definition replaces the previous definition of "Tire Equivalents."

**Section 17225.795. Store.**

"Store" means to reserve tires for future use, processing, recycling, or offsite disposal.

**Section 17225.800. Substantial Change.**

For the purpose of PRC section 42812, "Substantial Change" means any change that may cause a significant effect on the environment. Significant effect on the environment shall have the same meaning as provided in the State California Environmental Quality Act (CEQA) Guidelines. The determination of significant effect shall be made in accordance with section 15064 if the State CEQA Guidelines (Title 14 of the California Code of Regulations).

**Section 17225.820. Used Tire Dealer.**

"Used Tire Dealer" means a business, operating under the terms and conditions of a local use permit, business license or other required local approval, which is storing used tires in accordance with PRC section 42806.5, and for which its primary purpose is to sell used tires for profit.

**Section 17388. Definitions.**

For the purposes of this Article, the following definitions shall apply. Additional definitions that apply to this Article are found at California Code of Regulations (CCR), Title 14, Division 7, Chapter 3, Article 6, sections 17402 and 17402.5, and Article 4, section 17225 and Title 27, Division 2, Chapter 2, Articles 1, and 2.

(a) "C&D" means construction and demolition, as in the term "C&D waste".

(b) "CDI" means any combination of construction and demolition waste and inert debris.

(c) "Construction and Demolition Waste" or "C&D Waste" means the nonhazardous waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

(d) "CDI Waste Disposal Facility" means a facility at which C&D waste, C&D waste together with inert debris (Type A or B) or inert debris (Type B) only is disposed.

(e) "Disposal" means the final deposition of C&D waste or inert debris onto land.

(f) "EA" means enforcement agency as defined in PRC section 40130.

(g) "Engineered Fill Activity" means fill that has been designed by an engineer to act as a structural element of a constructed work and has been placed under engineering inspection, usually with density testing. An engineered fill activity shall meet specifications prepared and certified for a specific project by a Civil Engineer, Certified Engineering Geologist, or similar professional licensed by the State of California, and includes requirements for placement, geometry, material, compaction and quality control.

(h) "Fill" means gravel, rock, soil, sand, uncontaminated concrete, or fully cured asphalt in conjunction with a construction project or grading.

(i) "Fully Cured Asphalt" means that the material must be at ambient temperature, be substantially hardened and be inelastic.

(j) "Grading" means any land excavation, filling, earth moving or combination thereof.

(k) "Inert Debris" means solid waste and recyclable materials that are source separated or separated for reuse and do not contain hazardous waste (as defined in CCR, Title 22, section 66261.3 et. seq.) or soluble pollutants at concentrations in excess of applicable water quality. Inert debris may not contain any putrescible wastes. Gravel, rock, soil, sand and similar materials, whether processed or not, that have never been used in connection with any structure, development, grading or other similar human purpose, or that are uncontaminated, are not inert debris. Such materials may be commingled with inert debris.

(1) "Type A inert debris" includes but is not limited to concrete (including fiberglass or steel reinforcing bar embedded in the concrete), fully cured asphalt, crushed glass, fiberglass, asphalt or fiberglass roofing shingles, brick, slag, ceramics, plaster, clay and clay products. Type A inert debris is waste that does not contain soluble pollutants at concentrations in excess of water quality objectives and has not been treated in order to reduce pollutants. The board, upon consultation with the State Water Resources Control Board, will determine on a case by case basis whether materials not listed in this subdivision qualify as Type A inert debris. The board and the State Water Resources Control Board may consider statewide and site-specific factors in making this determination.

(2) "Type B inert debris" is solid waste that is specifically determined to be inert by the applicable RWQCB, such as treated industrial wastes and de-watered bentonite-based drilling mud, but excluding Type A inert debris.

(l) "Inert Debris Engineered Fill Operation" means an activity exceeding one year in duration in which only the following inert debris may be used: fully cured asphalt, uncontaminated concrete (including steel reinforcing rods embedded in the concrete), crushed glass, brick, ceramics, clay and clay products, which may be mixed with rock and soil. Those materials are spread on land in lifts and compacted under controlled conditions to achieve a uniform and dense mass which is capable of supporting structural loading, as necessary, or supporting other uses such as recreation, agriculture and open space in order to provide land that is appropriate for an end use consistent with approved local general and specific plans (e.g., roads, building sites, or other improvements) where an engineered fill is required to facilitate productive use(s) of the land. Filling above the surrounding grade shall only be allowed upon the approval of all governmental agencies having jurisdiction. The engineered fill shall be constructed and compacted in accordance with all applicable laws and ordinances and in accordance with specifications prepared and certified at least annually by a Civil Engineer, Certified Engineering Geologist, or similar professional licensed by the State of California and maintained in the operating record of the operation. The operator shall also certify under penalty of perjury, at least annually, that only approved inert debris has been placed as engineered fill, and specifying the amount of inert debris placed as fill. These determinations may be made by reviewing the records of an operation or by on-site inspection. Certification documents shall be maintained in the operating records of the operation and shall be made available to the EA during normal business hours. Acceptance of other Type A inert debris or shredded tires pursuant to Waste Discharge Requirements prior to the effective date of this Article does not preclude an activity from being deemed an inert debris engineered fill operation, provided that the operation meets all the requirements of this Article once it takes effect. Where such materials have been deposited, the operator must specify in the operation plan the type of waste previously accepted, a diagram of the fill area, and estimations of the depth of the fill material previously accepted. Inert debris placed in an Inert Debris Engineered Fill Operation is not counted as diversion or disposal for a given jurisdiction.

(m) "Inert Debris Type A Disposal Facility" means a site where only Type A inert debris is disposed to land. Inert debris Type A disposal facilities do not include inert debris engineered fill operations.

(n) "Landslide Debris", for the purpose of this Article, means the soil or rock or other natural material deposited on roadways, bridge decks, flood control facilities, or other structures resulting from a naturally-occurring mass movement of earth or rocks from a mountain, hill, cliff or road cut.

(o) "Operating Record" means a readily accessible collection of records of an operation's or facility's activities in compliance with required State Minimum Standards under Title 14 and Title 27. The operating record shall include the operation plan for inert debris engineered fill operations, or the disposal facility plan or disposal facility report for facilities, and shall contain, but is not limited to: agency approvals, tonnage and load checking records, hours of operation, owner/operator contacts, and personnel training history. The record may be reviewed by State and local authorities and shall be made available during normal business hours. The records may be maintained at any location that is easily accessible to the EA.

(p) "Putrescible Wastes" means solid wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(q) "RDSI" means Report of Disposal Site Information as described in CCR, Title 27, section 21600.

(r) "RWQCB" means Regional Water Quality Control Board.

(s) "Separated for Reuse" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing of those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been "source separated".

(t) "Site" means the area where the handling of solid waste, and/or recyclable materials occurs at an operation or facility subject to this Article.

(u) "Solid waste" means the same as in PRC section 40191.

(v) "Source Separated" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

(w) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease.

**Section 17388.1. Regulatory Tiers Placement for CDI Waste and Inert Debris Disposal Operations and Facilities.**

**Construction & Demolition and Inert Debris Tier Placement**

Excluded Operations Tier Section 17388.2	EA Notification	Registration	Full Solid Waste Facility Permit
Inert Debris Engineered Fill activity which concludes within one year	Inert Debris Engineered Fill Operations Section 17388.3	Inert Debris Type A Disposal Facility Section 17388.4	CDI Waste Disposal Facility Section 17388.5
Removal and disposal of landslide debris			
Removal and disposal of sediment accumulated within irrigation or flood control facilities			
Road building, road repair, etc.			
Clean closed CDI waste disposal facilities			

DISPOSAL

**Section 17388.2. Excluded Activities.**

(a) The following disposal activities do not constitute C&D waste or inert debris operations or facilities for the purpose of this Article and are not required to meet the requirements set forth herein:

(1) Any use (e.g., grading) of gravel, rock, soil, sand and similar, whether processed or not, that has never been used in connection with any structure, road, parking lot, or similar use.

(2) Engineered fill activities which have local permits as required, and are carried out in conjunction with a construction project (e.g., building and other construction, bridge and roadway work, development of pathways or riding trails, etc.), and which use uncontaminated concrete and/or fully cured asphalt which has been reduced in particle size to 2" or less as part of a recycling activity and concludes within two years from commencement.

(3) Inert debris engineered fill activities which conclude within one year of commencement and that meet all requirements of section 17388.3 of this Article, except subsections (b) inspections, (c) Plan, (d) State Minimum Standards, (g) final cover, and submittal of EA Notification.

(4) Removal and disposal of landslide debris containing no C&D waste by Federal, State and local government public works agencies and their contractors, provided that the material removed from such sites is disposed in accordance with applicable law.

(5) Removal and disposal of sediment which has accumulated within irrigation or flood control facilities and which contains no solid waste, by Federal, State and local government public works agencies and their contractors, provided that the material removed from such sites is disposed or otherwise handled in accordance with applicable laws.

(6) The use of fully cured asphalt, uncontaminated concrete (including steel reinforcing rods embedded in the concrete), crushed glass, brick, ceramics, clay and clay products, which may be mixed with rock and soil, in connection with road building, road repair, airport runway construction, bridge and roadway work, levee work, flood control work, and all associated activities by Federal, State and local government public works agencies and their contractors.

(7) Existing C&D waste or inert debris disposal sites from which all waste and debris have been removed (clean closure) within one year after February 24, 2004, provided that the material removed from the sites is disposed in accordance with applicable law. The board may extend the time for clean closure by up to one year upon the applicant's showing of good cause for such an extension.

(b) Nothing in this section precludes the EA or the board from inspecting an excluded activity to verify that the activity is being conducted in manner that qualifies as an excluded activity, or from taking any appropriate enforcement action, including the use of a Notice and Order. The burden of proof shall be on the owner or operator to demonstrate that the activity is excluded pursuant to this section.

**Section 17388.3. Inert Debris Engineered Fill Operations.**

Inert debris engineered fill operations shall submit EA Notifications, as set forth in CCR, Title 14, Section 18100 et seq. and shall comply with all applicable RWQCB waste discharge requirements.

(a) Each operator of an inert debris engineered fill operation shall submit a copy of its waste discharge requirements or a letter of exemption from the applicable RWQCB to the EA together with its notification of intent to operate.

(b) Inert debris engineered fill operations shall be inspected as necessary by the EA to verify compliance with State Minimum Standards. Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less than annual.

(c) Each operator of an inert debris engineered fill operation shall file an "Operation Plan" (as specified in this Article, Section 17390) with the EA together with its notification of intent to operate. The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in CCR, Title 14, Section 18101.



(d) All inert debris engineered fill operations shall comply with the State Minimum Standards set forth in Title 27 CCR, Division 2, Chapter 3.0, Subchapter 4, Article 1 (Operating Criteria), Article 3 (Handling, Equipment and Maintenance), and Article 4 (Controls) (except sections 20515, 20640, 20880, and 20890).

(e) By March 1 of each year, the operator shall report to the EA and the board the total amount of inert debris deposited during the previous year. However, the operator is not subject to the disposal reporting record requirements of Title 14 CCR, Division 7, Chapter 9, Article 9.2 or the disposal fee specified in Public Resources Code Section 48000 and Revenue and Taxation Code Section 45151.

(f) All inert debris engineered fill operations, upon completion of cessation of fill activities for more than one year and upon any transfer of any part of the land subject to the operation prior to completion of fill activities, shall comply with the requirements in Title 27, subsections 21170(a)(1, 2 and, if applicable, 3).

(g) Upon the final placement of waste at the site, the operator shall cover the site of fill with three feet of compacted soil above the fill area or with other final cover as determined by the EA. The EA may determine, on the basis of substantial evidence, that a lesser amount of final cover or no final cover is needed, based on potential impacts to the public health, safety and the environment.

(h) If an inert debris engineered fill operation exceeds any combination of the following requirements three (3) or more times within any two (2) year period which the EA determines constitutes a violation of this Article, the facility no longer qualifies for an EA Notification under this section. Upon the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for an EA Notification, and the operator must within 30 days apply for a Full Permit as if it were a CDI Waste Disposal Facility pursuant to Section 17388.5. In addition, the EA shall issue a cease and desist order pursuant to Section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate. The requirements to which this subdivision applies are:

(1) Disposal of any wastes not authorized by subsection 17388(l);

(2) Failure to comply with the requirements for certification by an engineer specified in subsection 17388(l);

(3) Failure to comply with requirements for operator certification of materials disposed in the fill as required by subsection 17388(l).

(i) Inert debris engineered fill operations are not required to meet the notification requirements of this Article if the operation is occurring at a disposal facility that has a full solid waste facilities permit and the permit authorizes the activity either through a specific condition in the permit or as described and approved in the Report of Disposal Site Information

#### **Section 17388.4. Inert Debris Type A Disposal Facilities.**

Inert debris Type A disposal facilities shall obtain Registration Permits and shall comply with the Registration Permit requirements as set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing at Section 18100), with the following requirements set out in CCR, Title 27, Division 2, Chapter 4, Subchapter 3, Article 2 (commencing at Section 21570) in the same manner as if they were municipal solid waste landfills, CCR, Title 14, Division 7, Chapter 9, and with all RWQCB waste discharge requirements.

(a) Each operator of an inert debris Type A disposal facility shall submit a copy of its waste discharge requirements or a letter of exemption from the applicable RWQCB to the EA together with its application for a Registration Permit.

(b) Inert debris Type A disposal facilities shall be inspected monthly by the EA in accordance with Public Resources Code Section 43218.

(c) Each operator shall file with the EA, together with its application for a solid waste facilities permit, a Disposal Facility Plan (as more fully described in CCR, Title 14, Division 7, Chapter 5, Article 3.2, Section 18223.6).

(d) Each operator must comply with the closure and postclosure maintenance requirements of Title 27, CCR, Division 2, Subchapter 5, Article 2 (commencing with Section 21099).

(e) Each operator must comply with the financial assurance requirements for closure and postclosure maintenance, operating liability and corrective action set forth in Title 27 CCR, Division 2, Chapter 6 (commencing at Section 22200).

(f) The EA shall comply with the Enforcement Agency Requirements of Title 27 CCR, Division 2, Chapter 4, Subchapter 3, Article 3, commencing with Section 21650.

(g) Inert debris Type A disposal facilities shall maintain disposal reporting records and comply with the requirements set forth in Title 14 CCR, Division 7, Chapter 9, Article 9.2 (Disposal Reporting System), commencing at Section 18800.

(h) Inert debris Type A disposal facilities shall comply with the State Minimum Standards set forth in Title 27 CCR, Division 2, Chapter 3.0, Subchapter 4, Articles 1 (Operating Criteria), Article 3 (Handling, Equipment and Maintenance), and Article 4 (Controls) (except Sections 20880 and 20890).

(i) Each operator shall determine the weight of all material received at the facility for disposal and shall maintain records of the weight of materials as required herein. Until February 24, 2005, weight of material shall be determined by a conversion factor authorized by the EA for each waste type received. After that date, weight shall be determined by the use of scales, which may be located at the operation or off-site. Notwithstanding, operations in a rural city or rural county, as defined in Public Resources Code Sections 40183 and 40184, and operations that will cease activities within three years from February 24, 2004, as reflected in their Operation Plan may determine the weight of materials received by use of conversion factors authorized by the EA for each waste type or combination thereof received. Evidence of the accuracy of the conversion factors shall be provided to the EA annually.

(j) If an inert debris Type A disposal facility accepts for disposal any waste not authorized by, or pursuant to, Subsection 17388(k)(1) three (3) or more times within any two (2) year period which the EA determines constitutes a violation of this Article, the facility no longer qualifies for a Registration Permit under this Section. Upon the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for a Registration Permit, and the operator must within 30 days apply for a Full Solid Waste Facilities Permit as if it were a CDI Waste Disposal Facility pursuant to Section 17388.5. In addition, the EA shall issue a cease and desist order pursuant to Section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate.

#### **Section 17388.5. CDI Waste Disposal Facilities.**

CDI waste disposal facilities shall obtain full solid waste facilities permits and shall comply with all requirements promulgated by the board as set forth in CCR, Title 27, Division 2 in the same manner as if they were municipal solid waste landfill units.

(a) CDI waste disposal facilities shall maintain disposal reporting records and shall comply with the requirements set forth in Title 14 CCR, Division 7, Chapter 9, Article 9.2 (Disposal Reporting System), commencing at section 18800.

(b) Each operator shall determine the weight of all material received at the facility for disposal and shall maintain records of the weight of materials as required herein. Until February 24, 2005, weight of material shall be determined by a conversion factor authorized by the EA for each waste type received. After that date, weight shall be determined by the use of scales, which may be located at the operation or off-site. Notwithstanding, operations in a rural city or rural county, as defined in Public Resources Code Sections 40183 and 40184, and operations that will cease activities within three years from February 24, 2004, as reflected in their Operations Plan may determine the weight of materials received by use of conversion factors authorized by the EA for each waste type or combination thereof received. Evidence of the accuracy of the conversion factors shall be provided to the EA annually.

**17402. Definitions.**

(a) For the purposes of these Articles:

(1) "Contact Water" means water that has come in contact with waste and may include leachate.

(2) "Covered Container" means a container that is covered to prevent the migration of litter from the container, excessive infiltration of precipitation, odor and leachate production, and to prevent access by animals and people; thereby controlling litter, scavenging, and illegal dumping of prohibited wastes. Covers may include, but are not limited to, tarpaulins or similar materials.

(3) "Direct Transfer Facility" means a transfer facility that receives equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste per operating day but less than 150 tons of solid waste and meets all of the following requirements:

(A) is located on the premises of a duly licensed solid waste hauling operator;

(B) only handles solid waste that has been placed within covered containers or vehicles prior to entering the facility and that is transported in vehicles owned or leased by that same operator;

(C) the facility does not handle, separate, or otherwise process the solid waste;

(D) no waste is stored at the facility for more than any 8-hour period;

(E) solid waste is transferred only once and directly from one covered container or vehicle to another covered container or vehicle so that the waste is never put on the ground or outside the confines of a container or vehicle, before, during, or after transfer. Direct transfer would not include top loading trailers where the solid waste actually leaves the confines of the collection vehicle and is suspended in air before falling into a transfer vehicle;

(F) all of the contents of the original transferring container or vehicle must be emptied during a single transfer; and

(G) any waste that may unintentionally fall outside of the containers or vehicles, is promptly cleaned up and replaced within the container or vehicle to which it was being transferred.

(4) "DTSC" means Department of Toxic Substances Control.

(5) "EA" means enforcement agency as defined in PRC section 40130.

(6) "Emergency Transfer/Processing Operation" means an operation that is established because there has been a proclamation of a state of emergency or local emergency, as provided in Title 14, Division 7, Chapter 3, Article 3, sections 17210.1 (j) and (k) and which meets all of the following requirements:

(A) the operation handles only disaster debris and other wastes, in accordance with section 17210.1(d), during the disaster debris recovery phase; and

(B) the location does not currently have a solid waste facility permit;

(C) if the operation accepts, processes, or stores hazardous or household hazardous waste, then these activities must be in compliance with DTSC standards or standards of other appropriate authorities or agencies.

(7) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq. and is required to be managed.

(8) "Large Volume Transfer/Processing Facility" means a facility that receives 100 tons or more of solid waste per operating day for the purpose of storing, handling or processing the waste prior to transferring the waste to another solid waste operation or facility.

(A) In determining the tonnage of solid waste received by the facility, the following materials shall not be included: materials received by a recycling center located within the facility, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.

(B) If the facility does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

(9) "Limited Volume Transfer Operation" means an operation that receives less than 60 cubic yards, or 15 tons of solid waste per operating day for the purpose of storing the waste prior to transferring the waste to another solid waste operation or facility and which does not conduct processing activities, but may conduct limited salvaging activities and volume reduction by the operator.

(A) In determining the tonnage of solid waste received by the operation, the following materials shall not be included: materials received by a recycling center located within the operation, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.

(B) If the operation does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

(10) "Litter" means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

(11) "Medium Volume Transfer/Processing Facility" means a facility that receives equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste per operating day but less than 100 tons of solid waste, for the purpose of storing or handling the waste prior to transferring the waste to another solid waste operation or facility; or a facility that receives any amount of solid waste, up to 100 tons per operating day, for the purpose of processing solid waste prior to transferring the waste to another solid waste operation or facility.

(A) In determining the tonnage of solid waste received by the facility, the following materials shall not be included: materials received by a recycling center located within the facility, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.

(B) If the facility does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

(12) "Nuisance" includes anything which:

(A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and

(B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.

(13) "On-site" means located within the boundary of the operation or facility.

(14) "Open burning" means the combustion of solid waste without:

(A) control of combustion air to maintain adequate temperature for efficient combustion,

(B) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and

(C) control of the emission of the combustion products.

(15) "Operating day" means the hours of operation as set forth in the application, Enforcement Agency Notification and/or permit not exceeding 24 hours.

(16) "Operating Record" means an easily accessible collection of records of an operation's or facility's activities and compliance with required state minimum standards under Title 14. The Record may include the Facility Plan or Transfer/Processing Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and loadchecking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.

(17) "Operations Area" means:

(A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:

(i) equipment management area, including cleaning, maintenance, and storage areas; and

(ii) material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.

(B) the boundary of the operations area is the same as the permitted boundary but may or may not be the same as the property boundary.

(18) "Operator" means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification, is legally responsible for all of the following:

(A) complying with regulatory requirements set forth in these Articles;

(B) complying with all applicable federal, state and local requirements;

(C) the design, construction, and physical operation of the operations area;

(D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.

(19) "Owner" means the person or persons who own, in whole or in part, an operation or facility, and/or the land on which it is located.

(20) "Processing" means the controlled separation, recovery, volume reduction, conversion, or recycling of solid waste including, but not limited to, organized, manual, automated, or mechanical sorting, the use of vehicles for spreading of waste for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines or volume reduction equipment. Recycling Center is more specifically defined in section 17402.5 (d) of this Article.

(21) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(22) "Regulated Hazardous Waste" means a hazardous waste, as defined in section 66260.10 of Division 4.5 of Title 22.

(23) "RWQCB" means the Regional Water Quality Control Board.

(24) "Salvaging" means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to transfer activities.

(25) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

(26) "Sealed Container Transfer Operation" means a transfer operation that meets the following requirements:

(A) handles only solid waste that has previously been placed within containers that have either a latched, hard top or other impermeable cover which is closed tightly enough to:

(1) prevent liquid from infiltrating into or leaking out of the container; and

(2) prevent the propagation and migration of vectors; and,

(i) the solid waste remains within the unopened containers at all times while on-site; and,

(ii) the containers are not stored on-site for more than 96 hours.

Sealed container transfer operations do not include operations excluded by Public Resources Code section 40200(b)(3).

(27) "Special Waste" includes but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.

(B) waste tires and appliances requiring CFC removal.

(28) "Spotter" means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.

(29) "Store" means to stockpile or accumulate for later use.

(30) "Transfer/Processing Facility" or "Facility" includes:

(A) those activities governed by the Registration Permit tier or Full Solid Waste Facility Permit requirements (as specified in sections 17403.6 and 17403.7); and,

(B) which:

1. receive, handle, separate, convert or otherwise process materials in solid waste; and/or

2. transfer solid waste directly from one container to another or from one vehicle to another for transport; and/or

3. store solid waste;

(C) The receipt of separated for reuse material pursuant to Public Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within a solid waste facility does not constitute solid waste handling, or processing, if there is a defined physical barrier to separate recycling activities defined in Public Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, from the solid waste activities, or where the recycling and solid waste activities are considered by the EA as separate operations.

(D) "Transfer/Processing Facilities" do not include activities specifically defined in section 17402.5(c) of this Article, and operations and facilities that are subject to regulations in Chapter 3.1 (commencing with section 17850).

(31) "Transfer/Processing Operation" or "Operation" includes:

(A) those activities governed by the EA Notification tier requirements; and,

(B) which:

1. receive, handle, separate, convert or otherwise process materials in solid waste; and/or
2. transfer solid waste directly from one container to another or from one vehicle to another for transport; and/or
3. store solid waste;

(C) The receipt of separated for reuse material pursuant to Public Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within a solid waste operation does not constitute solid waste handling, or processing, if there is a defined physical barrier to separate recycling activities defined in Public Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, from the solid waste activities, or where the recycling and solid waste activities are considered by the EA as separate operations.

(D) "Transfer/Processing Operations" do not include activities specifically defined in section 17402.5(c) of this Article, and operations and facilities that are subject to regulations in Chapter 3.1 (commencing with section 17850).

(32) "Volume Reduction" means techniques such as: compaction, shredding, and baling.

(33) "Waste Hauling Yard Operation" is an operation that meets the following requirements:

(A) is located on the premises of a duly licensed solid waste hauling operator, who receives, stores, or transfers waste as an activity incidental to the conduct of a refuse collection and disposal business, and;

(B) handles only solid waste that has been placed within a covered container before the container arrives at the waste hauling yard, and;

(C) no more than 90 cubic yards of waste is stored on-site in covered containers at any time, and;

(D) the solid waste remains within the original covered containers while on-site at any times, and;

(E) the covered containers are not stored on-site for more than any 72 hour period;

(F) if the EA has information that the operation does not meet these requirements, the burden of proof shall be on the owner or operator to demonstrate that the requirements are being met.

**17402.5. Definitions and Related Provisions Regarding Activities That Are Not Subject to the Transfer/Processing Regulatory Requirements.**

(a) This section sets forth definitions and related provisions regarding activities that are not subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(1) Activities that are not in compliance with the applicable definitions and related provisions of this section shall be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(2) The definitions and related provisions of this section are for use only to determine the applicability of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(b) The following general definitions may apply to one or more of the activities that are more specifically defined in subdivisions (c) and (d) of this section.

(1) "Residual" means the solid waste destined for disposal, further transfer/processing as defined in section 17402(a)(30) or (31) of this Article, or transformation which remains after processing has taken place and is calculated in percent as the weight of residual divided by the total incoming weight of materials.

(2) "Reuse" means the use, in the same, or similar, form as it was produced, of a material which might otherwise be discarded.

(3) "Separated for Reuse" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been "source separated".

(4) "Source Separated" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

(c) Activities included in one of the following definitions are not subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter, provided that these activities do not include the acceptance of solid waste which has not been separated for reuse. If an activity defined in this section is accepting solid waste which has not been separated for reuse, it must meet the requirements of subdivision (d) of this section or else it shall be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(1) "Auto Dismantler" means a person or business entity engaged in the business of buying, selling, or dealing in vehicles including nonrepairable vehicles, for the purpose of dismantling the vehicles, buying or selling the integral parts and component materials thereof, in whole or in part, or dealing in used motor vehicle parts pursuant to California Vehicle Code, section 220.

(2) "Auto Shredder" or "Metal Shredder" means a person or business entity that accepts scrap metal, typically automobiles and white goods, and mechanically rends that scrap metal into fist sized bits and pieces and separates the ferrous metals, nonferrous metals and other materials for the purpose of recycling.

(3) "Buy Back Center" means a person or business entity engaging in those activities defined in Public Resources Code Sections 14518, or 14520.

(4) "Drop-off Center" means a person or business entity engaging in those activities defined in Public Resources Code Section 14511.7.

(5) "Manufacturer" means a person or business entity that uses new or separated for reuse materials as a raw material in making a finished product that is distinct from those raw materials.

(6) "Regional Produce Distribution Center" means a distribution center that receives unsold produce (sometimes referred to as "pre-consumer") back from stores to which it originally sent the produce, for the purpose of transferring this produce to a compost operation or facility, or to a beneficial use. A regional produce distribution center would not include a site where produce is processed.

(7) "Rendering Plant" means a person or business entity where dead animals or any part or portion thereof, vegetable oils, or packing house refuse, are processed for the purpose of obtaining the hide, skin, grease residue, or any other byproduct whatsoever.

(8) "Reuse Salvage Operation" means a person or business entity which sterilizes, dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and that recovers for recycling or reuse distinct material types that have not been commingled with other materials before they enter the waste stream. Examples of this activity include, but are not limited to, wire choppers, and dismantlers of furniture and mattresses, and "brown goods" such as computer equipment, VCRs, and televisions.



(9) "Scrap Metal Recyclers and Dealers" means a person or business entity including all employees of the person or business entity, (except automotive recyclers and auto shredders as defined in this section), whose primary business is the purchasing; processing by shredding, shearing, baling, and torching; trading, bartering or otherwise receiving secondhand or castoff metal material which includes ferrous metals, nonferrous metals, aluminum scrap, auto bodies, major appliances and other metals, including containers that are regulated pursuant to Public Resources Code Sections 14511.7, 14518 or 14520.

(10) "Wire Chopper" means a person or business entity which uses source separated metal components or wire for the purpose of recycling or reuse.

(11) "Wood, Paper or Wood Product Manufacturer" means a person or business entity that uses separated for reuse paper or woody materials in order to produce a finished product able to be used as is, or to manufacture another product such as, boxes or boards, without further processing.

(d) A "Recycling Center" means a person or business entity that meets the requirements of this subdivision. A recycling center shall not be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(1) A recycling center shall only receive material that has been separated for reuse prior to receipt.

(2) The residual amount of solid waste in the separated for reuse material shall be less than 10% of the amount of separated for reuse material received by weight.

(A) The residual amount is calculated by measuring the outgoing tonnage after separated for reuse materials have been removed.

(B) The residual amount is calculated on a monthly basis based on the number of operating days.

(3) The amount of putrescible wastes in the separated for reuse material shall be less than 1% of the amount of separated for reuse material received by weight, and the putrescible wastes in the separated for reuse material shall not cause a nuisance, as determined by the EA.

(A) The amount of putrescible wastes is calculated in percent as the weight of putrescible wastes divided by the total incoming weight of separated for reuse material.

(B) The amount of putrescible wastes is calculated on a monthly basis based on the number of operating days.

(4) The only separation that may occur at the recycling center is the sorting of materials that have been separated for reuse prior to receipt.

(5) The recycling center may include an adjustment in the calculation to include the weight of water in the residual, when the use of water is essential to the sorting or processing of the material, provided that such an adjustment is also made in the weight of materials received for processing.

(6) The following materials shall not be included in calculating residual as set forth in subdivision (d)(2) of this section, if the recycling activities are separated from the material handling activities noted below by a defined physical barrier or where the activities are otherwise separated in a manner that the EA determines will keep the materials from being commingled:

(A) materials received at an on-site Buy Back Center;

(B) materials received at an on-site Drop-off Center;

(C) cannery waste;

(D) construction and demolition materials;

(E) nonhazardous contaminated soil;

- (F) grease-trap pumpings;
- (G) nonhazardous asbestos;
- (H) nonhazardous ash;
- (I) compost and compost feedstock;
- (J) sewage sludge;
- (K) tires.

(7) If the EA has information that material that is being received is not separated for reuse or source separated, that the residual is 10% or more of the total per month, or that the amount of putrescible wastes is 1% or more of the total per month, the burden of proof shall be on the owner or operator to demonstrate otherwise.

(A) A business that accepts loads of material that are not separated for reuse or source separated does not qualify as a recycling center.

(B) If the EA has reason to believe that a business is accepting material that is not separated for reuse or source separated due to averaging or combining of those loads with other loads of separated for reuse material, the burden of proof will be on the business to demonstrate that it is not accepting loads of mixed solid waste.

(C) If the EA has reason to believe that a business is accepting material that is not separated for reuse or source separated due to the separation of portions of the material at consecutive sites, each of which removes less than 10% residual, the burden of proof will be on the business to demonstrate that it is not accepting loads of mixed solid waste.

(D) If the EA determines that a business has exhibited a pattern and practice of failing to comply with the provisions of this subsection, the EA may issue a Notice and Order requiring the business to obtain a Registration Permit or Full Permit or comply with the Enforcement Agency Notification requirements as made applicable in sections 17403 through 17403.7 of this Article.

(E) At the time that the EA requires a recycling center to provide evidence that it is in compliance with this subdivision, the EA shall provide the recycling center with a written description of the information that has caused the EA to believe that the recycling center is not in compliance. Nothing in this requirement is intended to require the EA to identify the name or other identifying information regarding any individual(s) who have complained about the recycling center.

(F) Nothing in this section precludes the enforcement agency or the board from the following: inspecting a business to verify that it is conducted in a manner that meets the provisions of this subsection; or, from taking any appropriate enforcement action, including the use of a Notice and Order as provided in Section 18304.

(8) Operations which do not meet the 10% residual percentage in subdivision (d)(2) of this section but which qualify as a Limited Volume Transfer Operation, shall comply with the requirements of section 17403.3 within one month of March 5, 1999.

(9) recycling center operators may voluntarily report their residual percentage to the EA and the CIWMB using form CIWMB 607 (located in Appendix A).

(10) If the EA determines that a person or business entity purporting to operate a recycling center is not in compliance with this subsection and issues an enforcement order, that person or business entity may appeal that order in accordance with Public Resources Code section 44307.

(e) If a Chipping and Grinding Operation or Facility, as defined in section 17852(a)(10) of this Division, handles material that fails to meet the definition of green material due to contamination as set forth in section

17852(a)(21) of this Division, the operation or facility shall not be considered to be a recycling center as set forth in subsections (c) or (d) of section 17402.5

**Imperial County Codified Ordinance****91012.07 Noxious, noisome and nauseous nuisances.**

No person shall place, deposit, dump or allow to be placed, deposited, or dumped, the carcass of any dead animal, animal offal, trash, rubbish, contents of any cesspool, septic tank, chemical toilet, water closet, sewer or sewage effluent excrement, urine, slop, water, barn or dairy waste, market refuse, garbage, rubbish, cans, trash or any noxious, noisome nauseous or putrid animal or vegetable matter upon the surface of the ground on any premises, lot or in any building basement or any public street, or place, or into any standing water, excavation, canal, drainage ditch other than at sites or places approved and designated by the county health officer. Any person who violates this section is guilty of a misdemeanor.

**91012.8 Disposal of dead stock.**

Every person who owns, controls, possesses or uses any real property in the unincorporated territory of the county and every person who owns, controls possesses or runs livestock, shall within twenty four (24) hours of the death of any livestock upon such premises, dispose of the same by delivery of its carcass to a rendering plant or by burial thereof below two feet of soil. Any person having the duty to dispose of dead livestock in the manner prescribed who willfully fails or neglects to do so is guilty of a misdemeanor.

**91012.09 Unlawful accumulations of waste.**

Every person who causes or permits to be accumulated on public or private property the carcasses of dead animal, offal, trash, rubbish, garbage, swill, cans, bottles, papers, ashes, refuse, contents of any cesspool, septic tank chemical toilet, water closet, sewer or sewage effluent, excrement, urine, market refuse, slope water, barn or dairy waste or any putrid animal or vegetable matter which supports the life of flies, mosquitoes or other verminous vectors of public health is guilty of a misdemeanor.

**TABLE OF CONTENTS****ILLEGAL DUMPING ENFORCEMENT TASK FORCE RECOMMENDATIONS**

<u>Number</u>	<u>Issue</u>	<u>Page</u>
1	Large product advance disposal fees	3
2	Waste tire redemption provisions	5
3	Statewide local agency clean and lien authority	7
4	Review of Farm and Ranch Grant application process	8
5	Cooperative funding of projects and grants	9
6	Combining parts of grants for local projects	11
7	Expansion of cleanup grants to other property owners	12
8	Coordination of state illegal dumping education programs	13
9	Enhancement of illegal dumping enforcement training	14
10	State coordination of local programs	16
11	Local disposal vouchers	17
12	Authority for local environmental trust funds	18
13	Standards of enforcement and prosecution	19
14	Refuse hauler service provider local permit program	20
15	Cradle to grave ownership of disposed materials	22
16	State funding of local enforcement programs	23
17	Guidelines for local enforcement	24
18	Statewide vehicle impoundment authority	25
19	Mandatory refuse collection	26
20	State provision of surveillance equipment	27
21	Illegal street vendors	28
22	Waste containers at redemption facilities	29
23	Hours of operation of solid waste facilities	30
24	State level illegal dumping coordination authority	31

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**

1. CSAC Illegal Dumping Survey, California State Association of Counties, updated October 6, 2006
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