

DRAFT - Minutes

**CALRECYCLE ILLEGAL DUMPING TECHNICAL ADVISORY COMMITTEE MEETING**

Wednesday, November 6, 2019 – 10 a.m. - 3:00 p.m.

Host: City of San Jose Environmental Services Department

Environmental Innovation Center

1608 Las Plumas Ave., San José, CA

**I. Call to Order**

Chairman Larry Sweetser called the meeting to order at 10:05 AM

**II. Introduction of Members and Guests**

Members Attending

Larry Sweetser, ESJPA  
Veronica Prado, CRRRC (call)  
Kathy Lynch, CRRRC (call)  
Russell Joyce, City San Jose Env. Svs Dept  
Rob Hutsel, SD River Park Foundation (call)  
Christine Flowers, KCB (call)  
Mark de Bie, CalRecycle  
Tedd Ward, Del Norte SWA (call)  
Mark Patti, Mattress Recycling Council (call)  
Patrick Holland & Steve Melewski,  
CEAC/LA Co PW (call)  
Frank Foster, City Oakland PW (call)  
Bill Prinz, CCDEH/City of San Diego  
Nick Lapis, Californians Against Waste (call)

Members Absent

Larry Notheis, CCC  
Matt Carr, CDAA  
Nick Cronenwett, CSAC  
Doug Kobold/Heidi Sanborn, CPSC  
Maria Ferdin, Monterey Co IDTAC  
Gary Harris, City LA Code Enf  
Representative, Public Member  
Dave Sikich, Waste Mgt Ind./Atlas  
Trent Manning, Cal Trans  
Jason Rhine, League of CA Cities  
Chris Lehon, Sac Regional WMA  
Representative, CHMIA  
Eva Mann/Kevin Tisdell, City Richmond CE

Others Attending

Sharon Anderson, CalRecycle  
Jim Stone, San Joaquin County PW (conf call)  
Jaimie Huynh, CalRecycle

Others Attending

Stephanie Becker, CalRecycle (conf call)  
Steve Santa Croce, CalRecycle (conf call)  
Grace Smith, City of Stockton SW (conf call)

**III. Welcome Remarks and Program Information – City of San José**

The City of San José provided an overview of the Environmental Innovation Center's (EIC) ReStore facility, illegal dumping program, and the City's enforcement process.

**A. Environmental Innovation Center**

Shikha Gupta explained the history of the EIC. The ReStore location, formerly a wax paper facility, was purchased by the City of San José in the 1970s. Initially meant to serve as a household hazardous waste collection site, it now provides multiple purposes as the Environmental Innovation Center. The Center includes subleased startups such as Habitat for Humanity and the ReStore – a secondhand treasure and re-use store.

**B. Illegal Dumping Cleanup Program**

Ed Ramirez presented information on the cleanup program. The City uses MySanJose app

and website to report illegal dumping: see <https://www.sanjoseca.gov/your-government/departments-offices/customer-service/my-san-jose>. The complete program costs approximately \$2M for cleanup and enforcement staff and includes surveillance cameras, the application itself, and administrative costs. The application, done mostly in-house with help from a third-party vendor, has resulted in approximately 20K incidents reported annually. The program proactively led to identification of 15 high report areas that are assigned to three maintenance staff. Overall the response time ranges from five to seven days with staff visiting those areas on the same day every week. Their protocol involves responding to reported incidents first, then general monitoring starting with main thoroughfares, then hot spots, then alleyways, then smaller streets. The Downtown Business District has their own maintenance staff and communicates with the City's team for larger pickups.

### **C. Illegal Dumping Enforcement**

Russell Joyce presented information on the Enforcement Program. In 2012, the city authorized hauling of illegal dumped loads through contracts and franchised haulers. In 2015, the City added high fines for illegal dumping; \$2500 for first violation, \$5000 for second, and \$10,000 for third (yet to pursue a third violation). The program receives complaints from multiple sources such as residents, businesses, surveillance, and city staff. Over a 12-month period, the program investigated 400 complaints, issued 200 notices and 35 citations. Residents and business have become familiar with how to submit a complaint and the staff leave "how to report Illegal Dumping" cards and information every time they stop to address a complaint.

Mr. Joyce further explained that getting evidence is still the most difficult part since they usually don't issue a citation if there's just a piece of mail in the pile. The program has an appeal process including a hardship appeal if the party cannot afford to pay the fine. Cases needing further attention go through the hearing officer approximately 6 times per year.

The program is funded through residential, commercial, multi-family (33-33-33) franchise fees; and as needed, the program may utilize general fund dollars. The staff in this program are considered environmental inspectors, that can be considered code enforcement, but they are only authorized to enforce the health and safety part of the ordinance. Staff training includes normal HAZWOPER training (a type of hazardous materials recognition and response type training), CPR (Cardiopulmonary Resuscitation), safety training, but no need to be REHS (Registered Environmental Health Specialist). The program does bring law enforcement in when necessary.

Anecdotal information on enforcement: If the suspected illegal dumper is a junk hauler, then it's harder to track if they are not under the franchise hauler contract. Enforcement is considered case-by-base, and if it's commercial waste, it becomes more obvious for enforcement.

Frank Foster mentioned that Alameda County is interested in something to deal with non-franchise hauler registration but awaiting the outcome of proposed legislation.

The City of Oakland utilizes a “Bulky block party” in specific high report areas that allows residents to dump non-hazardous waste on the last Saturday of every month. The program commenced in 2018 and allows for people moving in/out in the end of the month. The City has seen some success in reduction of illegal dumping in these areas.

#### **IV. Approval of May 22, 2019 Meeting Minutes**

The Committee approved the minutes of the May 22, 2019 meeting in San Diego with amendments provided.

#### **V. Old Business/Updates**

##### **A. Legislative and Regulation Updates**

Larry Sweetser cued up legislative (AB - Assembly Bill and SB - Senate Bill) and regulatory activities that could impact/increase illegal dumping.

- SB 409, a two-year bill would amend penal code 374.3 to add language clarifying lawful/unlawful in terms of what can be dumped in private/public property. Changes to fines include: \$500-\$1000 first violation, \$1000-\$2500 second violation, and so forth.
- SB 1383 regulatory development continues. Concerns remain regarding Illegal dumping and illegal disposal if the proper infrastructure lags behind implementation. Also, concerns about potential rate increases due to need to cover costs of new infrastructure.

Please see the following weblink for information

<https://www.calrecycle.ca.gov/Laws/Rulemaking/SLCP/>

- AB 901 implementation of Recycling and Disposal Reporting System (RDRS) has begun. Haulers started reporting this month, landfills will be the last to start reporting. Nick Lapis raised a concern about the potential of illegal land application of materials by haulers trying to avoid the system. The data system tracks materials handled by haulers and could help prevent or reduce illegal land application of materials. Mark de Bie mentioned that CalRecycle will increase outreach after staff found a lower number of haulers registering than anticipated. Further, CalRecycle staff will conduct enforcement to make sure registration and reporting occurs. For more information about the RDRS please see the following weblink

<https://www.calrecycle.ca.gov/SWFacilities/RDRReporting/>

- SB 212 sets up an Extended Producer Responsibility (EPR) program for household pharmaceuticals and sharps, and regulations will be effective in 2021. The program will require safe and convenient collection and disposal options and require mail-back containers (includes homeless) for sharps. Household hazardous waste facilities are also proposed to include drop-off options. Anecdotal information – always be aware of sharps in illegal dumping cleanups. Further, there was concern about the number of mail-back containers versus having kiosks.

For more information see CalRecycle’s weblink about the rulemaking

<https://www.calrecycle.ca.gov/laws/rulemaking/pharmasharps>

For information about pharmaceutical and sharps product stewardship, please see

CalRecycle’s weblink <https://www.calrecycle.ca.gov/epr/pharmasharps/>

- SB 54 Single Use Plastics is suspended but would have looked at “most littered”. Current language includes food packaging.
- CA Beverage Container Recycling and Litter Reduction Act has been proposed and would allow CalRecycle to develop methods to reduce plastics. There might include a fee to help fund SB 1383 compliance, infrastructure and general implementation. Although nothing specific was included to help decrease illegal dumping, improvements to the infrastructure could yield results. Information about the existing Beverage Container Recycling Act is located at the following CalRecycle webpage <https://www.calrecycle.ca.gov/BevContainer/>
- Discussion ensued about overall data needs and consistency in illegal dumping quantification of materials by type. Kathy Lynch mentioned that National Oceanic and Atmospheric Administration has litter data, and IDTAC could also see the State Water Resources Control Board’s trash policies. San Jose details all items found in piles from hazardous waste to bulky items and so forth. However, the IDTAC noted that various cleanup groups identify trash differently and it’s difficult to compare materials throughout the state since no universal list exists. The San Diego River Park Foundation tracks volume, and compares with hauling weight, but they do not characterize all that is collected. They instead categorize material by source such as dumping, encampments, home waste, hazardous waste and so forth.
- The IDTAC also reviewed issues with disaster related wastes being illegally disposed; the Water Board released disaster related waste policies to make it easier for landfills to accept disaster debris. Jurisdictions had a separate waiver process and now will have a more universal waiver.

**B. Cleanup Grants - Steve Santa Croce/Stephanie Becker**

Steve Santa Croce, CalRecycle, presented information on [Illegal disposal site abatement grants](#) and the [Legacy disposal site abatement partial grant program](#) (weblinks embedded) Illegal Disposal Site Abatement Grant key points for 2019/20 FY:

- Availability of Illegal Disposal Site Abatement grant program cycle and application information would be posted in November with due dates for fiscal year (FY) 2019–20 of February 17, 2020 and June 24, 2020.
- Steve Santa Croce reviewed the Legacy Disposal Site Grant program and announced that those grants will follow a similar timeline to the disposal site cleanup grants.

It was mentioned that during one of CalRecycle’s monthly meetings, it would be important to highlight a grantee to show the possibilities of what the grant could help provide. As such, the City of Richmond was slated to present for December meeting.

Contact Steve Santa Croce [steve.santacroce@calrecycle.ca.gov](mailto:steve.santacroce@calrecycle.ca.gov) for any questions on the grant process

Farm and Ranch Grant

Stephanie Becker, CalRecycle, presented information on the [Farm and Ranch Cleanup and abatement program](#)

- Provides funding to clean up California’s rural lands, farmland, forest lands, and urban gardens
- Eligible applicants: cities, counties, resource conservation districts (RCD), federal tribes
- Awards are posted for farm and ranch grants for cycle 67, and four grants were announced at December CalRecycle Monthly Meeting as follows:
  - Contra Costa Resource Conservation District, \$19,567
  - LA County \$130,383
  - SJ County \$100,000
  - Sutter County Conservation District \$49,664
- The next round of grant applications will be due on February 6, 2020

Stephanie also mentioned that a formal regulation review process will begin in 2020. Additionally, Ms. Becker will speak at a Resource Conservation District event about the Farm and Ranch Cleanup Grant program.

Stephanie Becker is available to do presentations, and encourages interested parties to sign up on the listserv for updates – see the following for all listservs managed by CalRecycle <https://www2.calrecycle.ca.gov/Listservs/>

**C. Discussion/Nominations/Vote of IDTAC Chair**

Mr. Sweetser suggested setting up a more formal method to appoint new Chairs of the committee such as nominations, consider adding a vice-chair and/or conducting a vote.

**D. Discussion of Membership and Meeting Frequency**

- The Committee members discussed whether the IDTAC membership should include other parties such as Resource Conservation Districts (Ms. Becker will reach out to RCDs at their November Conference), additional code enforcement entities, law enforcement or retired law enforcement, actual district attorney representative, environmental prosecutors, railroad representation, additional participation from CalTrans.
- The committee also unanimously approved Tracie Glaves as the general public representative due to her involvement with local authorities to combat illegal dumping as well as developing a pilot program for keeping homeless encampments cleaned.

**VI. Presentation/Discussions**

**A. Recap of MRC’s Illegal Dumping Workshop in Oakland**

- Mark Patti reviewed the Mattress Recycling Council’s October 23, 2019 workshop held in Oakland, CA. The workshop included representation from homeless advocates, code enforcement, CalRecycle, non-profit environmental groups, public works, environmental management, law enforcement and so forth.
- The goal of workshop was hear ideas about the major causes of illegal dumping throughout the state and develop strategies to combat this problem. As such, Gigantic Idea Studio will report out on the exercises and data and MRC will share information

from the workshop most likely in their annual report.

- The most popular imagined solution was coined “Uber Trash, Dump Dash”; however, franchise haulers noted that some areas would not be serviced due to agreements and limited service areas or tonnages.
- Overall, an on-demand service to pick up wastes seemed the best solution if the public became aware of that option once enacted.
- The IDTAC discussed including decision-makers for jurisdictions in subsequent workshops of this type, and/or include CSAC (California State Association of Counties) or League of Cities.

## **B. IDTAC Workplan**

### **1. Discuss gaps in current toolbox for workplan assignment:**

The IDTAC recommended several improvements for CalRecycle’s online Illegal Dumping Resource Toolbox. Key ideas included keeping each page current, fix broken links, add a part on purpose, include an input box for suggestions and/or method to reach coordination staff, and reduce wordiness by possibly using a story board layout.

#### Specific topic input as follows:

*Prevention:* Include case studies, fix link to USEPA’s prevention guide [fixed], add programs and solutions from other states

*Abatement:* Include case studies for abatement

*Enforcement:* Include more case studies and processes that address enforcement. Include surveillance under enforcement with specific details on costs, where to locate cameras, types of cameras. Russell Joyce volunteered to investigate this topic.

*Cleanup:* include training for cleanups that has narrative and photos.

*Outreach:* provide specific examples on conducting outreach across all topics including outreach when conducting cleanups, especially at encampments. Toolbox needs examples of actual flyers used. Provide key tips on using social media and the benefits.

*Homeless Encampment Resource Guide:* Many agencies use this guide when navigating homeless encampment issues. The IDTAC would like to see more data on encampments, include information on property types and what is allowed (private vs. public). It was noted that some jurisdictions would make exemptions for certain where encampments would be allowed. San Joaquin County has some procedures approved by the board of supervisors on process and criteria. Jim Stone volunteered to provide this information. Other issues regarding homeless encampments involved how to proceed when camps are located on open landfills. Would the Local Solid Waste Enforcement Agency inspect more routinely to prevent that activity if not allowed in the permit? Would it require a citation for site security? Other examples of that issue were discussed and the IDTAC indicated the topic would be a good case study and determine what special tools would be applied to that scenario such as prevention versus enforcement.

### **2. Identify workgroups, discuss and develop the following:**

- a. Strategy(s) – for cleanup, prevention, education and reporting, case studies:

- i. Case study of cleanup involving UPRR and San José
  - ii. Private Sponsorships – how to navigate use for cleanups
  - iii. Utilizing news and other media – how-to guides, and determining whether to highlight good and/or bad behavior
- b. Outreach – use regional approach; involve schools through competition (example of Keep California Beautiful); develop anti-dumping mentality; gamify cleanups “Litteratti” style; identify roles of public, agency, community involvement; identify resources such as apps and physical outreach material. Ted Ward volunteered to tackle this topic.
- c. Standards (and data) – abatement of illegal dumping needs to occur ahead of normally scheduled bulky pickups
- d. Enforcement Tools – strategy needed to help property owner when cleanup exceeds value of property

**C. Discuss Development of Training Standards for Illegal Dumping Cleanups**

The Chair presented ideas for periodic training and/or development of technical guidance for managing illegal dumping cleanups. Succession planning is a critical component across all organizations. Types of training that could be included: HAZWHOPER, emergency cleanup scenarios, general guidance for Local Conservation Corps.

**VII. New Business**

**A. Additional Items/Updates**

Topics for April 2020 IDTAC meeting include, but not limited to, Case Studies, MRC update(s), and further discussion of training.

**B. Next Meeting – Spring 2020**

~~April 8, 2020 in Long Beach to coincide with CalRecycle’s Technical Training Series~~  
~~Teleconference details TBD (SA Edit on 3/17/2020)~~

**Date TBD (SA Edit on 4/2/2020)**

Conference Call-In Number – (877) 918-5788

Participant Code - 299056