

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Environmental Resources

BOARD AGENDA # B-12

Urgent

Routine

AGENDA DATE May 20, 2008

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Consideration of the Illegal Dumping Status Report and Approval of the Continuation of Illegal Dumping Abatement Activities and the Residential Bulky Item Collection Program

STAFF RECOMMENDATIONS:

1. Accept the Illegal Dumping Status Report.
2. Approve the continuation of illegal dumping abatement activities.
3. Authorize the continuation of the Residential Bulky Item Collection program in the unincorporated areas of Stanislaus County, through July 31, 2009, at a cost of \$0.55 per household per month.

FISCAL IMPACT:

The Department of Environmental Resources Fink Road Landfill Enterprise Fund expends over \$318,000 per year in contractual services with the Sheriff's Department to have inmate crews collect garbage on County roads and for the funding of two deputies for enforcement activities as follows: \$90,476 for a Custodial Deputy who supervises an inmate work crew, and \$228,072 for two Sheriff Deputies that are trash investigators that look for identifying information that may result in convictions. In addition, the Department of Environmental Resources expends \$71,192 a year to operate a Bulky Item Collection Program in the City of Oakdale. (continued on next page)

BOARD ACTION AS FOLLOWS:

No. 2008-365

On motion of Supervisor O'Brien, Seconded by Supervisor Grover  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, DeMartini and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

ATTEST:

Christine Ferraro  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

**FISCAL IMPACT (Continued)**

The Redevelopment Agency budgeted \$40,000 this year for community clean-ups in redevelopment areas. Also, through the Paradise South Weed and Seed Partnership Program that is funded by the Department of Criminal Justice, \$15,000 is made available for the West Modesto area in support of this program. The total cost of these programs is \$444,740. With the changes that are being made in the trash investigator program described herein, the revised total cost for that program for Fiscal Year 2008-2009 is estimated to be \$213,212.

**DISCUSSION:**

Illegal dumping and littering continues to be a significant problem in Stanislaus County. During the period of April 1, 2007, through March 31, 2008, inmate work crews that are supervised by a Sheriff's Deputy and Department of Environmental Resources (DER) Landfill personnel utilizing a "knuckle-boom" truck, picked up over 858 tons of trash from 1,609 locations. This trash can include hazardous materials, electronics, bulky items, tires and drug lab waste. Many of these materials have the potential to contaminate the environment and harm residents. Controlling illegal dumping and littering is critical to the health and safety of the community.

A task force including representatives from the Departments of Public Works, Planning and Community Development and Environmental Resources, Sheriff, District Attorney and the Chief Executive Office was formed to address illegal dumping activities. A presentation on illegal dumping and its effect on the community was made to the Board of Supervisors on May 22, 2007. At that time, the Board accepted the illegal dumping status report and approved the continuation of illegal dumping abatement activities. This report provides an update on the implementation of these activities that address the issue of illegal dumping.

**Programs:**

**1. Inmate Work Crews & Landfill Staff Rubbish Pick-Up**

During this review period, the Sheriff's Department has continued to supervise an inmate refuse pick-up crew and reports that they receive 10-15 calls per week currently which is down from 25-30 per week one year ago. In addition to the inmate crew, DER landfill staff utilized a "knuckle-boom" truck to collect the large items that are difficult for inmate crews to handle. The Department is also in the process of purchasing a second knuckle-boom truck which will enhance our clean-up abilities and provide a back-up vehicle for this program.

From April 1, 2007, through March 31, 2008, the inmate work crew together with the Landfill knuckle-boom truck responded to 1,609 locations and picked up 858 tons of refuse, plus 85 TV/monitors, 74 small appliances, 49 washers, 73 refrigerators, 30 stoves and 14 air conditioning units. The average number of days from the time an illegal dump is reported to when it is cleaned up has been reduced from 57 days (one year ago) to 0-3 days currently on average. In comparison, in the prior six-month period from October 2006 through March 2007,

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inmate crews responded to 999 locations and picked up 471 tons of refuse, plus 183 TVs/monitors, 61 washers, 56 refrigerators, 27 stoves and eight (8) air conditioning units. In summary, illegal dumping still took place at a large number of locations this past year, but because the turn-around time has improved so dramatically, the total volume of refuse cleaned up has gone down. The County also experienced a smaller number of illegally dumped TVs/monitors (the program for which is described below).

County staff ascertains from past experience that garbage, if not cleaned up quickly, attracts more garbage. Looking over the historical numbers for the illegal dumping clean-up program, a promising trend in the number of dumping locations may be emerging, as follows:

<b>2006 Illegal Dumping Locations</b>	<b>2007 Illegal Dumping Locations</b>	<b>2008 Illegal Dumping Locations</b>
1 <sup>st</sup> Quarter – 457	1 <sup>st</sup> Quarter - 487	1 <sup>st</sup> Quarter – 402
2 <sup>nd</sup> Quarter – 325	2 <sup>nd</sup> Quarter - 402	(Not yet available)
3 <sup>rd</sup> Quarter – 289	3 <sup>rd</sup> Quarter - 398	(Not yet available)
4 <sup>th</sup> Quarter - 512	4 <sup>th</sup> Quarter - 400	(Not yet available)
<b>TOTAL: 1,673</b>	<b>TOTAL: 1,689</b>	<b>TOTAL:(Extrapolated would be approx. 1,600)</b>

If this trend continues, the number of illegal dumping locations will be fewer this year as compared to the last two, given that the first quarter of the year tends to be high according to the historical average.

**2. Enforcement Activities**

For the past few years, DER (and formerly the Department of Public Works) has paid the cost of two Sheriff's deputies so as to have staff that are dedicated to catching and convicting those responsible for illegal dumping activities. The difficulty has been in the cost-benefit aspect of this program. Specifically, the cost of these two deputies has run \$228,072 annually although the conviction rate has been five or fewer cases per year. Given this, the collective departments of Environmental Resources and the Sheriff have agreed to discontinue this program effective July 1, 2008.

**3. Surveillance Operations**

Over this reporting period, surveillance equipment was purchased and used on a trial basis but without success. Problems were experienced with proper camera angles when placed at heights that would prevent them from being stolen or vandalized. Since this time, the effectiveness of this program has been re-evaluated and the Sheriff's Department has decided to discontinue this type of surveillance operation.

#### **4. Tires**

Tires still represent one of the largest volumes of illegally dumped solid waste in the County. For the twelve-month period of April 1, 2007, through March 31, 2008, roadside clean-up crews picked up 5,611 tires. Over just a six-month timeframe during the last update to the Board, this compares to 3,028 tires (October 2006 through March 2007). As with the number of illegal dumping locations and the tonnage associated with them, this too appears to be a promising trend. If this continues, it would represent a noticeable reduction as well.

Stanislaus County receives a grant that funds one employee to perform inspections of the tire facilities in the unincorporated areas of the County and eight of the nine cities (the City of Modesto operates their own program). At the time that the County applied for the initial grant, the California Integrated Waste Management Board (CIWMB) had 395 facilities listed in inventory for the County. Currently the Department has 510 facilities in inventory. DER began inspections in August 2006, and completed 424 inspections between April 2007 and March 2008. In addition, six (6) Notices of Violation have been issued and three (3) cases have been referred to the CIWMB for orders to clean their property.

On February 12, 2008, DER took an item to the Board requesting approval to apply for, accept and administer a Waste Tire Clean-up and Amnesty Event Grant from the CIWMB. The Department together with the cities of Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford applied for this competitive grant to implement a regional Waste Tire Clean-up and Amnesty program. This State program operates on a Fiscal Year that runs July 1 through June 30<sup>th</sup> of each year so notifications regarding successful grant applicants are expected at any time.

#### **5. Mandatory Garbage Collection**

Since April 2007, route audits conducted within the four (4) franchise areas identified 374 addresses that had not signed up for refuse collection service. As a result of the audit, participation was increased by 188 addresses or approximately 50%. For the remaining non-subscribers, these violations are combined with other pending Code Enforcement cases for abatement action whenever possible. Where this is not possible because these are stand-alone violations, these cases will begin being referred to the Nuisance Abatement Hearing Board as a new step in attempting to correct this type of non-compliance.

#### **6. Oakdale Drop-Off/Bulky Item Program(s)**

DER has continued to operate the bulky item collection site in Oakdale on Fridays and Saturdays. There is a charge of \$10.00 per load. This program allows any resident with garbage service to bring their bulky items to the collection center.

Between April 2007 and March 2008, the collection center had 1,064 customers, which averaged about 10-11 customers per day or 20-21 per week. Ninety eight (98) percent of the customers

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were from the cities of Riverbank and Oakdale and the majority of the remainder were from the cities of Modesto and Waterford. The total tonnage collected over this period was 215 tons.

DER also held several rotational bulky item collection events in the unincorporated communities during 2006 and 2007, but this program has been replaced by a pilot residential bulky item collection program operated by the franchise refuse haulers. Since the inception of this program in August 2007, there have been 757 participants within the unincorporated areas and approximately 242 tons collected.

Multiple newspaper ads were run in September and October of 2007 in the following local papers: Modesto Bee, El Sol, Turlock Journal, Ceres Courier, The West Side Index, Patterson Irrigator, Oakdale Leader and the Riverbank News. In the same period, the Department direct-mailed a brochure describing the program to all residents of the unincorporated County. Presentations were made by staff to all of the local Municipal Advisory Councils and Community Service Districts. Brochures were also distributed at a number of special events and the Department's website was also updated to include this information.

Currently, residents can call their franchise company twice per year to have bulky items picked up in front of their residence. For this service, County residents in the unincorporated areas are paying \$1.50 per month. Staff's evaluation of participation during the first eight (8) months of this program, shows that the average cost per household per month has been approximately \$0.55.

Department staff are recommending that the program be continued through July 31, 2009, at the reduced cost of \$0.55 per household per month, or approximately one-third of the cost that was originally estimated. This additional year of service would allow the program to be adequately evaluated. If the Board approves this recommendation, the program would be continued as part of the 2008-2009 garbage collection rate adjustments which will be considered in July 2008, and staff will bring a final recommendation to the Board during its illegal dumping update in the spring of 2009.

The following is a summary of other local programs that are also aimed at curbing illegal dumping. For comparison purposes, of particular interest are the costs to operate other Bulky Item Programs:

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Cities	Bulky-Item Programs	Community Clean-ups	Alley Clean-Ups	Tire Amnesty/Recycling	Estimated Cost/House/Month
Modesto	X	X	X	X	Down from \$0.95 to 0.50
Oakdale	X				Not yet available
Ceres	X	X			\$1.32
Patterson	X	X			Not yet available
Riverbank		X	X		
Newman		X			
Hughson		X			
Turlock		X			
Waterford	X	X	X		

**7. Neighborhood Clean-Up Days**

The Community Clean-Up Program is sponsored by the Stanislaus County Redevelopment Agency and DER with additional funding from the Community Development Block Grant Program. The program consists of community clean-up events and a clean-up voucher system. According to community need and funding regulations, large dumpsters or bins are placed in neighborhoods with the assistance of community volunteers. Community clean-up days allow residents to bring their garbage to large dumpsters stationed at a central location in a targeted neighborhood and dispose of their garbage at no cost. Clean-up events are held in partnership with community groups on Saturdays during the hours of 7 a.m. to 2 p.m.

The Community Clean-Up Program has had six (6) events during the twelve-month period of April 2007 through March 2008. In the month of June, the Agency conducted a clean-up event in the Parklawn/Olympic Tract community in the area of Midway and Dover Avenues. During the month of October, a clean-up event was held in the area of the Bret Harte neighborhood in the vicinity of Glenn and Lassen Avenues. Both of these events in the South Modesto area were coordinated in partnership with local church groups. The third clean-up event was held in the Airport Neighborhood on the corner of Empire Avenue and Tioga Drive. The Airport Clean-up event was a partnership with the City of Modesto, Airport Neighbors United and several church groups in the community. A fourth community clean-up was conducted at Tuolumne Elementary School on the corner of Sonora Avenue and Herndon Road. Two community clean-ups were conducted in the Paradise South Weed and Seed Partnership area, one on Robertson Road and the other on Leon Avenue.

A total of 261 tons of garbage and over 3,000 tires was disposed of and \$38,951 was spent in the operation of this program. This program is intended to assist in eliminating health and safety issues and cannot be used for maintenance of a neighborhood as specified by funding regulations.

## **8. Hazardous Waste Collection Events**

The Household Hazardous Waste (HHW) Facility is located at 1716 Morgan Road and is open on Fridays and Saturdays, except major holidays, from 9 a.m. to 1 p.m. In addition to the permanent collection facility, DER operated fifteen (15), two-day mobile household hazardous waste collection events between April 2007 and March 2008. Mobile collection events were not conducted during the months of November, December and January because of low participation. During this twelve-month reporting period, 455,979 pounds of HHW was collected. For the coming year, thirteen (13) two-day events, two single-day events and one special event at Earth Day is planned for a total of sixteen (16) events.

## **9. Electronic Waste Disposal Program**

The Electronic Waste (E-waste) Collection Program is also operated by DER at the 1716 Morgan Road location. Consistent with the HHW facility, it is open on Fridays and Saturdays as well, excluding major holidays, from 9 a.m. to 1 p.m. From April 2007 through March 2008, the facility collected 223,640 pounds of E-waste. No special collection events were held solely for E-waste this past year although E-waste was accepted during some of the Neighborhood Clean-Up events, the poundage of which is included above.

The Department is currently evaluating the feasibility of a mobile E-waste collection operation which is one of the Board's Expected Outcomes for Fiscal Year 2008-2009. The start-up costs of this program are estimated as follows: staffing costs of \$217,600 (one full-time Hazardous Materials Specialist plus temporary labor at mobile events), \$13,000 in additional advertising and \$33,050 for a pick-up to tow an existing trailer plus miscellaneous equipment, for a total cost of \$263,650. This cost would be off-set by the cost of recyclables sold which is estimated to be \$44,880 for a final implementation cost of \$218,770. It should also be noted that both HHW and E-waste collection may be incorporated into the recycling/transfer station operations that are currently being evaluated for both Geer and Fink Road Landfills. Given the cost to implement a mobile E-waste Program, DER staff is not recommending it at this time.

## **10. Signs**

A total of 48 signs were installed by the Department of Public Works approximately one year ago in six (6) areas that had historically seen high levels of illegal dumping. There has been a decreased level of illegal dumping at these locations. There has also been minimal vandalism and/or theft involving the signs themselves. Of the 48 original signs, 44 are currently in place.

## **11. Recent Legislative Actions**

In 2007, the following laws regarding illegal dumping became effective:

- Assembly Bill (AB) 2253 added Section 23112.7 to the Vehicle Code allowing a court to impound a vehicle used in illegal dumping under very limited circumstances.

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- Section 830.7 of the Penal Code was amended to give illegal dumping enforcement officers the powers of arrest.
- AB 1992 made a number of changes to the Health and Safety Code including allowing an inspector or illegal dumping enforcement officer to enforce dumping laws, increased the fines for illegal dumping, and expanded the circumstances for which a reward would be given for information leading to an arrest regarding illegal dumping.

The following laws regarding illegal dumping became effective this year:

- SB 340 (Ackerman), amended Section 11105 of the Penal Code to allow illegal dumping enforcement officers the ability to acquire criminal history reports.
- AB 679 (Benoit), amended Section 1202.51 of the Penal Code to require courts to impose a fine in the amount of \$100 for an infraction and \$200 for a misdemeanor for littering and illegal dumping.
- AB1048 (Richardson), amended various sections of the Health and Safety Code and Penal Code to provide that illegal dumping enforcement officers shall enforce provisions of law relating to solid waste disposal and to allow illegal dumping enforcement officers the ability to acquire criminal history reports.

The following bills are currently before the legislature:

- AB1751 (Fuentes), would repeal the current pilot program and instead authorize a local entity to impound a vehicle for 30 days when the vehicle is involved in illegal dumping of commercial quantities of waste.
- AB 1931 (Silva), would include in the definition of Peace Officer, a part time or volunteer illegal dumping enforcement officer.
- AB 2245 (Soto), would allow an illegal dumping enforcement officer to carry a baton upon successful completion of a training course.
- AB 2695 (Niello), would amend various sections of the Public Resources Code relating to solid waste to provide that the act does not limit the power of local entities to abate the effects of illegal dumping, to allow local entities that have established an illegal dumping enforcement agency to enforce provisions of the act to include investigation of illegal dumping activities, and allows for loans and grants to public agencies and non-profit organization to fund illegal dumping enforcement programs.

To expand upon AB 2695 further, it came about as an outgrowth of the CIWMB statewide task force on illegal dumping. In the bill's current form, the provision for CIWMB to establish a grant and loan program for public and nonprofit organizations to fund local, regional or statewide illegal dumping enforcement programs would fill a significant gap that exists between the type of clean-up activities that can be funded at the local level and those that are so large in scope that they extend beyond the capabilities of local government agencies.

This issue is one that is consistent with the Board's current legislative platform and staff are working with the County's Public Information Officer on developing a letter of support for the bill along with a white paper to assist in briefing the Board.



## **12. Incentive Program**

On January 29, 2007, an incentive program was implemented. This program allows dumping of waste at the landfill to be free if the individual dumping picks up and brings with him/her one or more illegally dumped item of a significant nature. Currently, DER has one to two people per month take advantage of the program and an affidavit (voucher) must be arranged for in advance either through the Code Enforcement or Landfill Division.

## **13. Adopt-a-Road**

During this reporting period, the Department of Public Works implemented an Adopt-a-Road program. An application package explaining the program has been developed and is available. To date, one organization, a Radio Flyers Club, has partnered with Public Works to help keep our roadways clean, however, no outreach efforts have been conducted.

## **14. Education**

In conjunction with the Board of Supervisors and the California Department of Conservation, Recycling Division, DER published the 2008 Recycling Calendar as a result of a poster contest involving 34 schools, grades K-8, in the unincorporated area.

In addition, the number of requests for the recycling/litter presentations at various schools continues to grow. Specifically, in Fiscal Year 2006-2007, seventeen (17) recycling/litter presentations were made at eight (8) different schools with approximately 1,010 students in attendance. Between July 2007 and April 2008, there have been 32 recycling/litter presentations with approximately 950 students in attendance.

In addition, an active library pre-school program is in place that addresses the problem of litter and becoming responsible citizens. The program involves stories, singing, dancing and a game. Litterbug stickers and litterbug bracelets are given out at the end to the new "No Litter Bug's Team." During Fiscal Year 2006-2007, twelve (12) County libraries participated with approximately 170 pre-schoolers attending. Between July 2007 and April 2008, ten (10) County libraries have participated with approximately 390 pre-schoolers attending. The increase in numbers is likely a result of the program being in its second year now, and the librarians inviting nearby pre-school's and head-start programs to join in.

The DER website has also been updated and improved to include general information, valuable resources and current events regarding recycling within the County. As a final point in the education category, the County's Illegal Dumping Task Force has determined that advertising monies would be better spent and farther reaching if efforts were combined with the local cities as a means of pooling resources and increasing effectiveness. County staff intend to investigate this possibility and report back on the results at the next update to the Board.

## **15. Alley Clean-Up**

Alleyways pose a significant illegal dumping challenge. Alleys have become magnets for illegal activities as well as becoming neighborhood dumping grounds. In early 2006, the Public Works Department, with the cooperation of residents, piloted a program to clean-up five alleys. Once residents had cleaned up the alley, locked gates were installed at either end to restrict access of vehicular and most pedestrian traffic. Residents were given keys to allow them continued access to their alleys.

Gated alleys were revisited in September of 2006 to assess the effectiveness of the pilot program. The results were less than desirable. In four (4) of the five (5) locations, gates were either missing, wide open, or unlocked, and a significant amount of rubbish was found.

After review of the pilot program to gate alleys, it was determined that this program was ineffective. Following neighborhood meetings a new pilot program was discussed. This new program would result in alleys being completely removed by relocating rear yard fences to the center of the alley. It was acknowledged that unanimous support from all landowners would be required. With this basic understanding three (3) alleys were identified where there appeared to be a large amount of community support. To establish this program it is imperative to identify any known issues that would need to be addressed. Utilities were the main focus, since direct access to these areas would be eliminated. Following research of how the alleys were used for utilities, it was determined that utility companies would have to approve of this change of access. In the Fall of 2007, letters were sent to all affected utility companies to determine their concerns with this change of access. The following is a list of the proposed alley abandonment locations and the affected utilities.

### **Alley Locations:**

1. Del Este Subdivision – Alley traveling from Mono Dr. to Hyde St., between S. Santa Rosa Ave and Santa Rita Ave.
2. Modesto High School Tract Subdivision – Alley traveling from Colorado Ave. to Leon Ave., between Faustina Ave. and Pelton Ave.
3. Olympic Tract Subdivision – Alley traveling from Church Ln. to Pearson Ave., between Parklawn Ave. and Watson Ave.

Within the listed alleys AT&T, MID Electric, and City of Modesto Water all have facilities. In all cases they would oppose alley abandonment, due to their loss of direct access to their facilities.

Based upon this research, it appears that the proposed alley abandonment pilot program is not feasible. County staff will continue to explore other options, including possible grant funds which may be applicable to these types of programs.

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**POLICY ISSUE:**

The Board of Supervisors should determine if continuing the residential bulky item collection program through July 31, 2009, and lowering its cost to \$0.55 per household per month, is consistent with the Board's priorities of a safe community, a healthy community and a well-planned infrastructure system. If this determination is made, this program would be evaluated as part of the 2008-2009 garbage collection rate adjustments which will take place in July 2008. Additionally, the Board should determine if this status report and the continuation of the illegal dumping abatement activities described herein is consistent with the Board's priorities of a safe community, a healthy community, the efficient delivery of public services, and effective partnerships.

**STAFFING IMPACT:**

The Department of Environmental Resources Fink Road Landfill Enterprise Fund will continue to fund a Custodial Deputy for the inmate work crew rubbish pick up program. Finally, existing staff in each of the respective departments will continue to develop and/or implement their respective recommendations as noted.