June 25, 2004

To: The Richmond City Council & County Supervisor John Gioia

Cc: Acting Richmond City Manager

From: Jay R. Fenton

Subject: Garbage Dumping in West County - An Overview & Suggested Plan of Action

My wife and I have owned commercial or industrial property in Richmond for the past 20 years. During this period we have spent a lot of personal funds to clean up after people who have illegally dumped on our property. As such we have extensive first hand experience with the dumping problem that plagues Richmond and West County.

Just cleaning up after the perpetrators while not pursuing enforcement action only perpetuates the problem. Now that the City has reduced its clean-up crew from 24 to 3, a new course of action must be taken, or we will be buried in garbage.

I have drafted an outline of action, which may be helpful in better managing the problem, given current budgetary constraints:

There are three basic types of perpetrators:

- 1. Persons without garbage service or who are attempting to dispose of household items, such as mattresses, appliance, and yard waste. This practice results in small piles dispersed over a large area.
- 2. People who are in the illegal trash hauling business. These dumpers make huge piles of trash, often composed of concrete, yard waste, appliances, mattresses and furniture. These are probably the worse of the three types, because of their daily dumping in huge quantities. The weight of the discarded items compounds the issue, because it requires a number of staff to lift and maneuver the items into a haul-off truck. The persons dumping commonly use pickup trucks with built-up sides or even trucks with dump truck bodies. The 80/20 rule (80% of the activity is generated by 20% of the participants) probably applies to this group.
- 3. The third type is people engaged in stripping stolen vehicles of parts, who leave the valueless remains. Often they set the stripped vehicles on fire to destroy evidence. These fires frequently damage the surroundings buildings, roads, trees, fences, etc.

Items typically discarded:

Used motor oil in 5 gallon open containers Household garbage Mattresses- sofas – other large furniture Plants – shrubs - trees Concrete – bricks – concrete blocks – dirt Car batteries – tires – damaged car parts discarded after body repairs Paints – solvents Appliances of all types

Typically ¼ to ½ of these items could have been recycled if someone had taken the time. The problem with household garbage dumped in plastic bags is that others will come along who rip open the bags and spread the garbage on the ground in search of aluminum cans. Cleanup cost escalates when the debris then has to be raked together and consolidated. Oil in open containers is often abandoned at these sites. City crews do not pick up the oil.

Current enforcement procedures of sifting through the garbage in search of a name and address appear to be nonproductive, even before city and county budgets for cleanup and enforcement were reduced. This is a million dollar cleanup problem in West County. The problem has only worsened, given the current course of events. Secondary costs of this blight are the impact on property values and to the community's image. Unabated trash dumping in effect says that local government is powerless to enforce even a simple law. A different approach should be considered.

Suggested Program:

Differentiate between "dumping" and "littering." Littering is subject to a \$1000 fine, if the violator is caught. Littering should include the act of discarding food and beverage containers, cigarette butts, etc.

In some cases, a single act of dumping costs more than \$1000 to clean up. Even when the culprit was caught and fined to the maximum \$1000, enforcement and court costs are still not compensated. A more realistic schedule of fines and assessments is needed. Consider the following:

"Dumping" Defined:

Dumping could be defined as the act of discarding on public or private land any quantity of objects equal to or exceeding one cubic foot in volume and/or one or more pounds in weight. It would also include improperly any quantity of discarded tires, paint, solvents, petrochemical products, oil, or any toxic material.

Penalty Structure:

- 1. \$3000 fine plus cleanup costs.
- Any vehicle associated with the incident will be impounded until the fine and cleanup costs are paid. Towing, handling, and storage fees will be added to the fine. All vehicles impounded have to pass a safety inspection before being released.
- 3. Second and subsequent acts by the same individual will result in a double fine of \$6000, cleanup costs, and the vehicle impounded.

Posting:

New signs should be posted throughout the affected areas. These should be large enough to include a statement that dumping will result in a \$3000 fine, cleanup costs, and that vehicles associated with dumping will be impounded until all monies are paid.

A series of postings should be placed at the approaches to the West County landfill and at those specific locations where dumping is a severe problem – Morton Avenue, Collins Avenue, Parr Blvd., Pittsburgh Avenue, Brookside Drive, etc.

Notices:

Notices should be sent to all households in the cities of Richmond, San Pablo, and the county. These notices can describe methods, locations, and times for recycling. The penalties for dumping should be spelled out.

Publicity:

West County Times articles and photos showing trucks being towed and subjects in handcuffs would send a strong message.

Enforcement:

If the fear of a significant fine, cleanup costs and the loss of a hauling truck were not adequate deterrent, a simple and cost effective solution would be a sting operation.

Dumpers do not dump everywhere. They dump where they think they will not be caught. They choose isolated places and prefer to dump at night in dark areas. Dumpers are attracted to any place where garbage is already on the ground, considering this a "free dump zone." I propose that garbage be left in a few specific places and that enforcement be focused on bait and catch for a month or two at these locations.

It should be noted that many of the individuals who haul and dump for a living use trucks that are in poor condition and not worth bringing up to road worthiness. Enforcement should focus on roadside inspections and citations.

The cost of enforcement for an initial couple of months and periodically thereafter will amount to far less than cleaning up the mess, loss of property values, etc. An emphasis on catching the worse offenders will get the message out.

Contra Costa County and the cities of Richmond and San Pablo should work on a joint enforcement ordinance to discourage dumpers from crossing county or city lines to a lessex littering ordinance area.

Jay. R. Fenton C Energy Works

83 Southwind Circle

Richmond, CA 94804-7405

(510) 701-7447