

APPROVED
BY THE CITY COUNCIL

NOV 25 1997

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DEPARTMENT OF
PUBLIC WORKS

SOLID WASTE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

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November 4, 1997

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ILLEGAL DUMPING PROGRAM UPDATE

LOCATION and COUNCIL DISTRICT: City

RECOMMENDATION: This report recommends that City Council adopt the attached resolution regarding continuation of the illegal dumping program with some proposed modifications.

CONTACT PERSON: Reina J. Schwartz, Solid Waste Manager, 264-7043
Max B. Fernandez, Neighborhood Services Area Manager, 277-6092

FOR COUNCIL MEETING OF: November 25, 1997

SUMMARY:

At the request of the City Council, this joint report is an update on the City's illegal dumping program. This report additionally recommends adoption of a resolution which:

- Reaffirms the reward program.
- Limits the monies paid to any one individual to \$100/month or \$1,200/year, whichever is greater.
- Establishes a third party appeals process for denial of a reward.
- Directs the Solid Waste Division to continue to give higher priority to public education and outreach than enforcement for the purpose of combating illegal dumping.
- Implements certain enhancements to the overall program.
- Directs staff to report back to City Council in one year or less to provide an update on the program.

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COMMITTEE/COMMISSION ACTION:

None required.

BACKGROUND INFORMATION:

Responsibility for Illegal dumping enforcement and investigations is shared by two City agencies. The Department of Public Works, Solid Waste Division is responsible for responding to reports of illegal dumping within the public right-of-way. Neighborhood Services Code Enforcement unit retains jurisdiction over illegal dumping that occurs on private property. A summary of our activities is provided below. Additional detail is provided in Attachment A.

Department of Public Works, Solid Waste Division

In July 1994, the City Council authorized the Solid Waste Division Manager to make reward payments of \$100 to individuals who report valid and sufficient information on illegal dumping. The intent of the reward program was to create an incentive for encouraging diverse community involvement in eradicating the blight caused by illegal dumping.

In the Fall of 1995, the Solid Waste Division coordinated an outreach campaign to address illegal dumping. This campaign initially focused on motivating volunteers from neighborhood groups and associations to assist the division in publicizing the reward program by canvassing their neighborhoods and educating their neighbors. Subsequent to the kick-off event, the Solid Waste Division has taken the following actions to combat illegal dumping:

- Coordination of Clean-up Efforts;
- Billing Illegal Dumpers;
- Warning Letters/Letter to Landlord;
- Payment of Rewards;
- Public Information and Outreach;
- Additional Enforcement Using City of Sacramento Police Officers;
- Enforcement of new tire registration regulations regarding hauling, manifesting and disposal; and,
- Statistical tracking of rewards and billings -- Please see the statistical summary in Attachment B.

Neighborhood Services Code Enforcement

The Neighborhood Services Code Enforcement Division uses similar procedures for dealing with illegal dumping on private property. Actions include:

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- Receiving phone calls for code-related calls, including illegal dumping, from the public from 8:00 a.m.-5:00 p.m. during weekdays (264-5948);
- Receiving recorded calls during non-business hours, including a Spanish line (264-8111);
- Investigating reports of illegal dumping on private property;
- Issuing citations if the dumping is witnessed by a Code Enforcement Officer;
- Referring reports related to illegal dumping on a public right-of-way to the Solid Waste Division; and,
- In the absence of a responsible party, dumping on private property is handled as a general nuisance complaint.

Recommended Actions

After careful consideration, this report incorporates the following specific actions in the attached resolution for City Council adoption:

- Reaffirms the payment of rewards for reports of illegal dumping at the discretion of the Solid Waste Division Manager;
- Limits the payment of rewards to any one individual to a total of \$100 in any given calendar month or \$1,200 in calendar year, whichever is greater;
- Establishes an appeals process for the denial of requests for a reward;
- Directs the Solid Waste Division to assign a higher priority to public outreach and education enforcement in efforts to address illegal dumping;
- Directs City staff to enhance and improve the program through increased personnel training and process streamlining; and,
- Directs staff to report back to Council in one year or less on the status of the program.

FINANCIAL CONSIDERATIONS:

This report does not recommend any action by the City Council that would have a fiscal impact. City staff estimate that illegal dumping costs the City \$500,000 on an annual basis. This cost estimate is based on the following:

- The cost of a collection truck and crew assigned to code enforcement (to collect material from illegal dump sites);
- The cost of 1 FTE Utility Service Inspector;
- The cost of the Solid Waste Division's contribution to the Neighborhoods Planning and Development Department's Code Enforcement unit for reimbursement of salaries and wages (\$150,000 annually); and,
- The cost of the reward program (\$16,500 through 6/30/97).

ENVIRONMENTAL CONSIDERATIONS:

This action is categorically exempt under Sections 15308 of the CEQA Guidelines as an action authorized for the protection of the environment.

POLICY CONSIDERATIONS:

To date, the City's program to combat illegal dumping has been successful in some areas, but relatively ineffective in others. The policy section below is divided between a discussion of successes, challenges, and recommended enhancements:

Successes

The Department of Public Works' illegal dumping program has been successful in the following areas:

Neighborhood revitalization and enhancement/Inclusiveness of our diverse population. City staff have successfully engaged neighborhood activists in promoting our program to combat illegal dumping and neighborhood blight. Outreach efforts have resulted in a number of citizens coming forward to report illegal dumping. Many residents who report illegal dumping do not seek a reward. City staff efforts to combat illegal dumping is intended to be customer driven, responsive and accessible.

Enforcement actions. Attachment C of this report details specific enforcement actions taken against illegal dumpers.

Challenges

The eradication of blight from illegal dumping raises profound questions regarding the implementation of successful programs to address this issue. Attachment D of this report explores some significant questions pertaining to illegal dumping and the appropriate role of the Solid Waste Division as one component of a larger effort, involving several agencies and departments. Significant issues are summarized under the subheadings below:

Education vs. Punitive actions. The Solid Waste Division should practice its strengths. The Solid Waste Division will continue to give first priority to educational efforts to engender voluntary compliance with City ordinances. The involvement of informed and diverse citizenry is more effective in combating illegal dumping in the long-term, given this Division's enforcement limitations and restrictions. The Division will continue to utilize a reward program as one tool for public outreach and education.

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Who should enforce? The Solid Waste Division does not propose to abandon its enforcement efforts altogether; but rather, the Division will exercise its discretion in seeking voluntary compliance where the circumstances suggest success. Division staff will continue to bill illegal dumpers under certain circumstances and to coordinate and augment enforcement efforts by Code Enforcement officers and the Sacramento Police Department, as feasible.

Enhancements

City staff have developed a strategy to improve the Solid Waste Division's responsiveness to reports of illegal dumping including:

- Streamlining the process for investigations to improve the timeliness of responses, including the addition of software to facilitate tracking of evidence;
- Development of a third-party appeal process for rewards that are denied by the Solid Waste Division;
- The recorded phone line for illegal dumping will be updated to provide the public with more information and direction with regard to reporting illegal dumping; and,
- The existing brochure developed by the Neighborhood Services Department, "Your Guide to Sacramento City Codes" will be updated to include more information on illegal dumping.

MBE/WBE:

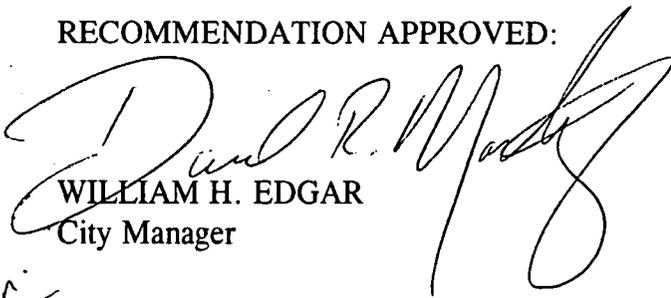
MBE/WBE issues are not applicable since no goods or services are being purchased.

Respectfully Submitted,



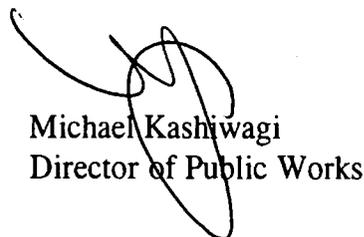
Regina J. Schwartz
Manager, Solid Waste

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
City Manager

Approved:



Michael Kashiwagi
Director of Public Works

br.

ATTACHMENT A

CITY RESPONSE TO ILLEGAL DUMPING

A summary of the City's actions in response to reports of illegal dumping is provided below:

Department of Public Works, Solid Waste Division

Coordination of Clean-up Efforts. The Division's two Utility Services Inspectors coordinate the clean-up of illegally dumped debris with Solid Waste Collection crews. The time and labor cost of clean-up is tracked for billing purposes, as appropriate.

Billing Illegal Dumpers. In the absence of being able to take direct punitive action, a practice for billing the illegal dumper has been implemented when the identity of the illegal dumper can reasonably be determined. An administrative penalty is also assessed in selected cases. The process for billing is described below:

- The information is documented and tracked. Each report is assigned a number to facilitate tracking the payment of rewards and billings.
- If a license number is reported, DMV registration is run to corroborate any other evidence.
- The pile is searched for mail to identify the illegal dumper. In many instances, illegal dumpers will dump debris in front of their property at curbside. The debris will frequently contain mail addressed to them. This mail is gathered as evidence to support billing the resident.
- If the identity of the illegal dumper is determined by Solid Waste Division staff based on eye witness accounts and/or physical evidence (e.g. mail), then the illegal dumper is sent a bill for cleaning up the pile.

Warning Letters/Letter to Landlord. When the identity of an illegal dumper is suspected but the specific physical evidence is insufficient to justify billing someone, a warning letter is generated. A practice has also been implemented of writing landlords to apprise them of illegal dumping by tenants or contractors. Suspected illegal dumpers are often confronted by the Utility Service Inspectors in order to make them aware of the community impact and potential penalties associated with illegal dumping.

Payment of Rewards. The Solid Waste Division Manager is authorized to pay a reward of \$100 for information on illegal dumping. This program only paid two rewards between July 1994 and our public information campaign in Fall 1995. Since Fall 1995, we have paid approximately \$18,000 in rewards.

Public Information. Since Fall 1995, we have distributed approximately 4,500 refrigerator magnets in three different languages (English, Spanish and Vietnamese). We have distributed approximately 250 posters (in both Spanish and English) and 4,000 handbills.

Sacramento Police Department Enforcement. The Department of Public Works funds two full-time police officers dedicated to public works enforcement concerns (i.e., illegal dumping, scavenging, graffiti, theft of wire, etc.). Having access to POST-certified law enforcement officers allows us to pursue enforcement of the City Code by referral of certain cases to the District Attorney. We also have the ability to cite certain perpetrators under the State litter laws which carry much heavier fines and penalties.

Tire Dumping. Solid Waste Division Utility Services Inspectors and the two Public Works Police Officers have also visited a number of tire stores to apprise them of our enforcement of the new regulations pertaining to tire hauling and registration, including the requirement for them to utilize registered haulers and manifests to document legal disposal. As a result of recent enforcement actions, one illegal operator has left the area and another illegal tire dumper has been arrested. Attachment C provides additional detail regarding enforcement against illegal tire dumpers.

Statistics. Please see the statistical summary in Attachment B.

Neighborhood Services Code Enforcement

The Neighborhood Services Code Enforcement Division uses similar procedures for dealing with illegal dumping on private property. The Code Enforcement Division receives phone calls for code-related calls, including illegal dumping, from the public from 8:00 a.m.-5:00 p.m. during weekdays.

Citizens who witness illegal dumping on private property in progress can report the incident to the police department or to the Code Enforcement Division. The police department can be contacted to respond any day of the week, day or night. However, a code enforcement officer will only be able to respond during the weekday between 8:00 a.m. and 5:00 p.m. An available Code Enforcement officer will respond to the location to investigate. If the code officer witnesses the incident, a citation will be issued and that person will be responsible for clean-up.

Illegal dumping on private property that is no longer in progress or has occurred without being observed by a code enforcement officer may be reported to the Code Enforcement Division during working hours or to the recorded phone line which operates evening, weekends and holidays. Calls received on the recorded line are retrieved daily. Calls relating to public property are referred to Public Works. All other calls are referred to code enforcement officers for follow-up. In cases where the person responsible for dumping is not identified or not able to be contacted, dumping on private property is handled as a general nuisance complaint.

ATTACHMENT B

**Summary of Illegal Dumping Statistics
The Solid Waste Division
For Period 11/95 - 7/31/97**

Action	Statistics
Illegal Dumping Investigations	376
Warning Letters	112
Illegal Dumping Billings (number of billings/dollars)	89/\$7,248.53
Illegal dumping rewards	\$16,500

ATTACHMENT C

ENFORCEMENT ACTIONS

This attachment enumerates successful enforcement actions:

- An illegal tire dumper in a Del Paso Heights neighborhood was arrested after being stopped for illegally hauling tires without being a registered tire hauler. This arrest came following a stake-out by a Solid Waste Division Utility Service Inspector.
- A citation was issued to a contractor for illegally dumping construction debris in a Del Paso Heights neighborhood. The dumper was also cited for several vehicle violations and was required to legally dispose of the debris that was dumped. The source of the suspect's name and address was a tip received under the reward program.
- Brochures detailing vehicle codes related to required tire registration and manifest regulations have been distributed to all patrol officers to increase their awareness of the new laws that will facilitate enforcement against illegal dumping of tires.
- Trees have been trimmed back to prevent transient camping and bollards installed to limit access to unauthorized vehicular traffic on Strawberry Lane south of 27th Ave. This action has reduced illegal dumping at this location.
- Large earth moving tires from Total Tire Recycling have been placed along the roadside on Roseville Road under I-80. The area is now inaccessible to roadside dumpers. The tires have also been painted white to increase nighttime visibility and daytime aesthetics.
- A gate has been placed on the east side of the Stonecrest overpass of I-5. Access will be limited to authorized persons, eliminating this site from our list of historical dump sites.
- City staff have met with representatives of the California Integrated Waste Management Board (CIWMB) to suggest improvement to their tire hauler registration process. City staff will continue to work with CIWMB staff to require State registered tire haulers to: 1) Provide proof of drivers license and vehicle registration. 2) Require tire generators to prove legal disposal of tire generated through the manifest system established. (3) Require applicants for facility permits and exclusions to provide proof of local City Planning, and Fire Department approvals.
- City Public Works officers obtained agreement from a tire shop on Amherst to clean up tires illegally dumped on Freeport Elementary School property. The tire shop was not in possession of any documentation in the form of hauler manifest documents as evidence of legal hauling and disposal of tires.
- A process has been established such that when a vehicle full of waste tires is towed, the vehicle will not be released by the police department until a registered tire hauler has removed the tires.
- Twelve tire shops have been targeted for code enforcement violations based on suspected illegal dumping or hauling of tires.
- Public Works police officers and Solid Waste Division Utility Service Inspectors have visited more than two dozen tire shops in areas targeted for enforcement of illegal tire dumping to apprise them of the new laws and regulations pertaining to use of registered tire haulers and a manifest system to document legal disposal. This action appears to have resulted in increased compliance with legal disposal through required documentation under new State regulations.

ATTACHMENT D

CHALLENGES

Illegal dumping is a symptom of a much larger socio-economic problem. On the most fundamental level, the real solution to neighborhood blight is to engender a sense of community pride and self-esteem. On a community-wide basis, this requires the cooperation and successful implementation of eclectic programs that cross jurisdictional and agency lines. The involvement of nonprofit and volunteer service organizations is also preferable. The role of successful economic development cannot be overlooked and the inculcation of fundamental community values and standards in our children becomes a necessary constituent of long-term change and improvement.

The Solid Waste Division is primarily responsible for the cost effective and environmentally sound management of our waste stream. The Solid Waste Division's strength lies in the collection and diversion of solid waste and public outreach and education related to these tasks. Our involvement in enforcement activities related to illegal dumping has been evolutionary. Our primary involvement in enforcement of illegal dumping began just over two years ago when we were charged with implementing a public outreach effort to promote the City's reward program. Our success in combating illegal dumping is faced by the following additional challenges:

Disputes over denial of rewards. Division staff have denied rewards on rare occasions. Such denials have been protested but upheld by the Division Manager. This has subjected the Solid Waste Division to the charge that our denial of reward payment is not objective since the appeal process is internal to the Division. Establishing a third party appeal process should resolve this issue. The third party appeal process envisioned by this report would utilize City appointed members of the Solid Waste Advisory Committee. Members of the public would have 15 calendar days from written notification of denial to appeal the decision in writing. City staff would then forward all pertinent information to the Solid Waste Advisory Committee member for a decision.

Software limitations. Inspectors have been hampered by having computer capabilities that are cumbersome in terms of organizing and tracking evidence and investigations. The Solid Waste Division is in the process of upgrading its computers. This upgrade will improve Utility Service Inspectors' capability of tracking and correlating data and evidence.

Restricted authority. Solid Waste Utility Service Inspectors are only authorized to issue a citation for violations of Title 19 of the City Code, and then, only when they actually witness the violation. Effective enforcement is hampered by our inability to catch perpetrators "red-handed". Many illegal dumpers are careful to avoid detection or they are a transient population, exacerbating our difficulty in billing and confronting them.

Limited resources. The Solid Waste Division has two Utility Service Inspectors for the entire City. They are responsible for enforcement related to all aspects of Title 19 of the City Code. Code Enforcement and police officers have greater authority; however, they do not have the time or resources to concentrate on illegal dumping enforcement.

Payment of rewards to single individual. Although the City has paid rewards to approximately 40 different persons since the inception of the program, our records indicate that approximately 66% of all reward monies have been claimed by one person. The purpose of

establishing a reward program was to provide an incentive to encourage more people to become involved in the program. Placing a cap on reward monies that can be claimed by one individual in a calendar month is consistent with the original intent of the reward program.

City Council policy does not currently limit the number of rewards paid to any one individual. In the absence of such direction, City staff feel obligated to pay rewards for like information, regardless of the number of rewards paid to one individual.

Billings. Many illegal dumpers are careful to avoid detection or they are a transient population, exacerbating our difficulty in billing and confronting them. Citizens often provide us with specific information such as license numbers or physical evidence such as mail. However, subsequent investigation frequently fails to reasonably confirm the identity of the illegal dumper based on the circumstantial evidence often provided. This results in a discrepancy between billings and reward payments.

Punishment vs. education. The Solid Waste Division emphasizes voluntary compliance through education about illegal dumping laws. As a general rule, confronting and educating illegal dumpers toward the end of obtaining voluntary compliance before punitive actions are taken is a more effective means of changing behavior in the long run. City staff lack the legal and practicable ability to pursue and bill more than a fraction of the illegal dumping incidents in the City. Emphasizing the punitive response is only appropriate under selective circumstances. In the long term, voluntary compliance is more cost effective and practical.

Appropriate roles. It is logical to assign roles on the basis of organizational strengths and weaknesses. A critical evaluation of the Solid Waste Division's strengths and weaknesses reveals the following:

Strengths

- Experienced and successful public outreach and educational efforts
- Waste collection and waste diversion capabilities

Weaknesses

- Limited enforcement authority
- Limited number of citations issued

While City staff believe that they have been creative in adding new dimensions to our program to combat illegal dumping, there is no concrete evidence that we have significantly reduced the level of illegal dumping throughout the City. Our success rests on our improving the existing program and/or restructuring it. To that end, staff have developed several recommendations for consideration and approval in the attached resolution. However, a fundamental question remains as whether or not the program should continue as currently structured or be restructured among the current departments involved: Public Works; Neighborhood, Planning and Development Services; and Police. The attached resolution philosophically shifts enforcement to the traditional enforcement authorities while affirming the Solid Waste Division's primary commitment to voluntary compliance through public education.

APPROVED
BY THE CITY COUNCIL

NOV 25 1997

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 97-648

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION REAFFIRMING THE PAYMENT OF REWARDS
FOR INFORMATION ON ILLEGAL DUMPING
AND THE IMPLEMENTATION OF VARIOUS ENHANCEMENTS**

WHEREAS, the City of Sacramento expends approximately \$500,000 on an annual basis for enforcement, collection and disposal related to illegal dumping; and,

WHEREAS, the City Council has established a reward program to encourage citizen participation in efforts to eradicate illegal dumping; and,

WHEREAS, the City has taken numerous actions to eradicate illegal dumping such as increased enforcement and neighborhood outreach; and,

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The payment of rewards is reaffirmed for reports of illegal dumping at the discretion of the Solid Waste Division Manager.
2. The payment of rewards to any one individual will be limited to a total of \$100 in any given calendar month or \$1,200 in a calendar year, whichever is greater.
3. A third party appeals process utilizing City appointed members of the Solid Waste Advisory Committee on a rotational basis to hear appeals vis-a-vis the denial of reward payments is hereby established.
4. City staff is directed to enhance and improve the illegal dumping program through increased personnel training and process streamlining.

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RESOLUTION NO.: _____

DATE ADOPTED: _____

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5. Solid Waste Division staff is directed to give the highest priority to public education and outreach for the purpose of engendering voluntary compliance with Title 19 of the City Code.
6. City staff is directed to report back to Council in one year or less on the status of the program.

MAYOR

ATTEST:

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RESOLUTION NO.: _____

DATE ADOPTED: _____

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