

# Guidance for LEAs on Illegal Dumping and Disposal Sites

Local Enforcement Agencies (LEAs) are responsible for investigating and inspecting closed, illegal, and abandoned disposal sites (CIA Sites) [Title 14, California Code of Regulations sections 18083 and 18303]. LEAs must exercise discretion in distinguishing between an illegal dumping event and an illegal disposal site. CalRecycle can assist LEAs in determining if a site is illegal dumping or a disposal site.

## What is illegal dumping?



*Litter is a small amount of trash that is left in an open or public place. Litter is a type of illegal dumping.*



*Illegal dumping is disposal of trash that is often generated at one location and disposed of at another location without legal permission.*

**Illegal dumping** is the act of disposing waste at a location **without** legal permission and/or at a location that is not permitted for disposal. **Littering is technically illegal dumping.**

Illegal dumping is usually conducted by using motorized transportation (pickups or other similar vehicles), where individuals leave small to large loads of discarded material, such as garbage, appliances, tires, or yard waste, at locations such as alleys, roadways, and vacant properties.

People illegally dump for various reasons:

- To avoid disposal fees
- Save time and effort from going to a permitted facility
- Lack of access to information
- Inadequate resources

An example of illegal dumping is an individual with a truck that has been paid to haul waste to a landfill, but instead dumps the material at a location such as an alleyway.

Areas with constant illegal dumping, that are not quickly addressed, can grow in size and attract more dumping, potentially become illegal disposal sites.

## What are appropriate and suggested actions?

**Illegal dumping** is not a litter/nuisance abatement issue, it is a solid waste disposal site issue. These issues are typically handled by the Public Works and/or the Code Enforcement Departments.

Local response can vary greatly, both in terms of approach and level of activity:

- Local Code Enforcement plays a lead role in some communities where private property may be involved.
- Public Works have primary responsibility when the dumping occurs on public property.
- Local and State policing agencies can cite people caught illegally dumping, but they are not usually responsible for the cleanup.

In cases where an illegal dumping event grows into an illegal disposal site, the LEA will be better positioned to address the situation if they already started to work with its local partners.

No single State agency is responsible for littering and illegal dumping. Local codes or ordinances and the State Penal Code (Section 374 et seq.) may be applicable in incidents of illegal dumping. The local District Attorney should be contacted to determine the applicability of criminal prosecution.

Steps that *may* be taken when an LEA receives an **illegal dumping** complaint are as follows:

- Gather the details on the dumping event.
- Transfer the incident to a more appropriate department/contact.
- Provide assistance to the appropriate department/contact.
- Direct those involved toward resources.

LEAs may also address illegal dumping by alerting partners of some applicable CalRecycle grants and loans ([CalRecycle Funding webpage](#)) and resources, highlighted in the LEA Resource section.

CalRecycle developed a local contact map to aid in reporting **illegal dumping** depending on the location:

[Report Illegal Dumping-Map](#)

### **Hazardous Waste**

Illegal dumping of hazardous waste happens more when low-cost recycling opportunities are not available or well understood. Publicizing convenient collection locations can help minimize illegal dumping. Appropriate local government contacts (such as those on the [Report Illegal Dumping-Map](#)) should be equipped to handle hazardous waste incidences or have a process in place for routing complaints accordingly.

Hazardous waste is handled in accordance with the Department of Toxic Substances Control (DTSC).

DTSC's [Regulatory Assistance Program](#) provides general information and cleanup guidance.

For further assistance, contact the local [Certified Unified Program Agency](#) (CUPA).

### **Waterways**

Dumping in waterways poses a threat to water quality and should be reported to the [appropriate Regional Water Quality Control Board](#) (RWQCB).

## What is an illegal disposal site?

An **illegal solid waste disposal site** is a location that functions or has functioned as an unpermitted/unregulated disposal site with a significant amount of disposal.

Landowners are responsible for violations that occur on their property.

With illegal disposal sites:

- Some owners or tenants of these properties are aware of the misconduct and have no intent to comply with requirements.
- Some owners may be unaware if they do not live nearby or infrequently visit the property.
- Some owners with very large lot sizes or dense vegetation may also be unaware of the illegal activity.



*Illegal disposal sites are typically larger than illegal dumping locations and can pose a more significant threat to public health and safety and the environment.*

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Characteristics of an illegal disposal site include:

- The presence of large volumes of widely dispersed and uncovered waste
- Evidence of repeated dumping
- Evidence of buried waste or the presence of excavations for waste disposal
- The presence of equipment and workers on site
- Evidence of burning trash
- Evidence the site is a breeding area for vectors and scavengers
- No recording or inspection of incoming waste
- No control of waste placement or compaction of waste
- No effective means to prevent access
- Evidence that the landowner, lessee, or tenant are aware of financial gain from the activity

One, or any combination of the characteristics listed above, may indicate that a site is operating as an illegal disposal site.

In some cases, the distinction between illegal dumping and an illegal disposal site may be difficult to make. CalRecycle can assist LEAs in making their determination.

## What are appropriate and suggested actions?

LEAs should investigate and inspect **illegal disposal sites**:

- Enforce state minimum standards.
- Inspections and potential enforcement actions should be assigned a [Solid Waste Information System \(SWIS\)](#) number.
- If the site is not remediated by the responsible party, the LEA should pursue enforcement and/or coordinate with other enforcement agencies to require the site to be cleaned up.

An LEA could expect an immediate response from responsible parties once notices of violation and enforcement steps begin.

Upon request, CalRecycle can assist with the inspection and enforcement process, answer questions, and provide guidance and resources such as providing investigations, and remediation work plans.

## Resources for Local Enforcement Agencies

### Direct Support

CalRecycle offers engineering and scientific support services to local governments and LEAs for investigating and remediating solid waste disposal sites. Staff can review work plans, attend meetings, or visit sites.

Contact [CalRecycle Support Group](#):

- Closed, Illegal, & Abandoned Sites
- Cleanup and Remediation

### Illegal Disposal Site Abatement Grant

This grant provides financial assistance for the cleanup of illegal solid waste disposal sites on either public or private land. The grant targets sites where the responsible party cannot be identified or the property owner is unable or unwilling to pay for timely remediation, and where the site poses a threat to public health and safety or the environment.

Under the grant, CalRecycle may expend funds directly for cleanup or emergency actions and provide grants up to \$500,000 to public entities for the cleanup of illegal solid waste disposal sites.

[calrecycle.ca.gov/LEA/GrantsLoans/SolidWaste/LEA/](http://calrecycle.ca.gov/LEA/GrantsLoans/SolidWaste/LEA/), [CleanupProgram@calrecycle.ca.gov](mailto:CleanupProgram@calrecycle.ca.gov), (916) 341-6688

### Solid Waste Disposal and Codisposal Site Cleanup Program

This program funds cleanup projects when the responsible party cannot be identified or cannot pay to clean up the site. This program includes the:

- [Illegal Disposal Site Abatement Grant](#)
- [Legacy Disposal Site Abatement Partial Grant](#), and
- [CalRecycle-Managed Remediation](#) alternative. The CalRecycle-Managed Remediation alternative is for sites that that are beyond the local government's ability to address by themselves and meet program requirements.

### Farm and Ranch Solid Waste Cleanup and Abatement Grant

This grant funds illegal dumping and illegal disposal site cleanups on farm and ranch property.

[calrecycle.ca.gov/LEA/GrantsLoans/FarmRanch/](http://calrecycle.ca.gov/LEA/GrantsLoans/FarmRanch/)

## Loans

[Loans](#) to Local Governments are available when site remediation is needed and the loan can be repaid.

## Other Resources

- The [Local Conservation Corps](#) offer non-hazardous litter cleanup services on public lands
- The [California Grants Portal](#) lists state grant and loan opportunities
- The Statewide Illegal Dumping Technical Advisory Committee (IDTAC) assesses illegal dumping incidents and supports local and regional agencies.
  - [Illegal Dumping Toolbox](#) - case studies, various types of illegal dumping scenarios and some guidance on handling hazardous material.
  - Email [IllegalDumping@calrecycle.ca.gov](mailto:IllegalDumping@calrecycle.ca.gov) to request assistance from the IDTAC.

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