

MOTION BY SUPERVISORS KATHRYN BARGER
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**ADDRESSING ENVIRONMENTAL JUSTICE AND EQUITY CONCERNS IN
DISADVANTAGED COMMUNITIES UNDER SIEGE BY ILLEGAL DUMPING**

Los Angeles County encompasses 4,753 square miles and is home to almost ten million residents. In order to meet the demand for housing, the State and the County are working to increase the development and redevelopment of communities. These efforts are being further mandated by State requirements, which set allocations for specific quantities of housing for jurisdictions to build as part of State-tracked metrics. These efforts will inevitably result in increased outputs of construction waste and debris, which developers and construction sites will need to dispose of. While there are parameters and regulations, such as the County’s updated Construction and Demolition Debris Ordinance, in place to ensure that proper disposal reduces negative impacts, the County must also take heed of the reality that there are unscrupulous actions that result in illegal dumping and disposal being left in rural or undeveloped communities.

The Los Angeles County Department of Public Works (DPW) is tasked with helping mitigate illegal dumping through Clean LA, an environmental program. As part of this program, illegally-dumped material on public rights-of-way within the County’s unincorporated areas is removed by contracted waste haulers, DPW road maintenance crews, and stormwater maintenance crews. DPW receives reports of illegal dumping through various mechanisms, including a hotline, The Works smart phone application, emails, and through the website.

In 1996, the Board of Supervisors (Board) formed the Antelope Valley Illegal Dumping Task Force (AVIDTF), which included representatives from the 5th Supervisorial District, DPW, the Department of Regional Planning (DRP), and other stakeholders and community members. In 2018, the Board acted to adopt a motion to address the issue of illegal dumping in the unincorporated communities of the Antelope Valley, as well as other areas of the County, which requested the Chief Executive Office to collaborate with DPW, DRP, the Department of Public Health (DPH), County Counsel, the District Attorney’s Office (DA), the Sheriff’s Department (Sheriff), the Illegal Dumping Task Force, and other pertinent County departments to develop a coordinated plan to better address illegal dumping in a coordinated manner and to assess existing funding and recommendations for allocation of additional funding.

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Additional action was taken in 2019 to address growing quality-of-life issues faced by residents in East Los Angeles

where illegal furniture and large-item dumps have increasingly encroached in public road rights-of-way. As a result of these motions, DPW began leading a group of various County agencies, including, the Sheriff, the District Attorney, the County Fire Department's Hazardous Materials Division (County Fire/HazMat), Regional Planning, the Agricultural Commissioner, Public Health, and the Chief Executive Office. These efforts have focused on three core strategies: education, eradication, and enforcement.

The negative environmental consequences from large-scale illegal dumping sites, which often include construction and demolition debris and green waste, continue exacerbating the disparities in environmental justice of the residents in the surrounding communities. Illegally dumped materials may negatively impact groundwater, alter drainage courses that could create flooding issues, and cause slope-stability issues, which may result in material impacting neighboring properties. These items may include hazardous chemicals that pose a threat to human health and wildlife, requiring County Fire/Hazmat to respond, greatly adding to costs for proper disposal. In addition to having negative environmental and health impacts, it also creates impacts to quality of life and land value.

Within the boundary of the County, there are numerous rural communities with low population density and vast areas of undeveloped land that is connected by a system of State, County and municipally-controlled roads and highways. This cross-sector of roads and highways controlled by different entities creates opportunities for increased proliferation of illegal dumping, which often presents road safety issues and likely poses general risks to the surrounding communities.

East Los Angeles and other disadvantaged communities, as defined in SB 535, which make up 22% of the unincorporated areas, have been subjected to over 75% off all reported Illegal dumping cases. Like East Los Angeles, another community that is continually subjected to these unprincipled acts, is the Antelope Valley, which in 2021 accounted for an estimated 20% of the total tonnage of illegal dumping collected by the County despite being only 10% of the population. Countywide, the number of illegal dumping cases has drastically increased from 2,700 cases in 2016 to a peak of 22,000 in 2020. In 2021, there was a slight decrease to 19,600 cases; however, this resulted in approximately 15,000 tons of illegally-dumped items collected. This has resulted in an ever-growing expense for the County. In fiscal year 2020-2021, the associated costs totaled nearly \$2.7 million, an increase of 150% from the total cost in fiscal year 2016-2017.

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The County actively participates in meetings led by CalRecycle's Illegal Dumping Technical Advisory Committee and other stakeholder discussions and conferences working with other jurisdictions to share best management practices on ways to address illegal dumping. Despite the work already underway and currently going through the legislative process, there is an increasing need for additional enforcement and prosecutorial action at the local level. While illegal dumping is against the law and subject to prosecution, unfortunately, due to competing priorities and limited resources identified by the DA and the Sheriff, illegal dumping is not prioritized for enforcement or prosecution. While DPW continues to actively clean up illegally-dumped waste within publicly-maintained roads, department staff have identified inherent challenges, including due to a significant absence of deterrence related to enforcement.

WE, THEREFORE, MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Departments of Public Works Regional Planning, in consultation with County Counsel to develop and report back in writing in 60 days on:
 - a. Proposed amendments to applicable provisions of the Los Angeles County Code, potentially including, but not limited to, Title 26, Los Angeles County Building Code, Appendix J, Grading Code, and Title 22, Los Angeles County Zoning Code, to require large construction projects in unincorporated Los Angeles County that generate over 1,000 cubic yards of waste to track removal of all waste from the origination site and provide verification of disposal at a lawful and permitted disposal site;
 - b. Legislation to enable Public Works to block access and egress to/from a property after notice is posted at the property and the owner continues to allow illegal dumping of waste and illegal operation/handling of waste on the owner's property without first obtaining required permits from Public Works;
 - c. Legislation to enable the County to impound vehicles that are used for illegal dumping and increase penalties on illegal dumpers.
2. Request the District Attorney to work with the Los Angeles County Development Authority and other relevant County Departments to:
 - a. Provide community labor/community service options for environmental cleanup of waste as a condition of probation ordered by the courts;
 - b. Coordinate with the Los Angeles County Department of Beaches and Harbors and Department of Parks and Recreation for non-violent offenders to benefit the community by participating in environmental clean-ups, which will serve to both rehabilitate offenders and create a cleaner environment;
3. Direct the Chief Executive Office, in collaboration with County Counsel and the District Attorney, and the Departments of Regional Planning, Public Works, and Public Health, to report back in writing in 60 days on best practices from other jurisdictions within the County, including the City of Los Angeles, to adjust penalties and fines for illegal dumping of commercial waste, to address environmental justice impacts;

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4. Request the District Attorney and the Sheriff, in collaboration with the Departments of Public Works and Regional Planning, to prioritize enforcement of environmental justice crimes and violations, including illegal dumping, and ask them to report back in writing in 60 days on the feasibility to develop a trained and permanent illegal dumping enforcement team to proactively prevent, enforce, and prosecute illegal dumpers and the operators of illegal dumping sites, including an assessment of estimated costs;
5. Request that the Sheriff, in collaboration with County Counsel, the District Attorney, and the Departments of Regional Planning and Public Works, to report back in writing in 60 days on the feasibility and recommendations to deploy technological enforcement solutions, including, but not limited to, the use of automated vehicle-license-plate readers, remotely-operated cameras, drones, and other digital enforcement tools, to address hot spots and known areas of concentration of illegal-dumping activity, including an assessment of costs to properly staff the deployment of technological solutions;
6. Direct the Chief Executive Office to report back in writing during 2023-24 Budget Deliberation identifying a dedicated funding source for the purpose of combating illegal dumping and addressing environmental justice concerns. This report back should include a review of funding and staffing recommendations related to this Motion, as well as annual reports prepared by the County's Illegal Dumping Taskforce in response to previous motions from 2018 and 2019 that requested the District Attorney, Sheriff, County Fire/HazMat, Regional Planning, Agricultural Commissioner, Public Health, and Public Works to determine resources required to better address illegal dumping; and
7. Direct the Department of Public Works to report back in writing in 60 days with a plan to utilize existing data on illegal dumping to target technological and in-person enforcement efforts, develop metrics of success, and increase transparency around such data by making it publicly available through an online website and dashboard, including an assessment of estimated costs to make the data publicly available.

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