

ENHANCING ENFORCEMENT AND RESPONSE TO ILLEGAL MULCH DUMPING AND FIRES

Illegal dumping and illicit waste disposal have impacted communities across the County. Recently, and most acutely, dumping of mulch and related debris has become prevalent in our County’s rural areas. It has been reported that some private properties in the Antelope Valley have accepted more than 40 trucks dumping debris per day, and some properties have mulch deposits over 8 feet deep spread over 80 acres.

Unfortunately, state regulations to control local mulch dumping are limited. Land application of mulch is governed by state regulations which are enforced by the Local Enforcement Agency (LEA) housed within the Department of Public Health (DPH). The state regulations include metal concentration limits, pathogen density limits, application frequency and depth, and physical contamination. Current state regulations do not require recycling companies to report where green waste or mulch is being disposed or taken to. Also, it does not require the companies to provide test results to the state or to the LEA before mulch leaves their facilities (via company trucks, by subcontracting with trucking companies, or with independent truckers). Also, state regulations do not require trucking companies, or mulch-spreading companies to proactively submit lab reports and tests showing compliance with state regulations to the LEA or to the state before mulch is applied or taken to off-site locations. Amending state law to require recycling companies, spreading companies, and trucking companies to submit reports showing compliance with state standards could enhance enforcement efforts. Given the insufficient and adjusting state regulatory conditions, DPH and Department of Public Works must reconcile the current enforcement mechanisms and recommend any corrections that would best equip the County to address these issues.

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Compounding matters, the stockpiling of mulch generates heat which can lead to combustion, growing from smoldering to large-scale fires. For an extended period, the Los Angeles County Fire Department has been confronted with persistent challenges related to mulch pile fires in the Antelope Valley. Property owners are being compensated by sanitation companies to accept the mulch which is 90% mulch and 10% contamination. The mulch piles present a considerable hazard not only to our emergency responders but also to the public. In the event of ignition, these piles demand extensive efforts to control and extinguish, often necessitating days, not hours, of concerted effort. Compounded by the Antelope Valley's year around winds, the potential for these fires to escalate into larger wildfires is a significant concern.

The Fire Department's commitment to managing these fires requires substantial deployment of equipment and personnel, a task that comes with its own set of challenges. The Fire Department has experienced damage to equipment and have been compelled to adjust extinguishment strategies to mitigate damage and minimize risk to firefighters and residents. The most recent fire, dubbed the Bravo Incident, cost the Fire District over \$288,000 for just four days of firefighting. It is important to note that when resources are dedicated to these mulch pile fires, the capacity to respond to other, potentially more critical incidents, is reduced.

In light of these ongoing issues, it is also imperative that the Fire Department reassess current strategies and explore all possible measures to mitigate the risks associated with mulch pile fires. The priority remains the safety of residents, communities and Fire Department personnel.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the Department of Public Health, in coordination with County Counsel and the Department of Public Works to report back in writing in 21 days:
 - a. An analysis of current State regulations that govern the disposal and/or land application of compostable material (mulch), how current regulations govern companies that produce or dispose of mulch and other compostable material, what powers local enforcement authorities have to enforce existing regulations; and
 - b. Recommendations for proposed legislation to strengthen enforcement of current regulations, including proposals that would include reporting requirements for companies and individuals involved in producing, recycling, and disposal of mulch and other compostable material.

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2. Direct the Department of Public Health to report back to the Board in writing in 21 days with an assessment of resource needs to provide greater regulatory oversight of illegal mulch dumping in the Antelope Valley, including applicable positions and funding needs; and

3. Direct the Fire Chief to report back in writing in 21 days on the number of significant mulch/trash related fires within the last four years that can be, in part, attributed to improper or illegal dumping of mulch and/or trash, along with the associated cost to the Fire District to provide these services and, in consultation with County Counsel, explore to avenues available to recover costs associated with responding to these fires.

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