

REVISED - COMBATting ILLEGAL DUMPING AND UNREGULATED MULCHING

The Antelope Valley, located in the northern reaches of Los Angeles County, faces unique and compounding challenges due to its vast geographic area, lower population density, and distances from urban centers. More open spaces and a smaller population allows illegal dumping and environmental degradation to have a disproportionate impact on the area. Bad actors have taken advantage of the remoteness, engaging in unsanctioned dumping given the minimal risk of immediate detection or citation.

These practices damage the landscape, pose health risks to local communities, and undermine broader efforts to promote environmental justice. The large geographic area of the Antelope Valley results in fewer resources allocated per square mile. As a result, services like waste management and law enforcement are spread thin, leaving illegal dumpers with fewer deterrents.

Despite California's recognition of environmental justice principles to ensure that communities receive equal protection—the ongoing challenges in the Antelope Valley are causing environmental inequities. Similar challenges are mirrored in other marginalized communities of the County, where illegal dumping and environmental hazards are outpacing the capacity of existing resources.

Although State Penal Code Section 374.3 criminalizes the disposal of garbage, waste, and other materials on both public and private property, enforcement remains difficult in regions like the Antelope Valley. Section 374.3(h) specifically categorizes the dumping of commercial quantities of materials such as rocks, concrete, asphalt, or dirt as a misdemeanor. However, a loophole allows for the property owner's consent to excuse a hauler's liability.

-MORE-

MOTION

SOLIS _____

MITCHELL _____

HAHN _____

BARGER _____

HORVATH _____

Unregulated dumping and unregulated mulching have led to massive waste accumulations, with piles sometimes towering over 30 feet high. A combined lack of regulation, tracking, and enforcement has allowed for much of this waste to be unaccounted for. This raises serious concerns about environmental impact and the integrity of waste management. Waste-hauling trucks, seeking to avoid the costs associated with legal disposal or waste diversion, are dumping materials and degrading the environment. These actions are contributing to the challenges faced by local residents. Towering piles of waste, which have been found to contain hazardous materials, have become a sight in open spaces throughout north county. These accumulations pose serious health risks, with the potential for hazardous materials to contaminate the soil and water.

In addition to environmental degradation, residents of the Antelope Valley face another burden with waste they did not generate. Reports have surfaced of waste collectors deliberately dumping trash on private properties when residents are not present. This is leaving county agencies and property owners with the responsibility of cleaning up the waste. This situation underscores the need for a comprehensive approach to managing illegal dumping and enforcing environmental protections.

The impacts of illegal dumping are also affecting County departments. The Los Angeles County Fire Department (LACoFD) has faced challenges in responding to fires caused by illegal dumping and unregulated mulching. A fire in the unincorporated area of Lake Los Angeles, impacted by illegal unregulated mulching activities, required a firefighting response that cost an estimated \$100,000. Between 2020 and 2024, LACoFD responded to 42 mulch or trash-related fires in the Antelope Valley. The incidents ranging from 0.25 acres to 22 acres had direct costs totaling around \$1.6 million. For the Los Angeles County Department of Public Works, the expenditure on addressing illegal dumping has surged in recent years. Costs have increased from \$1.3 million in FY 2017-18 to \$4.46 million in FY 2022-23.

From 2020 to 2023, the number of illegal dumping cases decreased from 21,959 cases to 8,216, however the tonnage during that same time period increased from 16,153 tons of illegal waste in 2020 to 16,700 tons in 2023. The Los Angeles County Department of Public Health reports that the fiscal expenditure for mitigating illegal dumping has increased from \$1.3 million in FY17-18 to \$4.46 million in FY 22-23 costing taxpayers millions of dollars each year. At the same time the number of cases filed by the Environmental Crimes Division of the District Attorney's office has decreased from 15 in 2019 to 3 in 2023.

The Antelope Valley Illegal Dumping Task Force (AVIDTF) was established in 1996 to address illegal dumping. The AVIDTF has made progress but needs more resources and additional authority to meet the scale and complexity of this evolving problem. The County can create stronger deterrents against illegal dumping through adaption and expansion of local ordinances and by supporting new state laws. Needed changes in state law are evident, for instance the County has a limited ability to impound vehicles used for illegal dumping, and may only pursue this when owners have been previously convicted of the offense.

Technological innovation can help in enhancing enforcement efforts. The deployment of cameras, license plate readers, and technology in illegal dumping hotspots can improve monitoring and identification of offenders. Technological solutions are particularly valuable as they allow the County to cover more ground with fewer personnel. These technologies must be implemented with careful consideration to ensure they are used strictly for environmental justice enforcement.

Enforcement will need to identify and address root causes of illegal dumping and unregulated mulching. Subsequently investing in preventive measures, and community education can disrupt these activities. Illegal dumping is not simply an environmental issue; it is a matter of public health, safety, and justice for all residents. The County must take decisive action to address the environmental injustices that have long affected the Antelope Valley. Without timely and effective intervention, illegal dumping will continue to impose significant environmental and health and safety impacts.

The County must ensure that resources are allocated to support the Antelope Valley in overcoming these challenges as failure to act will deepen the disparities that have long affected the region. It is essential that the County works to address the region's unique challenges with a sense of urgency to avoid leaving its residents to bear the brunt of a problem they did not create.

-MORE-

I, THEREFORE, MOVE that the Board of Supervisors direct County Counsel, in coordination with the Los Angeles County Fire Department, Department of Public Health, Department of Public Works, and the Department of Regional Planning to develop local ordinances to regulate land application of mulch and other compostable material to include local permitting requirements including, but not limited to:

1. Requirements for appropriate zoning, maximum duration of storage prior to land application, maximum height of storage piles, frequency and depth of application, and specific requirements for heavy metal concentration, physical contamination (non-organic material), and pathogen density;
2. Requirements of property owners to include in their agreement with mulch suppliers a provision that would require the supplier to be responsible for taking back any load that does not meet the land application requirements, such as physical contamination, heavy metal concentration, and pathogen density;
3. Requirements for property owners or mulch applicators to maintain a Fire Plan that would include measures to prevent spontaneous combustion, such as routine temperature checks of stockpiled mulch and minimum spacing requirements between mulch stockpiles;
4. Amendments to the Los Angeles County Fire Code to:
 - a. Increase fines in the code to provide greater flexibility in enforcement of illegal dumping violations and to recover cleanup costs related to illegal dumping and illegal land application activities;
 - b. Develop a "Contaminated Mulch Ordinance" to prohibit any construction and debris or any other non-organic material to be mixed with mulch and deposited on land; and
 - c. Expand the existing Fire Code Section 326.15 (Illegal Dumping in Hazardous Wildfire Areas) to include new subsections:
 - i. Section 326.15.1 (Mulch Permit) to require a permit for mulch piles greater than 12 inches in height, including fire prevention requirements and stipulations for fire suppression cost responsibilities; and
 - ii. Section 326.15.2 (Unpermitted Mulch Fires) to hold property owners financially responsible for fire suppression costs if a fire occurs on a parcel without a mulch permit, with pile depths greater than 12 inches.

I, FURTHER MOVE that the Board of Supervisors request the Los Angeles County Sheriff's Department to report back in writing in 21 days with a proposed procurement and deployment plan for technological solutions, including but not limited to, mobile cameras and license plate readers, to concentrate enforcement resources on known hot spots for illegal dumping and improper land application of mulch and other organic waste. The report should include cost estimates, schedules, and other pertinent information.

I, FURTHER MOVE that the Board of Supervisors direct the Director of Public Works, in coordination with the Director of Regional Planning, to report back in 21 days with strategies to employ technological solutions for the enforcement of illegal dumping, including but not limited to the use of aerial mapping to identify potential sites of illegal dumping in remote and rural communities, as well as the use of Unmanned Aerial Vehicles. The report should include cost estimates, schedules, and other pertinent information.

#

KB: aso