

## 2019 - 2020 San Joaquin County Grand Jury



### Illegal Dumping: Talking Trash

Case #0519



## Summary

Responsible citizens use trash cans for their daily trash and take larger items to recycle facilities or landfills. However, there are a large number of people in society who do not do the responsible thing. Unsightly trash on roadways, waterways, alleys, vacant lots, rural lands, and unincorporated areas results in decreased property values and can be harmful to the environment. After receiving complaints about illegal dumping throughout the county, the 2019-2020 San Joaquin County Grand Jury opened an investigation to gain insight into why this problem is so rampant. In the course of the investigation, various personnel from many different departmental offices throughout the county were interviewed. Each person interviewed acknowledged the illegal dumping problem is becoming progressively worse. Each department has specific guidelines and restrictions on *where* and *what* they are allowed to do regarding illegal trash removal. Unfortunately, departmental regulations inhibit interdepartmental coordination as evidenced by employees ignoring trash rather than picking it up while on another assignment. Collaboration and coordination amongst the departments leads to a cleaner environment. Conversely, San Joaquin County is lacking an interdepartmental approach.

The Grand Jury recommends a county-wide task force be formed amongst County and city departments and other agencies which will allow them to work together on goals and strategies. The task force members would then work together to address illegal dumping cleanup issues. Sharing funds for vouchers and educational programs about the free drop-off services need to be a component of the task force.

The Grand Jury found that enforcement issues need to be addressed. An updated ordinance with an appeals and collection process is needed. Surveillance equipment in the hot spot areas of San Joaquin County can aid in abating the issues. Collaboration and communication, along with a dedicated, proactive action plan with follow-thru can aid in the recovery of our environment throughout the County.

## Glossary

- **Abate:** To remove
- **CalEPA:** California Environmental Protection Agency
- **CalRecycle:** California Department of Resources Recycling and Recovery
- **C.A.R.E.S.:** Community Accessing Resources Empowering Sustainability
- **EHD:** San Joaquin County Environmental Health Department
- **EJ Task Force:** Environmental Justice Enforcement Task Force
- **GoRequest:** An app (and website) used by citizens to report problems to San Joaquin County Public Works Department that are county-related (roadways, bridges, waste facilities, levees, channels, sewers, storm drains, and street lighting services)
- **IDTAC:** Illegal Dumping Technical Advisory Committee
- **MRC:** Mattress Recycling Council
- **Right-of-Way Abatement:** The legal right-of-way passage for waste or rubbish removal from adjoining public/private property
- **VTIP:** Vessel Turn-In Program

## **Background**

The *Broken Windows* theory is a metaphor used to describe a break in the fabric of civilized society where signs of inappropriate behavior, like graffiti or broken windows, lead to other inappropriate behavior which in turn results in the inhibition of other norms. This theory states that visible signs of crime, anti-social behavior, and civil disorder create an urban environment that encourages further crime and disorder, sometimes including serious crimes. Illegal dumping is a crime of opportunity. Once an individual is successful at illegal dumping without serious consequences, it breeds more, thus becoming a cycle. Therefore, consistent enforcement is necessary in resolving the problem of illegal dumping.

In 1953, Keep America Beautiful was formed to develop and promote a national cleanliness ethic. The goal is to educate and motivate the public to become environmental stewards. It was believed that once people were excited about making and keeping their communities clean, green, and beautiful, it would create a better world. In the 1970's, following the first Earth Day and creation of the Environmental Protection Agency, recycling became a movement in the United States. However, communities are experiencing an increasing number of discarded mattresses, tires, and trash dumped alongside the roads.

## **Reason for Investigation**

The 2019-2020 Grand Jury opened an investigation into illegal dumping after receiving complaints of neglect and harmful environmental concerns.



## Method of Investigation

### Materials/References Reviewed

- Butte County Ordinance: <https://www.buttecounty.net/publicworks/Services/Illegal-Dumping>
- CalEPA: <https://calepa.ca.gov/enforcement/environmental-justice-compliance-and-enforcement-task-force/>
- California Penal Code 374.3: <https://www.shouselaw.com/illegal-dumping>
- CalRecycle: <https://www.calrecycle.ca.gov/>
- City of Stockton Sustainable Neighborhood Plan: <https://risestockton.org/snp>
- EJ Task Force: <https://www.arcgis.com/apps/Cascade/index.html?appid=99f5790b860844668bdef48f45dcfa00>
- Go Request: <https://www.sjgov.org/gorequest/request>
- Illegal Dumping Technical Advisory Committee: <https://www.calrecycle.ca.gov/illegaldump/taskforce>
- Keep America Beautiful Enforcement and Prosecution Guide 2018: <https://kab.org/>
- Manteca Bulletin
- The Record



- San Joaquin County Ordinance: [https://library.municode.com/ca/san\\_joaquin\\_county/codes/code\\_of\\_ordinances?nodeId=TIT4PUSA\\_DIV1FIPR\\_CH6ABHAWERU\\_4-1057PURI-WAB](https://library.municode.com/ca/san_joaquin_county/codes/code_of_ordinances?nodeId=TIT4PUSA_DIV1FIPR_CH6ABHAWERU_4-1057PURI-WAB)
- San Joaquin Farm Bureau Federation: <https://www.sjfb.org/>
- Stockton Environmental Justice Initiative: <https://www.arcgis.com/apps/Cascade/index.html?appid=99f5790b860844668bdef48f45dcfa00>
- Sustainable Neighborhood Plan: <https://risestockton.org/snp>
- Wilson & Kelling - the “Broken Windows” theory: <https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>

### Interviews Conducted

- CalRecycle Representatives
- City of Stockton Public Works
- San Joaquin County Code Enforcement
- San Joaquin County District Attorney’s Office
- San Joaquin County Public Works
- San Joaquin County Sheriff’s Office

### Sites Visited

- County and city streets
- Vacant lots
- Waterways

## Discussion

### 1.0 Description of the problem

In this report, the terms *waste*, *litter*, *garbage*, and *trash* are used interchangeably. According to California Penal Code 374.3 PC, the California statute defines the crime of “illegal dumping” as the disposing of garbage, waste, and other matter on public or private property. There is a distinction between types of illegal dumping. For example, “Waste” can consist of everyday items that are used and then thrown away, such as product packaging, grass clippings, furniture, clothing, bottles, food scraps, newspapers, appliances, paint, and batteries. “Litter” is described as carelessly discarded garbage, or objects strewn or scattered about. “Garbage” is wasted or spoiled food and other refuse, as from a kitchen or household. “Trash” is defined as anything worthless, useless, or discarded, which is basically ‘the stuff that gets thrown away’. All of these types of refuse can be a part of illegal dumping. The distinguishing factors in the above terms usually refer to the different types and volumes of what is discarded. Urban blight, the process by which a city, or part of a city, deteriorates and falls into disrepair, is the result.

Illegal dumpers find an easy location and keep coming back; consequently, it becomes a revolving door. Accordingly, the accumulation of trash has many ramifications. Illegal dumping is visibly disturbing. It promotes crime. It also causes economic and serious public health consequences.

Commonly dumped items run the gamut from basic yard waste and household trash to appliances, furniture, electronic and hazardous waste, construction materials, tires, and vehicles. These items are dumped in alleys, vacant lots, rural and unincorporated areas, local waterways, levees, and unlocked dumpsters. The reasons given for illegal dumping are also varied:

- a missed collection day;
- lack of mandated collection;
- trash that is too costly to take to transfer station;
- a hired hauler who refuses to take large or bulky items; and
- an individual who collects money to dump items but keeps the money and dumps the trash on the side of a road.

Trash that is not disposed of legally may be harmful to the environment. Heavy metals and other toxins can seep into the soil and waterways from dumped refrigerators, televisions, tires, and auto parts. Mosquitoes breed in water that accumulates in tires and can transmit West Nile virus.

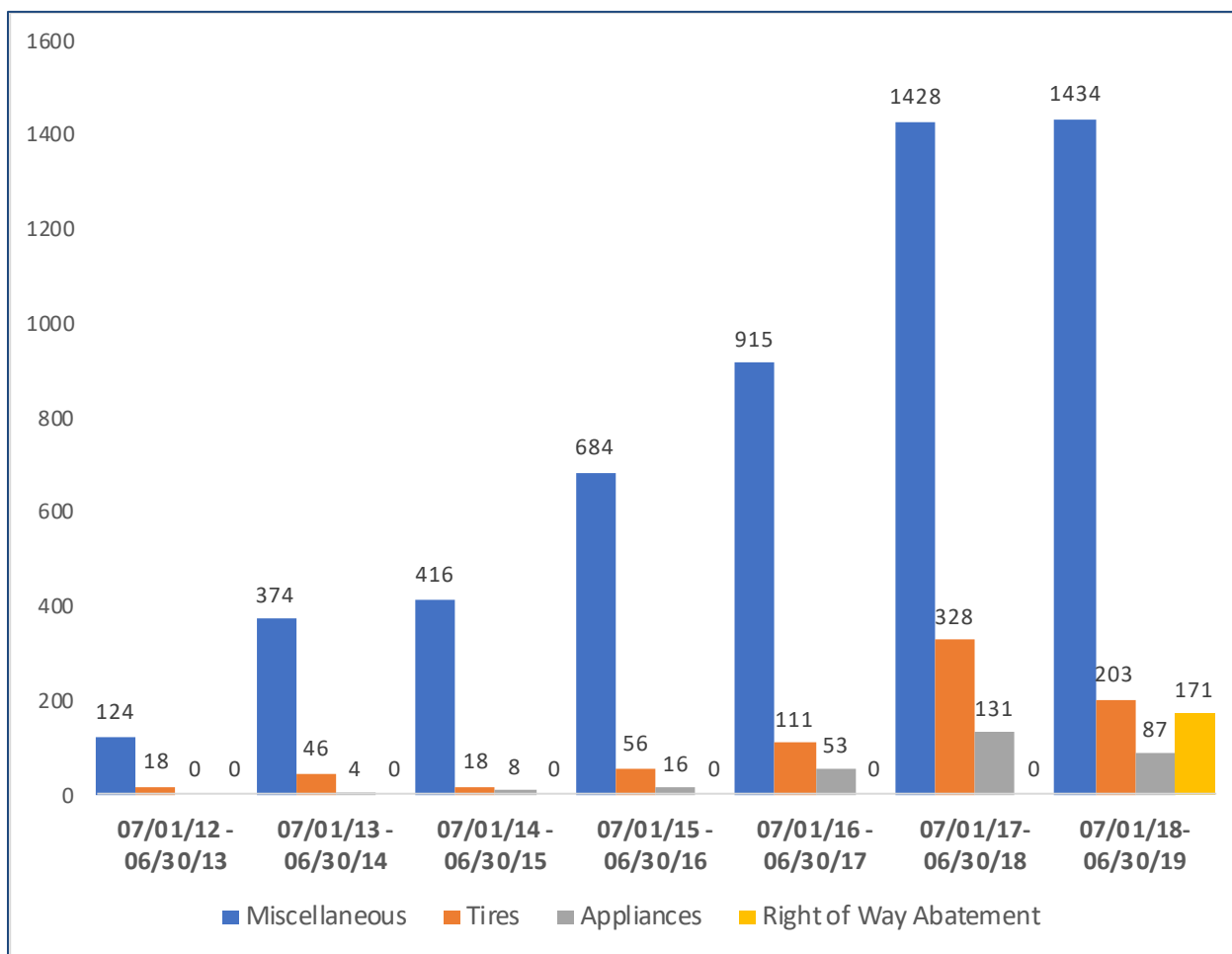
Illegal dumping also has an adverse economic impact. It is costly to remove. In residential and commercial areas, unsightly trash can decrease property values, therefore becoming unattractive to home buyers and developers. See Figure 1.

<b>Fiscal Year</b>	<b>Labor Hours</b>	<b>Labor, Overhead, Equip Costs</b>	<b>Disposal Costs</b>	<b>Total Costs</b>	<b>Tons Disposed</b>
2015-2016	8,327	\$638,846	\$106,845	\$745,691	1,924
2016-2017	10,064	\$766,308	\$141,686	\$907,994	2,117
2017-2018	11,758	\$1,003,537	\$110,680	\$1,114,217	1,784
2018-2019	12,152	\$999,424	\$131,592	\$1,131,016	1,977

**Figure 1. Illegal Dumping Cost Recap Fiscal Years 2015-2019**

*(adapted from San Joaquin County Public Works data)*

For the categories of illegally dumped material see Figure 2. It can be seen from this chart that “Miscellaneous” is the majority of illegally-dumped items. “Miscellaneous” are those items other than bulky items that are considered waste, debris, garbage, etc. Illegally dumping tires constitutes the second highest-dumped item.

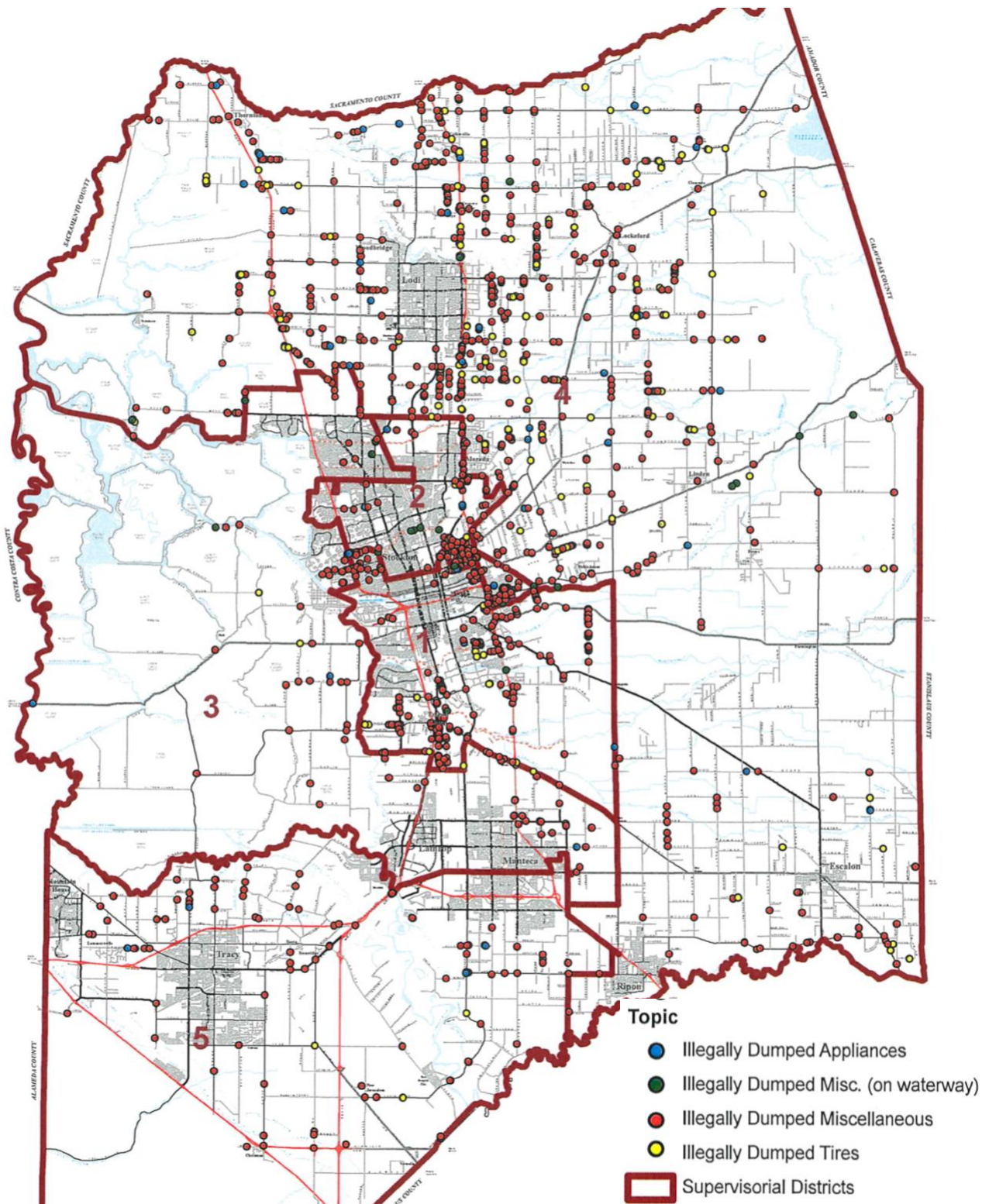


**Figure 2. Illegally Dumped Material by Category (07/01/12 to 06/30/19)**

*(adapted from San Joaquin County Public Works data)*

Figure 3 shows the locations of illegal dumping incidents documented by the San Joaquin County Public Works Department. The map depicts illegal dumping within the County and pockets of unincorporated areas of the cities. The map legend identifies categories of materials dumped within the five Supervisorial Districts in San Joaquin County. On the map there are a few clusters that can be referred to as “hot spots”: areas of Highway 99 at Hammer Lane, Main Street, and Arch Road; the Smith Canal waterway; and Highway 5 near French Camp.

The map shows that the roads leading out of the cities have many incidents of illegal dumping. It was reported that the people living in the cities are driving their waste out onto the country roads.



**Figure 3. Illegal Dumping (July 1, 2018 to June 30, 2019)**

(San Joaquin County Department of Public Works)



## 2.0 Programs available



### Free Drop-off Services

Many free residential waste programs are funded from different sources. It was reported that these programs are under-utilized because the public is unaware of them. These programs do not replace the weekly city/county-wide waste collection services that are paid through utility bills, but do help with disposal of larger items and hazardous waste. Appliances of small and large types, batteries, electronics, household cleaners, mattresses, and tires, as well as vessels all have outreach programs to aid in the proper and safe disposal of these items. At the San Joaquin County Solid Waste Facility, vouchers are only available for tire disposal. In some cities, vouchers are available for many different items which further encourages recycling within their local area. Having multiple vouchers available for the public has also proven to be effective in many other counties.

Program	Website Information	Description
Appliances (large/small)	<a href="https://www.sjgov.org/solidwaste/recyclingcat?ID=21666&amp;t=Appliances">https://www.sjgov.org/solidwaste/recyclingcat?ID=21666&amp;t=Appliances</a>	Recycle unwanted or obsolete appliances at San Joaquin County's Solid Waste facilities. Up to two of refrigerators, air conditioners, freezers or water coolers. Up to nine of clothes washers/dryers, microwaves, ovens, water heaters, stoves, space heaters, dishwashers or trash compactors.
Batteries	<a href="https://www.sjgov.org/solidwaste/recyclingcat?ID=21668&amp;t=Batteries%20-%20Single%20Use">https://www.sjgov.org/solidwaste/recyclingcat?ID=21668&amp;t=Batteries%20-%20Single%20Use</a>	California considers all batteries as hazardous waste when they are discarded and should be recycled at an authorized facility. This includes automotive, marine,

	<a href="https://www.sjgov.org/solidwaste/recyclingcat?ID=21669&amp;t=Batteries%20-%20Rechargeable">https://www.sjgov.org/solidwaste/recyclingcat?ID=21669&amp;t=Batteries%20-%20Rechargeable</a>	agricultural and RV lead acid, gel and amalgamated glass mat batteries. Batteries can be dropped off at San Joaquin County's Household Hazardous Waste Facility.
Electronic Waste (E-Waste)	<a href="https://www.sjgov.org/solidwaste/recyclingcat?ID=21667&amp;t=Computers,%20Monitors,%20Cell%20Phones%20and%20Electronic%20Waste">https://www.sjgov.org/solidwaste/recyclingcat?ID=21667&amp;t=Computers,%20Monitors,%20Cell%20Phones%20and%20Electronic%20Waste</a>	Electronic waste includes televisions, computer monitors, cell phones, DVD Players, and anything with a circuit board. Electronics should never be disposed of in regular trash because the devices contain toxic heavy metals including lead, cadmium, and mercury which can be harmful to health and the environment. They should be taken to San Joaquin County's Household Hazardous Waste Facility or an authorized recycling center.
Household Cleaners	<a href="https://www.sjgov.org/solidwaste/recyclingcat?ID=21677&amp;t=Household%20Cleaners">https://www.sjgov.org/solidwaste/recyclingcat?ID=21677&amp;t=Household%20Cleaners</a>	Many common household cleaning products are hazardous because they contain corrosive, toxic, flammable, or reactive ingredients which can pose a threat to human health, animals and the environment if disposed of incorrectly. Household cleaners should never be disposed of in regular trash but should be taken to San Joaquin County's Household Hazardous Waste Facility or an authorized recycling center.
Mattresses	<a href="https://www.sjgov.org/solidwaste/recyclingcat?ID=27730&amp;t=Mattresses">https://www.sjgov.org/solidwaste/recyclingcat?ID=27730&amp;t=Mattresses</a>  <a href="https://byebyemattress.com/">https://byebyemattress.com/</a>	Most mattresses and box springs discarded by California residents are eligible for the mattress recycle program and may be taken to any San Joaquin County owned Landfill or Transfer Station for disposal for free.
Tires	<a href="https://www.sjgov.org/solidwaste/recyclingcat?ID=21663&amp;t=Tires">https://www.sjgov.org/solidwaste/recyclingcat?ID=21663&amp;t=Tires</a>	Used tires can be brought to San Joaquin County Solid Waste/Recycling facilities for proper disposal. State law allows for free disposal of up to nine tires without a waste tire-hauling permit. All tires collected at County facilities are sent to a certified tire recycler who grinds the rubber. It will then be made into a variety of products, including rubber bark for gardens and playgrounds, city streets and sidewalks, and floor mats. The website shows how to obtain a tire recycling coupon.
Vessels	<a href="https://www.parks.ca.gov/pages/28702/files/vessel%20turn%20in%20program%20brochure.pdf">https://www.parks.ca.gov/pages/28702/files/vessel%20turn%20in%20program%20brochure.pdf</a>	This Vessel Turn-In Program (VTIP), administered by California State Parks Division of Boating and Waterways, was created to help boat owners surrender their unwanted recreational boats to a local participating VTIP agency, free of charge.

**Figure 4. Free Programs in San Joaquin County**



### Public Volunteer Organizations

Listed below are programs that utilize volunteers for special cleanup days and events.

Program	Website Information	Description
Adopt-A-Highway	<a href="https://dot.ca.gov/programs/maintenance/adopt-a-highway">https://dot.ca.gov/programs/maintenance/adopt-a-highway</a>	A Caltrans sponsored program in which volunteers maintain two-mile stretches of the highways. They don't just remove litter; they also do vegetation control, tree and shrub planting, wildflower planting, and graffiti removal.
Adopt-A-Road	<a href="https://www.sjgov.org/WorkArea/DownloadAsset.aspx?id=29542">https://www.sjgov.org/WorkArea/DownloadAsset.aspx?id=29542</a>	A local volunteer program developed to help keep county right of ways clear of trash. The work locations are determined by the County Department of Public Works. Two Adopt-a-Road signs are provided, one at each end of the adopted section to show where the organization is working. The County supplies garbage bags and safety equipment to the volunteers, and provides garbage pickup service upon notice once the cleanup event is complete. The frequency may range between two and four times per year. This program was started in March 2019, and has only a few small groups that have sponsored five cleanups to date.

C.A.R.E.S.	<a href="https://www.recordnet.com/news/20190813/cares-team-out-cleaning-streets-of-stockton">https://www.recordnet.com/news/20190813/cares-team-out-cleaning-streets-of-stockton</a>	Begun in 2019, this outreach program was created to help people who are homeless by recruiting them to clean the streets of Stockton. In return they receive lunch, gift cards, and resources. It is supported by discretionary funds from the City of Stockton.
Clean San Joaquin	<a href="https://www.cleansjc.org/">https://www.cleansjc.org/</a>	In 2018, the County adopted this program which directs residents to the website or app of GoRequest (see Public Works). One of the goals is to beautify the streets and neighborhoods. It also encourages volunteerism for their two cleanup days per year, Earth Day (April 22) and National Recycle Day (November 15). This is a referral program only.
Clean Sweep	<a href="http://www.stocktonca.gov/government/departments/publicWorks/garbageBHTSweep.html">http://www.stocktonca.gov/government/departments/publicWorks/garbageBHTSweep.html</a>	This annual clean-up program, sponsored by the City of Stockton, is for residents living in single-family homes, duplexes, or triplexes. It runs annually from February through October. Residents can make a once-annual appointment to discard the following items at no charge: furniture, mattresses, carpets and pads, appliances, out-of-use electronics, up to six 30-gallon bags of household or green waste, and up to five tires without rims. This is by appointment only.

**Figure 5. Public Volunteer Organizations**

### **3.0 Departments, Agencies, and Alternative Work Programs**

San Joaquin County has a variety of differing cleanup programs that attempt to help with the issue of illegal dumping. The Departments and Agencies that run these programs are listed below and all clean specific segments of the county. However, there is a lack of communication across Departments/Agencies preventing teamwork. There is also no coordinated referral system throughout the county. The programs that employ paid workers are specifically complaint-driven, which means each department only picks up the trash that has been reported to their agency. The agencies cannot pick up something that has not been officially reported, or something out of their particular jurisdiction. County agencies cannot pick up trash on city property, and city agencies cannot pick up trash on county property. Departments run the risk of having funding cut when choosing to address trash not in their jurisdiction.

#### **Alternative Work Program**

[https://www.sjgov.org/sheriff/custody\\_rules.html](https://www.sjgov.org/sheriff/custody_rules.html)

The Alternative Work Program allows individuals who are incarcerated to serve a portion of their time by working in the community. It is a San Joaquin County Sheriff Department non-profit program funded by general county dollars offset by fees paid by the participating agencies. The workers are supervised by the contracted agencies as they service over 80 non-profit or public agency worksites throughout the county doing gardening, laundry, waste disposal or recycling.



They also work at drug or rehab sites or foodbanks. This is a for-hire only group; it does not do general trash pickup.

### **Community Corps Program**

<https://www.sjgov.org/sheriff/images/custody.pdf>

Crews of approximately eight in-custody honor farm county inmates, supervised by a San Joaquin County Sheriff employee, are contracted out to 25 government and non-profit organizations. The crews do not do general public clean-up. They spend two days per week assisting the City of Stockton Quality of Life Division by removing trash at homeless encampment clean-ups. The rest of their time is allotted for landscaping, weed abatement, road maintenance, graffiti removal, and trash pickup. The county is reimbursed by the organizations and all revenue and expenditures go through the Inmate Welfare Fund (IWF). This program is self-sustaining, and is also a benefit to the inmates by teaching them work skills which gives them a purpose while being incarcerated. The Community Corps Program is limited by the number of Level 1 inmates that qualify for this type of release work, and by the organizations that hire them for particular jobs, which includes trash pickup only at their specific sites. This is a for-hire only group; it does not do general trash pickup.

### **Code Enforcement (Cities and County)**

<https://www.sjgov.org/commdev/cgi-bin/cdyn.exe?grp=building&htm=codeenforce>

The code enforcement divisions within the Sheriff and Police Departments address blight and nuisances, and maintain a clean environment focusing on health and safety regulations for all citizens in our communities. This division investigates reports of County ordinance and municipal code violations ranging from illegal fencing that obstructs roadway visibility, to excessive weeds/vegetation which may pose safety or fire hazards. Code Enforcement personnel take reports of graffiti, illegal dumping, and signage on private property. After follow-up on the report is completed, a citation is issued to the appropriate entity or property owner with a due date for clean-up. If not cleaned up, a contractor is hired to abate the violation and sends the property owner a bill which could result in a property tax assessment if the bill is not paid. It is important to note that the city/county Code Enforcement Departments are only complaint-based. They address and enforce complaints for private properties *only*. Code Enforcement does not perform the actual clean-up.

### **Environmental Health**

<https://www.sjgov.org/departments/envhealth/programs/default?id=26245>

The San Joaquin County Environmental Health Department's (EHD) goals are to protect public health and the environment from the effects of improper storage, collection, transportation and disposal of solid waste such as flies, rodents, scenic blight, public nuisances, and water pollution. The EHD is the Local Enforcement Agency for enforcement of solid waste laws and regulations within the unincorporated area of San Joaquin County and all of the incorporated cities, except the City of Stockton. The Environmental Health Department regulates 3 landfills, in addition to 29 active and 21 closed solid waste facilities.

## Greater Valley Conservation Corp

<https://www.sjcoe.org/gvcc/> and <http://www.greatervalleycc.org/>

Organized through the San Joaquin County Office of Education, this group partners with 31 area agencies (businesses, schools, nonprofits, municipalities, public works departments, and cities throughout San Joaquin and neighboring counties) to serve local youth and communities by providing education, training, and job opportunities in the fields of recycling and natural resources. The group employs youth 18 to 25 years old in projects involving conservation, ecological restoration, and public safety/land beautification, including lot clean-ups and graffiti/litter abatement. This is a for-hire only group; it does not do general trash pickup.

## Public Works

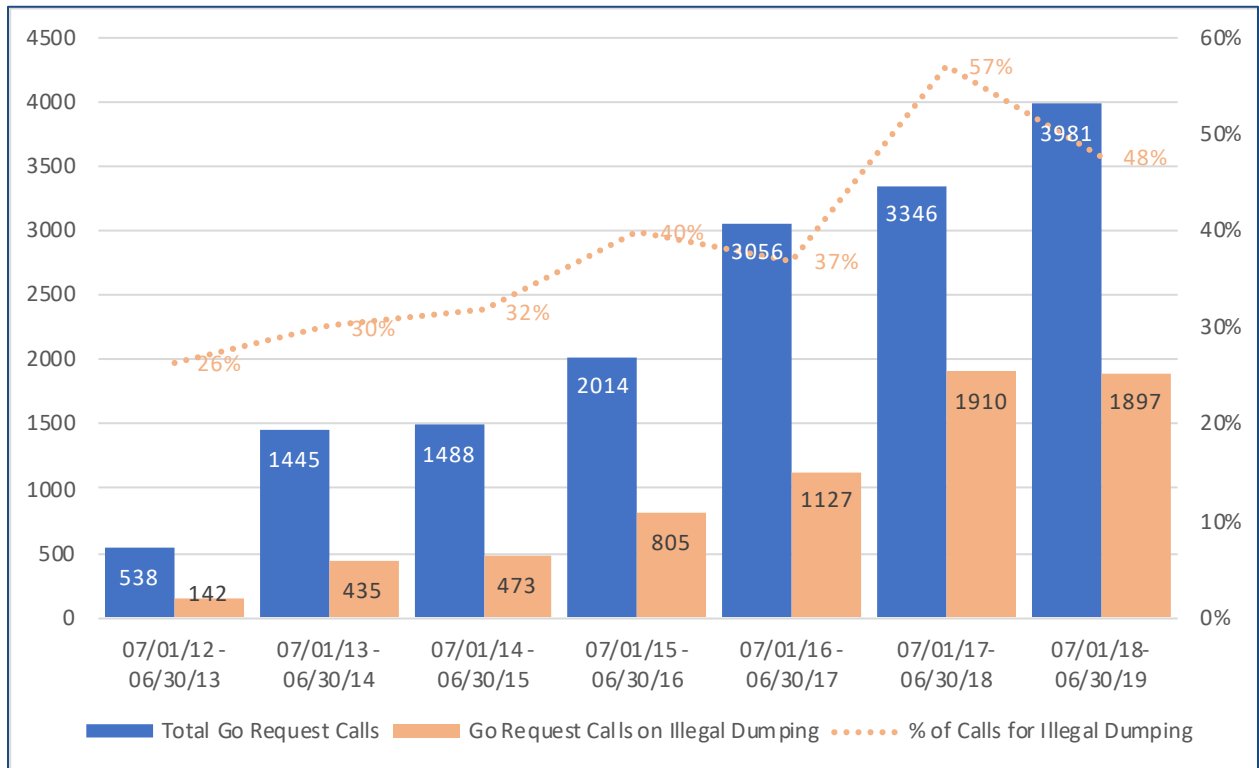
<https://www.sjgov.org/department/pwk/> and <https://www.sjgov.org/gorequest/request>

*GoRequest* is San Joaquin County's online system (or app) that citizens can access to report county-related problems to County Public Works. The Public Works Department's responsibility is to maintain roadways, bridges, waste facilities, levees, channels, sewers, storm drains, and street lighting services. Public Works also receives illegal dumping complaints and assists with the homeless encampment clean-ups. The trash pick-up has been taking an increasing amount of the crews' time in recent years, which cuts down on their ability to maintain the other services. Public Works crews pick up trash that has been registered as a complaint through their system. A majority of Public Works funding including gas tax revenues, is tied to road maintenance. Therefore, in most cases, trash pick-up by Public Works is directly attached to upkeep of the roadway

Each incorporated city in San Joaquin County also has its own Public Works division which can be contacted to report trash problems.

- Escalon: [http://escalon.hosted.civicle.com/government/departments/public\\_works](http://escalon.hosted.civicle.com/government/departments/public_works)
- Lathrop: <https://www.ci.lathrop.ca.us/publicworks>
- Lodi: <https://www.lodi.gov/450/Public-Works>
- Manteca: <https://www.ci.manteca.ca.us/PublicWorks/Pages/default.aspx>
- Ripon: [http://www.cityofripon.org/city\\_hall/departments/public\\_works](http://www.cityofripon.org/city_hall/departments/public_works)
- Stockton: <http://www.stocktongov.com/government/departments/publicWorks/default.html>
- Tracy: <https://www.ci.tracy.ca.us/?navid=54>

See Figure 6 for the number (and percentage) of county-related **GoRequest calls on Illegal Dumping** compared to the **Total GoRequest calls** for the years 2012–2019.



**Figure 6. Service Requests Calls by Fiscal Year (07/01/12 to 06/30/19)**

*(adapted from San Joaquin County Public Works data)*

## 4.0 Enforcement

Enforcement of Illegal dumpers is difficult for many reasons. The District Attorney's Office needs proof of the dumper's identity which is challenging to obtain. Often the dumping is done at night next to places that already have accumulated trash. Few areas around the cities and County have surveillance, especially in vacant lots, alleys and around abandoned warehouses. In order to prosecute the dumper, someone has to register a complaint to City or County Code Enforcement about the dumped trash. The garbage piles are then searched, and if evidence of identity is found, the officer goes to that person's house. The officer may be informed that another person was hired to dump their trash. According to the District Attorney's Office, there is often not enough evidence to prosecute.



Other counties in California, such as Butte

County, have adopted enforceable ordinances. In Butte County, illegal dumping is a misdemeanor offense, and the County established an Administrative Order/Hearing Process to minimize the impact on the courts. Because of the ordinance, illegal dumpers may be fined \$100, \$200, and \$300. Such ordinances require sufficient staffing. The County has an ordinance and process to retain an administrative hearing officer as necessary but does not have a designated hearing officer position.



## 5.0 Environmental Justice

People who live in disadvantaged socioeconomic neighborhoods are disproportionately impacted by environmental pollutants. In 2006, the California Environmental Protection Agency (CalEPA) established a statewide Environmental Justice Task Force (EJ Task Force) to increase compliance with environmental laws in disadvantaged communities. In that same year, the California Integrated Waste Management Board (now California Department of Resources Recycling and Recovery, or CalRecycle) established a high-level state and local illegal dumping enforcement task



force to assess the extent of illegal dumping and develop recommendations. In 2013, CalEPA received partial funding for pilot initiatives in Fresno (2013-2014) and Los Angeles (2015-2016) focusing on compliance with environmental laws. In 2016, the Legislature mandated CalEPA give priority and full funding to disadvantaged communities to ensure increased compliance in the areas that would have the potential to make the greatest impact. Subsequent initiatives in Oakland (2016-17), Pomona (2017-18), and Imperial County (2018-19) focused on pollution, pesticides, and childhood asthma. In 2018, Stockton was recognized as one of these disadvantaged communities. In 2019, the E J Task Force carried out the initiative in Stockton working with residents, city officials, local community groups, and local enforcement agencies which focused on strategies to address

environmental concerns. The Stockton Environmental Justice Initiative was developed and three community priorities were identified: illegal dumping, air pollution near schools, and odorous and discolored drinking water. CalRecycle mobilized resources within its Illegal Dumping Technical Advisory Committee (IDTAC) and coordinated the efforts of the EJ Task Force to assist Stockton and San Joaquin County in developing solutions to the illegal dumping problem. According to their website, CalRecycle coordinated with the Stockton Fire Department to conduct 75 inspections of waste tire facilities. Three violations for inadequate fire prevention measures, total waste tire count, and lack of qualifying permit were issued and are now in compliance. Altogether, more than 200 inspections in San Joaquin County were carried out by regulators working with the EJ Task Force. Violations were found at 51 facilities. As a result of the inspections, many facilities were

issued citations and ordered to clean up any contamination that resulted from their noncompliant actions. Within three months of the task force completing its inspections, more than 90 percent of the facilities found in violation had made corrections and were deemed compliant.

Another problem the community expressed concern about was the proliferation of illegally dumped mattresses in the city. CalRecycle asked the Mattress Recycling Council (MRC), a nonprofit organization, to commit resources towards raising awareness around free mattress recycling services. MRC launched a local advertising campaign aimed at reducing illegal dumping and promoting its no-cost collection network. They also hosted a two-weekend long, mattress-collection effort in which they set up several temporary, free-drop-off locations in areas known for illegal dumping. With the support of Restore the Delta and Little Manila Rising, MRC collected 905 mattresses. Despite this effort, mattresses are still being dumped on the side of the road.

On May 2, 2019, the IDTAC hosted a local **Illegal Dumping Workshop** to aid the City of Stockton and San Joaquin County. The workshop had 55 attendees, 32 from the immediate area, and 23 from other jurisdictions outside of San Joaquin County who asked questions and planned strategies.

Some of the topics they discussed included:

- Prevention techniques (public outreach and education);
- Public drop-off convenience; and
- Coordination and communication strategies, enforcement, and community volunteer involvement.

The local Illegal Dumping Workshop had many in attendance who developed strategies, but little progress has occurred since the meeting in May 2019.

The Stockton Environmental Justice Initiative is now completed in Stockton. It developed the following strategies in partnership with the City of Stockton and the County as follows:

- Revising existing ordinances to include administrative penalties for illegal dumping, rather than just fines or criminal penalties;
- Developing a memorandum of understanding(s) between the city(s) and county to share funds to develop a unit dedicated to illegal dumping; and
- CalRecycle will continue to work alongside the city and county as they move forward developing new strategies to combat illegal dumping.

Because the initiative in Stockton is now completed, there is no planned follow up regarding any of the suggested strategies. However, CalEPA Staff will continue to be a resource for addressing local community priorities, working toward compliance of all facilities with violations, and addressing community challenges.

CalRecycle's Illegal Dumping Technical Advisory Committee (IDTAC) continues to have biannual meetings (May and November), and since 2019 a representative from the county Public Works Department has been in attendance.

Grant monies are available, according to the CalRecycle website, and the San Joaquin County Public Works Department applied for and received a \$100,000 Farm Grant in 2019. The department plans

to use this money in conjunction with the Adopt-a-Road and Greater Valley Conservation Corps on cleanup in select agriculturally-zoned areas that are prone to dumping.

Rise Stockton, a collaborative, participatory action project made up of seven Stockton Community-Based Organizations and the City of Stockton, developed *The Sustainable Neighborhood Plan* which was adopted by the Stockton City Council on October 8, 2019. Rise Stockton used *The Plan* to win \$10.8 million in grant funding to address Stockton's environmental inequities. The funding is to be used entirely in Central and South Stockton. In one of *The Plan's* Top 7 Community Priorities, South Stockton community members identified garbage as a top source of pollution in their neighborhoods, emphasizing that coping with high levels of unattended garbage affects the way residents feel about their neighborhoods. The project ideas include:

- Collaborative neighborhood/city clean-up program;
- Green waste/composting program & education; and
- Improve recycling program for businesses and residences.

*The Sustainable Neighborhood Plan* concludes that cleaning up the garbage and educating residents on how to recycle, compost, and properly dispose of waste, is integral to creating sustainable lifestyles for the future.

## Findings

**F1** Illegal dumping has increased in part because the County has not created a strong, enforceable ordinance to deter illegal dumping.

**F2** There is no designated hearing officer and other staff required to enforce ordinances, leading to less effective enforcement.

**F3** San Joaquin County lacks sufficient surveillance equipment to monitor dumping hotspots and to prosecute illegal dumpers.

**F4** San Joaquin County Public Works Department, Sheriff's Office, Community Development Department, District Attorney's Office, and all city departments within the county are not working collaboratively to address the illegal dumping problems.

**F5** San Joaquin County and the City of Stockton are not working together to share in the cost of illegal dumping cleanup.

**F6** Free drop-off services are underutilized because the public is unaware of most of the programs offered.

**F7** San Joaquin County and the City of Stockton do not have a robust referral system for sharing reports of illegal dumping irrespective of jurisdiction.

**F8** Effective cleanup incentives such as disposal vouchers, fee waivers, and recycling coupons have proven effective in reducing the likelihood of illegal dumping.

## **Recommendations**

- R1** By December 31, 2020, develop and adopt an enforceable ordinance to deter illegal dumping which includes a mechanism for collecting fines, an appeals process, and a way to recoup the cost of administration from the illegal dumpers.
- R2** By December 31, 2020, designate an Administrative Hearing Officer along with Public Works staff for enforcement.
- R3** By December 31, 2020, obtain and install appropriate surveillance equipment, such as lighting and cameras, in the top five dumping hotspots.
- R4** By November 30, 2020, create an illegal dumping task force (Task Force) that includes representatives from San Joaquin County Public Works Department, Sheriff's Office, District Attorney's Office, Community Development, and all cities within the County to participate in the Task Force. This Task Force meet regularly throughout the year.
- R5** By December 31, 2020, the newly formed Task Force develop a plan to share costs for illegal dumping pickup throughout the County and the City of Stockton.
- R6** By January 31, 2021, the Task Force develop and implement a county-wide educational program including billboards, buses, and bus stop shelters advertising to include information about free drop-off services.
- R7** By January 31, 2021, the Task Force create a referral system to notify the appropriate jurisdictions of illegal dumping. This referral system include a complaint-recording data log with follow-up measures.
- R8** By January 31, 2021, the Task Force develop a written plan to establish an equitable way to fund and issue vouchers, fee waivers, and recycling coupons.

## **Conclusion**

The 2019-2020 Grand Jury found that residents of San Joaquin County lack knowledge of and are not utilizing free resources, such as drop-off services. Residents are also unaware of reporting resources such as the "GoRequest" website. The problem is exacerbated because the public must formally open a complaint for removal of debris, and because one department's jurisdiction cannot address dumping if it is not in their defined area. The lack of coordinated efforts among the agencies dealing with trash removal is a consistent problem that has not been fully addressed. Other factors include a lack of enforcement, scarcity of staffing, a lack of surveillance methods, and not enough funding to combat this silent environmental threat in our county. Lacking preventive measures, lacking knowledge about free resources, and lacking public input and ideas from the people that are most affected by such negligence all combine to create a perfect storm resulting in a *Broken Windows* effect.



The world just celebrated the 50<sup>th</sup> Earth Day and great attention was given for the need to better our environment. Fixing the *Broken Windows* and decreasing the amount of illegal dumping is an enormous challenge, but is vital in making the world a cleaner, healthier place to live.

### **Disclaimers**

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911. 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

### **Response Requirements**

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court within 90 days of receipt of the report.

San Joaquin County Board of Supervisors shall respond to all Findings and Recommendations.

Stockton City Council shall respond to all Findings and Recommendations, where applicable.

Mail or hand deliver a hard copy of the response to:

Honorable Xapuri B. Villapudua, Presiding Judge  
San Joaquin County Superior Court  
180 E Weber Ave, Suite 1306J  
Stockton, California 95202

Also, please email a copy of the response to Ms. Trisa Martinez, Staff Secretary to the Grand Jury, at <https://www.sjcourts.org>