

*INAUGURAL STATEWIDE
ILLEGAL DUMPING CONFERENCE*
RURAL DUMPING
Legislative Proposals



Los Angeles County District Attorney Karen Tandler
Environmental Crimes – Code Enforcement
ktandler@da.lacounty.gov

April 23, 2021



Los Angeles City by Day



Los Angeles City by Night







*ILLEGAL DUMPING
IN RURAL AREAS*



Latitude
3191

Longitude
5.5778

EVIDENCE

- Property Parcel Report
- Assessor Parcel Number (APN)



Type of Material Dumped
=
Same Material
Illegally Dumped in Cities

- ✓ **Trash/Debris – Household Waste**
- ✓ **Tires**
- ✓ **Auto Parts**
- ✓ **Furniture**
- ✓ **Wood**
- ✓ **Paper Products**
- ✓ **Scrap Metals**
- ✓ **Landscaping Debris**
- ✓ **Mattresses**

HOUSEHOLD WASTE





















08/09/2018 09:33

A collage of various electronic and mechanical waste items, including a refrigerator, a television, a bicycle, a car engine, a tire, a battery, a can, a bottle, and a box, illustrating the complexity of e-waste management.











PROBLEM

**Rural Area Dumping Large Amount of
Construction Waste OR
Commercial Waste Illegally Dumped more than in
the City**

WHY??

Large wide open land space and hidden canyons

PROBLEM

**Landowner gives permission to
dump on his/her land**

WHY?

MONEY!



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Legal Landfill Cost for Truckload of Commercial Waste



EVIDENCE

SUNSHINE CANYON LANDFILL



A REPUBLIC SERVICES COMPANY

14747 San Fernando Road, Sylmar, CA 91342

Phone: 818.362.2124 Fax: 818.833.7105

<http://www.sunshinecanyonlandfill.com>

Hours: Monday - Friday: 9:00am - 6:00pm / Saturday: 9:00am - 2:00pm / Sunday: Closed

Exit Roxford West off the I-5 freeway onto Old Sepulveda going north. Left on San Fernando Road 1 mile to Sunshine Canyon on the left

(Hand unload customers must be at the scales by 5:00 pm, Monday-Friday and by 1:00 pm on Saturday)

STANDARD DISPOSAL FEE SCHEDULE

April 1, 2019

ALL MATERIALS ARE CHARGED A ONE-TON MINIMUM

Rates are inclusive of Taxes, Processing & Disposal

Material	\$ Per Ton
Municipal Waste / Construction & Demolition	\$ 83.54
Greenwaste - Clean	\$ 98.28
Asphalt	TBD (Requires prior approval)
Soil	TBD (Requires prior approval)
Appliances (recycle only)	\$ 60.00 each
Computers/Monitors	\$ 75.00 each
Certificate of Disposal	\$ 150.00 per load
Untarped Loads (Penalty)	\$ 150.00 per load
Fee--Hard to Handle/Bulky Waste	\$ 195.00 each + disposal
Environmental Fee (applicable to all fee loads)	\$ 16.25 per load
Fuel Recovery Fee (applicable to all fee loads)	6.65% per load Adjusted Monthly per DOE Index
Safety Vest	\$ 6.50 each
Hard Hat	\$ 6.50 each

TARPS ARE REQUIRED

Uncovered Loads are subject to a Non-containment fee of \$150.00 per load/unit. State CA Vehicles (SEC 23115) requires all vehicles that haul refuse or recyclables to be covered to prevent spillage from vehicles). This code will be strictly enforced.

ABSOLUTELY NO HAZARDOUS WASTE OR LIQUIDS WILL BE ACCEPTED FOR DISPOSAL

(including batteries, paint cans, used oil, anti-freeze, asbestos, etc.)

APPLIANCES OR AIR CONDITIONERS ARE ACCEPTED AS RECYCLE ONLY

The following taxes are INCLUDED in the disposal rates above:

LA County Business Tax-10%	10% of base rate
LA County Solid Waste Mgmt Fee	\$1.50 per ton
CA Integrated Waste Mgmt Fees (AB939)	\$1.40 per ton
City of LA Franchise Fee-12%	12% of base rate
City LEA Facility Permit Fee	\$0.63 per ton estimate
LA County RCUP Fee	\$2.98 per ton estimate
City of LA ATL Fee	\$0.89 per ton estimate

ALL RATES SUBJECT TO CHANGE WITHOUT NOTICE

*COMMERCIAL
WASTE/
CONSTRUCTION
WASTE*









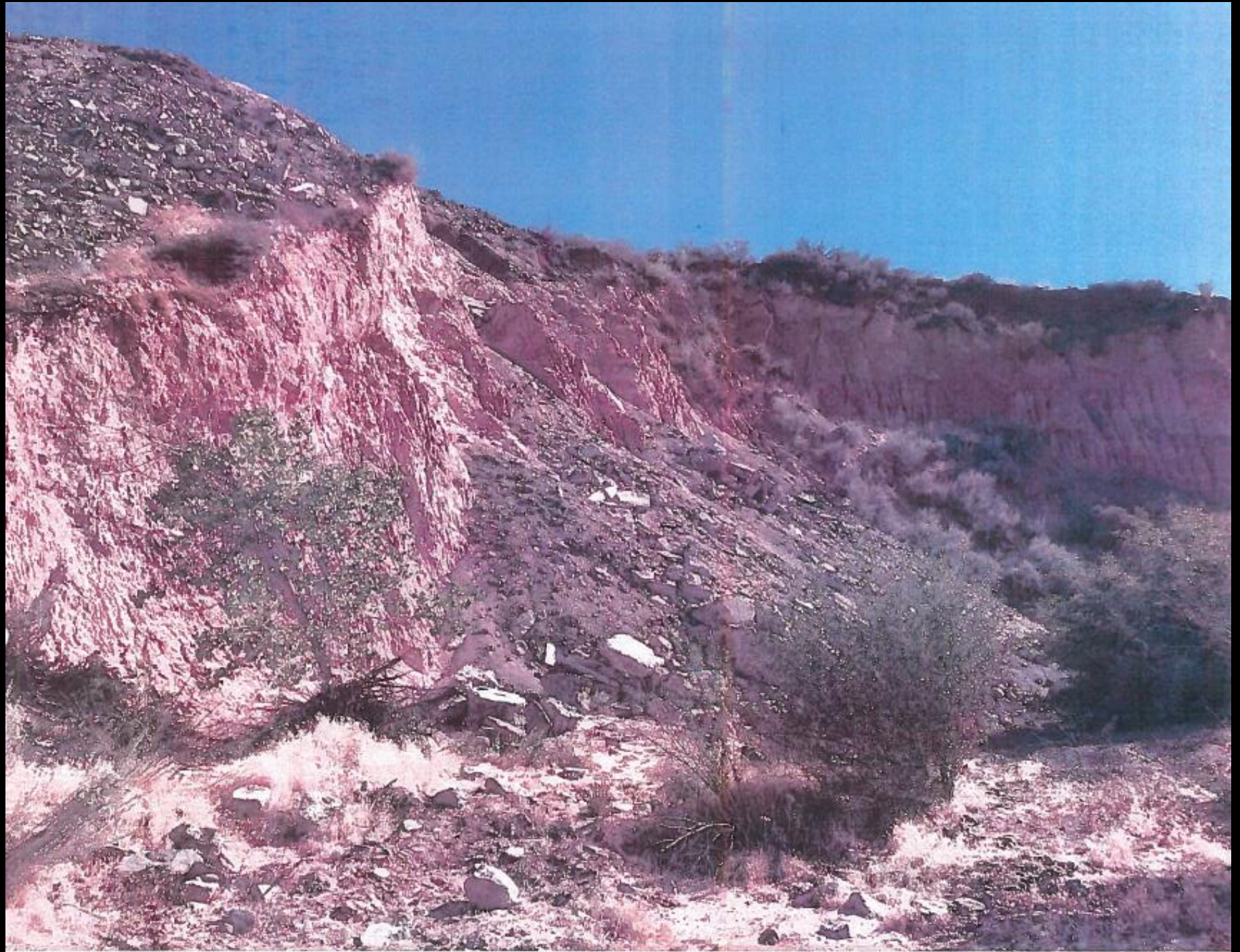
EVIDENCE

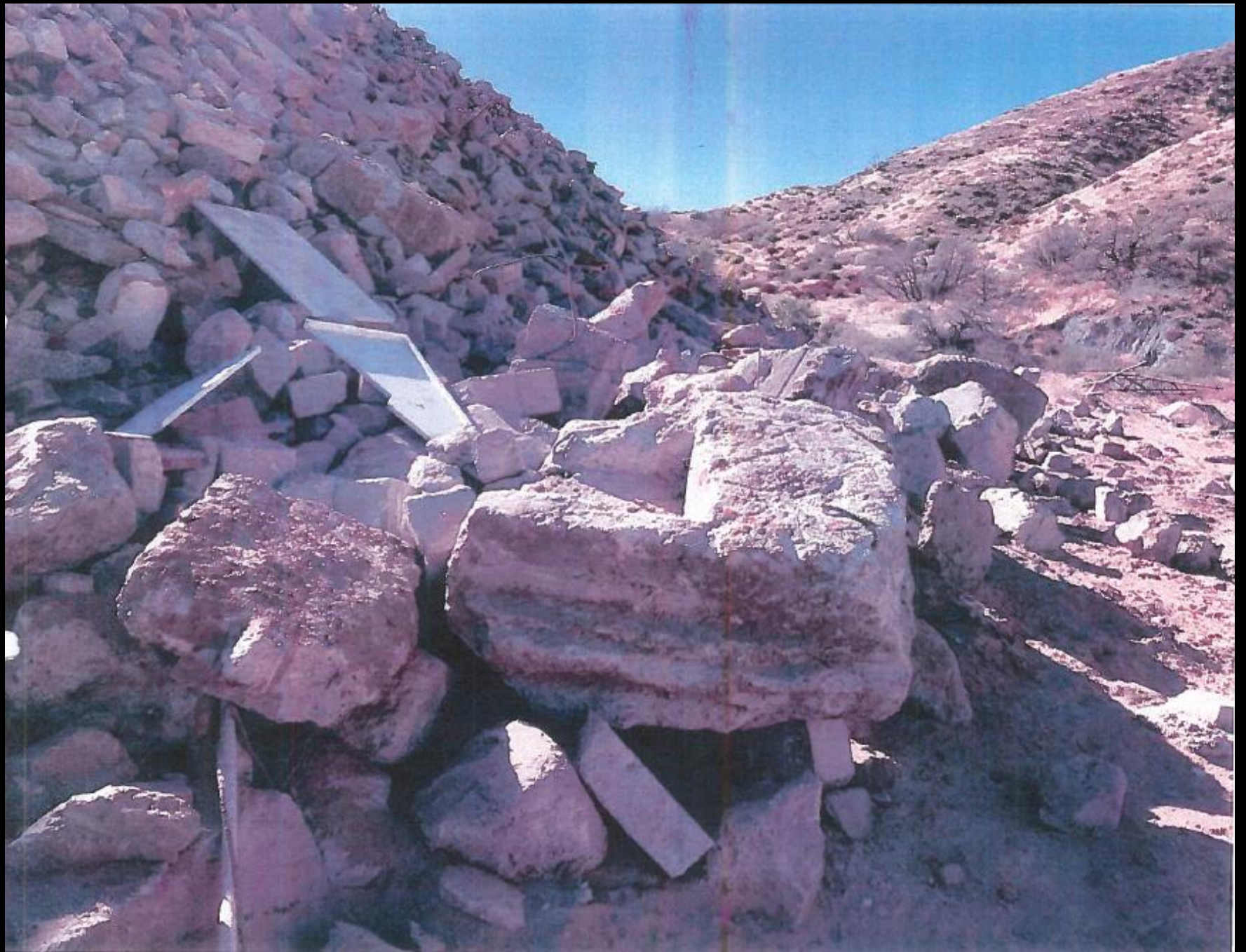
- Trucking Company Name
- License Plate Number



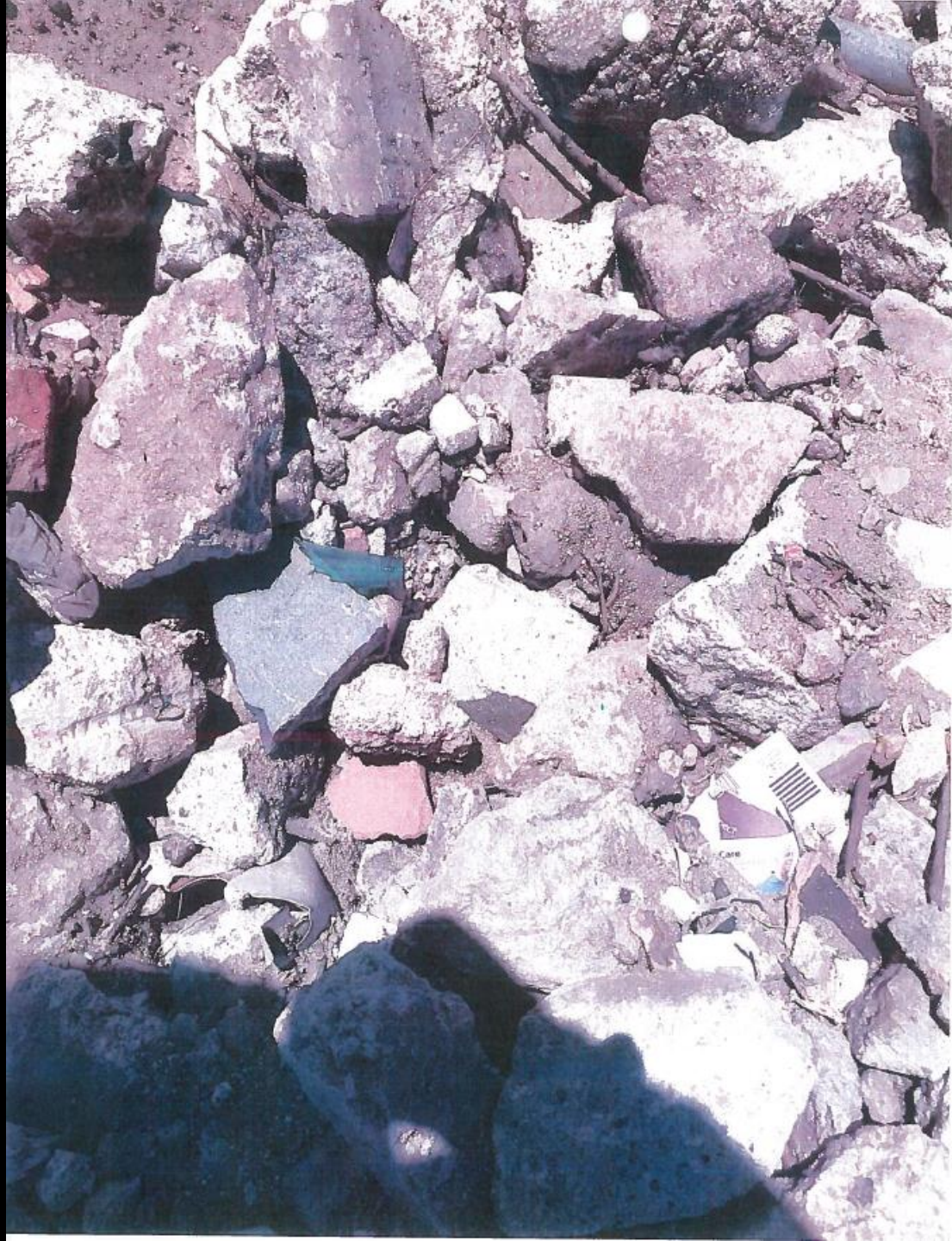


























EVIDENCE

- Aerial Photographs





24480
24484
24490

Woolsey Canyon Rd

Knapp Ranch Rd



AUTO

Workspaces











CRIMINAL CHARGES

Health and Safety Code § 117555

- ILLEGAL DUMPING ON PUBLIC ROADWAY/
RIGHT OF WAY

Penal Code § 374.3(h)(1)

- CALIFORNIA DUMPING STATUTE
- COMMERCIAL QUANTITIES OF WASTE
(Use for Trespassed Property)

Penal Code § 602(m)

- TRESPASS

CA Public Resources Code § 40191

- WASTE Defined

CRIMINAL CHARGES

Waterway/Streambed

Fish and Game Code § 1602(a)

**STREAMBED ALTERATION AGREEMENT
REQUIRED**

Fish and Game Code § 5650(a)(6)

**UNLAWFUL DEPOSIT OF DELETERIOUS MATERIAL
INTO WATERS OF THE STATE**

Fish and Game Code § 5652(a)

**LITTERING INTO OR WITHIN 150 FEET
OF STATE WATERS**

CRIMINAL CHARGES

County/Local Code Violations:

Public Works – Grading Code
Regional Planning - Zoning Code
Health Code
Fire Code

ILLEGAL DUMPING ON PUBLIC ROADWAY/ RIGHT OF WAY

Health and Safety Code § 117555

**Solid waste, in or upon a street, alley, public highway, or
road in common use or upon a public park or other public
property, or upon private property
without the owner's consent =
GUILTY of MISDEMEANOR.**

ILLEGAL DUMPING ON PUBLIC ROADWAY/ RIGHT OF WAY

Health and Safety Code § 117555

Not applicable to private property unless:

- Public health and safety hazard
- Public Nuisance
- Fire hazard

WASTE MATTER – Defined

Public Resources Code § 40191(a)

“Solid waste” means all putrescible and non-putrescible solid, semisolid, and liquid wastes including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

WASTE MATTER – Defined

Public Resources Code § 40191(b)

Solid Waste Does NOT Include:

Hazardous Waste

Radioactive Waste

Medical Waste

Solid Waste Does Not Include “Littering” as Defined in
Penal Code § 374.4 = “Small quantities”

CALIFORNIA DUMPING STATUTE

Penal Code § 374.3

It is unlawful to dump or cause to be dumped waste matter:

- Private highway road
- Public highway road
- Portion of right of way
- Private property
 - no permission or public health/safety hazard, public nuisance, or fire hazard
- Public property

NON-COMMERCIAL QUANTITY = INFRACTION Only

- Use for Non-commercial waste PC 374.3(a)

- PENALTY – Non-commercial Quantity
PC 374.3(c)
 - FINE: 1ST Offense = \$250-\$1,000
 - FINE: 2nd Offense = \$500-\$1,500
 - FINE: 3RD Offense = \$750-\$3,000
- Tires
 - FINE: Doubled
- Cost of Clean-up/Removal

CALIFORNIA DUMPING STATUTE

Penal Code § 374.3

- **Commercial Waste Dumping – PC 374.3(h)(1)**
Commercial quantities = Misdemeanor
- **Commercial waste dumping – PC 374.3(h)(2)**
Commercial quantities =
In excess of one cubic yard
- **Does not apply to household waste at residence**

CALIFORNIA DUMPING STATUTE

Penal Code § 374.3

- **PENALTY - Commercial waste PC 374.3(h)(1)**
 - Up to 6 Months County Jail
 - FINE: 1ST Offense = \$1,000-\$3,000
 - FINE: 2nd Offense = \$3,000-\$6,000
 - FINE: 3RD Offense = \$6,000-\$10,000
- **PENALTY - Commercial waste PC 374.3(g)**
 - Minimum = 12 hours community service picking up waste matter

TRESPASSED LAND

Owner – no permission PC 374.3

ISSUE – NO PC 374.3

When Owner gives permission!!



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
"To Enrich Lives Through Effective and Caring Service"

BUILDING AND SAFETY DIVISION
CODE ENFORCEMENT SECTION
900 SOUTH FLEMING AVENUE, 180 FLOOR
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 478-3193
Fax: (626) 979-5433
www.lapdw.org

June 29th, 2020

GRADING VOLUME CALCULATIONS

████████ Canyon Road, ██████████

Grading Violations on Parcels

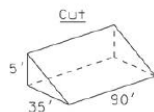
APN: 2017-████████, 2017-████████, 2017-████████, 2017-████████, 2017-████████, 2017-████████

The following is the grading calculation report from the on-site inspection February 3rd, 2020 and May 28th, 2020 by Mr. Joshua Lugavere P.E. Engineering Assistant. Mr. Lugavere is a part of the Los Angeles County Drainage and Grading Section and is assigned to the Calabasas District. Calculations are based on on-site field observations and measurements with instruments.

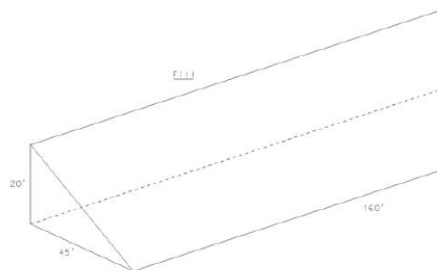
Grading Inspection on February 3rd, 2020

This is the Building and Safety, Drainage and Grading Section's estimate of cubic yards moved at ██████████ Canyon Road which is valid up until the visit on February 3, 2020.

The north portion of the disturbed area was cut to develop a pad where placed and was being used for vehicle storage at the time of the site visit. With a range finder Public Works measured the vertical and horizontal components of the cut slope. The minimum value of 6' vertical and 35.5' measured to natural grade. The vertical and horizontal components of the rounded down to the nearest 5' interval, and the length of the slope was to the nearest 10' increment for a conservative estimate. The volume of cut (CY) was measured using a triangular prism (see below) formula resulting



The south portion of the disturbed area was filled to create an approximate from the aforementioned pad to existing grade at the time of the site visit. Public Works measured the vertical and horizontal components of the fill slope. The minimum value of 21' vertical and 4' measured to natural grade. The vertical and horizontal components of the rounded down to the nearest 5' interval, and the length of the slope was to the nearest 20' increment for a conservative estimate. The volume of fill (CY) was measured using a triangular prism (see below) formula resulting



The total CY of cut & fill is therefore conservatively estimated to be 5,750 CY. To air on the side of caution, I believe Public Works can comfortably estimate 5,750 cubic yards.

EVIDENCE:

Cubic yards

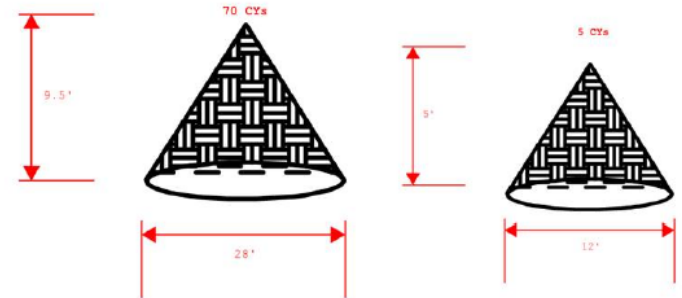
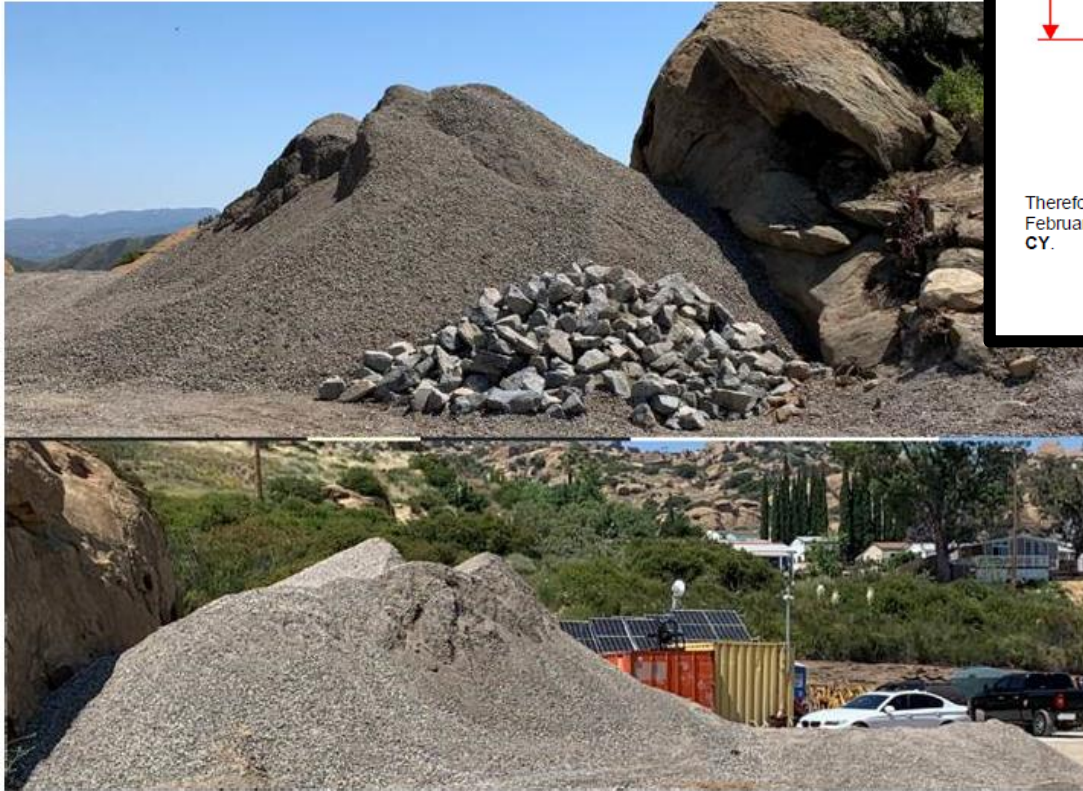
Grading Inspection on May 28th, 2020

This is the Building and Safety, Drainage and Grading Section's estimate of the cubic yards moved at ██████████ Canyon Road between the first field visit on February 3, 2020 and our follow up visit on May 28, 2020.

Originally the north portion of the disturbed area was filled to develop a pad where concrete was placed and was being used for vehicle storage at the time of the first visit. That pad appears to have been extended from the original face of the slope (approx. 2:1 H:V) that was observed on February 3, 2020. With a range finder Public Works measured the vertical and horizontal components along the new fill slope shown below, which was not present during the visit in February.



A length of 85' and height of 16' were measured for the new aforementioned portion of fill. Based on our previous field visit, the new fill slope extended approximately 15' beyond the face of the original fill slope. Dimensions of 75' in length, 12' in height, and an extension of 10' were used for a conservative estimate. The volume of fill in cubic yards (CY) was measured using a right-angle tetrahedron volume formula. The new fill slope was modeled using four component tetrahedrons. The volume calculations were subsequently rounded down to the nearest 5 CY interval, resulting in a conservative estimate of **110 cubic yards of new fill** (see below).



Therefore, the total conservatively estimated unpermitted grading for this site between February 3, 2020 and Public Works' follow up visit on May 28, 2020 is estimated at **1,025 CY**.

The piles were measured in two sections that could be modeled as cones for volume calculations. The first pile measured 9.5' high with a minimum diameter of 28'. The second smaller pile measured 5' high with a minimum diameter of 12'. Using a conic formula, the fill volume of the piles were conservatively estimated and rounded down to the nearest 5 CY interval. This yielded a conservative volume of **70 CYS of fill** for the larger pile, and **5 CYS of fill** for the smaller pile.

EVIDENCE



Property owner [REDACTED] wearing black shirt exiting property.



Man in white shirt controlling traffic. Directs trucks in and out of property. Opens and closes gate for trucks entering/exiting property



White dump entering property
CA Lic plate # [REDACTED]



Truck exiting property
CA Lic plate # [REDACTED]
The [REDACTED] Trucking Inc company name on side door



White dump truck entering property
[REDACTED] Corp Inc company name on side of truck
Ca Lic plate # [REDACTED]



White dump truck entering property
[REDACTED] Inc company name on side of truck
Ca Lic plate # UNT TRKG



Property owner [REDACTED] in black pick up truck talking to driver transporting drill rig



Property owner [REDACTED] speaking with Drill Rig operator in red shirt



White dump truck entering property
CA Lic plate # [REDACTED]



Drill rig entering property

Name on Rig: [REDACTED] Drilling (818) [REDACTED]



Drill Rig parked inside property next to gate.



[REDACTED] Inc
CA Lic plate # [REDACTED]

ENFORCEMENT TRUCK SIGNAGE



Existing and Proposed Weight Limit Restrictions
Lake Manor Road/Valley Circle Boulevard/Plummer Street, Valley Circle
Boulevard and Woolsey Canyon Road

Not to Scale

District Attorney Filing Checklist

FILING DOCUMENTS – Law Enforcement

- Original Citation
- Complaint - Signed
- Law Enforcement Declaration - Signed
- Law Enforcement Reports/D.A. Investigator Reports
- Supplemental Law Enforcement Reports
- Photographs/Video
- Rap Sheet
- Warrant sheet

COUNTY DEPARTMENT DOCUMENTS

- Department of Public Works (DPW)*
- Department of Regional Planning (DRP)*
- Health
- Fire
- Code Enforcement Inspector Reports
- Supplemental Reports
- Narrative Report
 - Background, Training, & Experience
 - Explanation of L.A. County Code Violations
- Chrono Log
- Photographs
- Notice of Violations (NOV)
- DPW Engineer Narrative Report (Construction Waste Case Only)
 - Background, Training, & Experience
 - Estimated Number of Cubic Yards of Construction Waste
- Property Parcel Report

DUMPING FILING CHARGES

CALIFORNIA PENAL CODE:

NO PERMISSION TO DUMP/TRESPASS – TRUCKER/HAULER

374.3(h)(1) Penal Code - Unlawful Dumping of Commercial Quantities of Waste Matter

602(m) - Penal Code Trespass

HEALTH AND SAFETY CODE:

117555 Health and Safety Code - Unlawful Dumping of Solid Waste

(Charge for dumping of household waste and/or solid waste on alley, public highway, or road)

LOS ANGELES COUNTY BUILDING CODE, TITLE 26, APPENDIX J:

Los Angeles County Building Code, Title 26, Appendix J, Grading Section J103.1

Grading without permit or inspection (50 cubic yards or greater) – Owner or agent

(Charge for property owner that allows unpermitted grading of 50 cubic yards or greater. Note exceptions: charge when less than 50 cubic yards if dumping with a 5 to 1 slope or when dumping in a drainage course. Consult with Department of Public Works (DPW).)

Los Angeles County Building Code, Title 26, Appendix J, Grading Section J103.2 – Owner or agent

Unpermitted Grading/Obstructing Drainage Course

LOS ANGELES COUNTY ZONING CODE, TITLE 22:

Los Angeles County Zoning Code, Title 22, Section 22.16.030(B) – Owner or agent

Unlawful Land Use - Maintaining an Unpermitted Waste Disposal Facility

(No minimum cubic yards required)

Los Angeles County Zoning Code Title 22, section 22.16.030(B) – Owner or agent

Unlawful Land Use - Maintaining an Unpermitted Land Reclamation Project

(No minimum cubic yards required)

Los Angeles County Zoning Code, Title 22, section 22.16.030(B) – Unlawful Land Use – Owner or agent

Maintaining an Unpermitted Solid Fill Project

(Must be *more* than 1,000 cubic yards unless Significant Ecological Area (SEA) or dumping in waterway/blue line stream)

*INVOLVE COMMUNITY WITH
CLEAN-UP AND
WASTE MANAGEMENT*





*PROPOSED AMENDMENTS TO
Penal Code § 374.3*

California Penal Code section 374.3(d):
**EXPAND STATE/LOCAL AGENCIES AUTHORIZED TO
DECLARE A PROPERTY A NUISANCE WITH
UNLAWFULLY DUMPED WASTE:**

**Add authority to declare a property with
unlawfully dumped waste a public health and safety
hazard, public nuisance or a fire hazard to “state or
local agency with jurisdiction over the property”
plus already authorized local health department,
local fire department, district providing fire
protection services, and Department of Forestry and
Fire Protection.**

California Penal Code section 374.3(a), 374.3(b),
374.3(d):

PROPERTY OWNER/AGENT THAT GIVES CONSENT TO
DUMP MUST OBTAIN REQUIRED STATE/COUNTY/
LOCAL PERMIT/LICENSE *BEFORE* DUMPING:

Property owners or their agents must first obtain
required state/county/local permits/licenses before
depositing waste on property when consent to
dump is given.





Any Questions:

Contact

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