



Illegal Dumping Case Study

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Background

- August 2020 County Department of Environmental Health (DEH) notified me of an illegal dumping case in the East San Jose Hillside area - Unincorporated County Area
- Large amount of trash, dirt, and debris was discovered dumped in a ravine on private property. Person(s) responsible for the dumping are unknown.







My First Inspection: October 2020

- Site visit coordinated with DEH as a follow-up to their NOV.
- Accessed through complainant's property.
- I sent my own NOV afterwards
- DEH posted a copy of their NOV on the front gate afterwards.



My Second Inspection October 2020 - meeting with tenant

- Property owner is very old, disabled, and in a care facility.
- Tenant (will call him "John") is living on the property and has an arrangement with the owner where he works for them in a handyman-type of capacity.
- John claims that all the waste was already in the ravine from previous tenants who allegedly had an illegal cannabis growing operation.
- John also made us aware of a second dump site downstream...



Second Dump Site: October 2020

- Located not too far downstream of first site.
- Located on the original complainant's property.
- Dump site has lot of old large items such as appliances, metal drums, tires, furniture, electronic waste, etc.



My Third Visit- November 2020 (Site 1)

- Progress is being made on the cleanup.
- The more waste John pulled out, the more we could see that there is much more work to be done.



Factors Impacting Timely Cleanup of Site 1



Financial - Property owner and tenant are facing financial hardship during the COVID-19 pandemic



Man-power - Tenant is working alone with some help from friends to clean up site. Day laborers were used for a few cleaning days too.



Weather - Rain/mud created a very challenging scenario for cleanup.



Safety - Unstable ground surface on top of waste makes it a safety challenge for using equipment. Cleanup must be done primarily by hand

Visit with Property Owner of Site 2

- We looked at the waste from the top of the ravine this time. The hill is much steeper, and the waste is much further down than it appears in photos.
- Owner claims the property was purchased in this condition over 30 years ago.



Factors Impacting Timely Cleanup of Site 2



Financial - Initial estimate from a contractor was over \$12,000 for grading work and cleanup.



Terrain - Huge challenge due to the steep hillside, heavy materials, and large quantity of waste.



Regulatory - May need to obtain permits from CADFW and other agencies to begin cleanup.

Cooperative Approach

- Both sites were cooperative with the County and were showing good faith efforts to comply.
- We decided to not escalate enforcement so not to put the responsible parties into more of a financial hardship during COVID.
- We found a potential grant funding source to help with costs.



Cleanup Grants from

Illegal Disposal Site Abatement Grant Program

- Provides up to \$1 Million annually in financial assistance in the form of reimbursement.
- Up to \$500K/award to help public entities accelerate the pace of cleanup and restore sites.
- Can be very competitive to get funding.

Farm and Ranch Solid Waste Cleanup and Abatement Grant Program

- Provides up to \$1 Million annually in grants to eligible sites.
- \$200K/Award, \$50K/site
- Must be zoned for agricultural use
- Not eligible if property owner is responsible for the illegal dumping activity.
- Less Competitive.

Grant Decision - Farm and Ranch Grant



Both parcels are zoned as "Hillside" which allows agriculture



Contacted the Guadalupe Coyote Resource Conservation District (GCRCDD) and they were excited to take on the grant writing and grant management.



GCRCDD to pay for the cleanup and submit documentation to CalRecycle for reimbursement

Grant Application

- Application submitted on February 4, 2021.
 - GCRCDC only applied for site #2.
- Two reasons site #1 was not in the application:
 - Since the property owner's tenants dumped this waste, and there may have been illegal activity associated with it CalRecycle was not reassuring us that the site would qualify.
 - John was chipping away at the cleanup effort and led us to believe that he was getting close to being finished.



My Fourth Visit: February 11, 2021

- John has been working on the cleanup in his spare time. Hired day laborers for a few days.
- The more waste that is removed, the more waste is revealed to be buried below.
- The cleanup has been moving along very slowly but John has been providing dump receipts and photos of progress.



More photos from fourth visit

- Showing some progress, but the cleanup is taking longer than promised.
- Decided to stop conducting follow-up visits until it was completed.
- Staffing issues at the County made follow-ups a challenge.





Fast Forward to Now



- Site 1 is still in progress.
 - Communication is slow but progress is being ensured through regular check-ins.
 - Staffing issues = Reduced capacity for follow-up.
- Site 2 approved for CalRecycle Grant amount of \$36,372
 - Notice to Proceed received in April.
 - Awaiting communication from CA DFW regarding permits.
 - San Jose Conservation Corps and Ecological Concerns, Inc. selected as contractors for cleanup and erosion control.
 - Any funding left over will be used to clean site 1 if needed.

Lessons Learned

- There are opportunities for funding from CalRecycle.
- The Resource Conservation District is great to work with.
- Not all cases can be resolved in a timely manner.
- Some factors that can make the compliance process take much longer:
 - Financial and human resources to clean a site are insufficient.
 - Environmental hazards and considerations that delay action.
 - Understaffed programs with competing priorities.



Questions?

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