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Date: October 5, 2015

To: Contra Costa County Board of Supervisors
Internal Operations Committee (IOC)

From: Marilyn C. Underwood, PhD, REHS, Director of Environmental Health

Subject: Update on Proposed Revised Refuse Hauler Ordinance
Contra Costa County Ordinance 418-2

A. Introduction

At the July 27, 2015, Internal Operations Committee (IOC) meeting, Contra Costa Environmental Health (CCEH) provided an update on the proposed revision to the County's Refuse Hauler Ordinance, Chapter 418-2 of the County Code. The discussion among the parties present identified both improvements to the proposed ordinance and issues requiring further research. The following Section B is a summary of these issues and actions taken since then to explore these issues.

B. Follow-up on Items from July 2015 IOC

1. Sheriff's Office

The Contra Costa County Sheriff's Office has in the past provided helpful assistance in combating illegal dumping and unpermitted haulers, particularly in regards to vehicles found traveling on county roads. Sheriff's deputies assigned to North Richmond have pulled over refuse haulers on county roads for traffic violations, unsecured loads, no license plate, transporting waste tires without a hauler permit, and not having a valid refuse hauling permit. The proposed role for the sheriff's office is described in the revised Ordinance Section 418-2.003(a) (see latest draft dated October 5, 2015, attached as Exhibit A), though absent this description the Sheriff's Office may still have the authority to enforce.

Funding to support dedicated services of a Resident Deputy would improve the likelihood that the sheriff's office could assist with enforcement to combat illegal hauler and dumping activity. At the July 2015 meeting, the IOC requested estimated costs for a dedicated Resident Deputy. Staff has been advised by the sheriff's office that the maximum annual salary and benefit cost for a full-time Resident Deputy for Fiscal Year 2015/16 ranges between \$233,769 and \$239,506.

2. Performance/Surety Bond

The current refuse hauler ordinance, which was adopted in 1960, requires that a \$2,000 bond or cash equivalent be posted with the health officer (see Section 418-2.006). These types of bonds are typically called performance or surety bonds and are used to correct or abate damage that is the result of a code violation. A hauler may also have liability insurance, but typically such insurance does not cover damages that are the result of an illegal act. For example, if a waste hauler illegally dumped material, the surety bond could be used to pay for cleanup costs. The cost of these bonds is commonly based on the credit score assigned to a business. At its July 2015 meeting, the IOC requested a larger bond amount than is currently required and noted that the bond amount should be adjusted for inflation. Below is a table showing bond amounts required by other agencies, as well as the current Contra Costa County bond amount if it were adjusted for inflation.

AGENCY	BOND AMOUNT
Contra Costa County Franchise Agreement Performance Bond & CalRecycle Waste Tire Hauler Bond ¹	\$10,000
Contra Costa County Refuse Hauler Bond (Contra Costa Code Chapter 418-2.006) ²	\$2,000 or cash deposit
Contra Costa County Refuse Hauler Bond adjusted for inflation ³	\$16,124
Napa County	\$50,000
Riverside County	Expected average bimonthly gross income
Santa Clara County ⁴	As determined by the Director
Sonoma County ⁵	\$500 to \$2,500 or cash deposit

Notes:

1. CalRecycle has hauler submit CIWMB 61 for the bond (copy attached as Exhibit B).
2. Current bond requirement adopted in 1960.
3. Adjusted based on the Bureau of Labor Statistics Inflation Calculator.
4. Currently they have no amount specified.
5. For 500-1,000 customers \$1,000; for 500 or less customers \$500; their ordinance was adopted in 1969.

3. Landscapers and Contractors Self-Haul

The intent of the proposed ordinance is to regulate waste hauler businesses not operating under either a franchise agreement or a permit issued by an appropriate public agency (e.g., solid waste authority). It is recognized that landscapers and building contractors generate large quantities of solid waste materials and that some of these businesses transport their own waste materials from job sites. It is important that these materials be safely transported to an approved location for recycling or disposal. Those landscapers and contractors transporting their own waste materials from their own job sites are exempt from the refuse hauler permit requirement of the proposed refuse hauler ordinance if the material is taken directly to an approved recycling or solid waste facility. Rather than require them to obtain a separate waste hauling permit, other measures were considered to make sure that their waste materials are properly recycled or disposed. At the 2015 meeting, the IOC concurred that landscapers should be exempt from having to obtain a hauler permit.

4. Building Permit and Inspection Process

The Department of Conversation and Development (DCD) issues building and demolition permits and performs related inspections in unincorporated Contra Costa County and various contract cities.

State Mandated Job Site Debris Management Documentation

The 2013 California Green Building Standards Code (CalGreen) mandates submittal of documentation about the management of job site debris as a part of the building permit and inspection process for most projects. This requirement applies to demolition projects and construction of new buildings, including additions or alterations of buildings where the changes increase the building's conditioned area, volume or size. CalGreen requires submission of plans and verifiable post-project documentation to demonstrate how much of the nonhazardous construction and demolition debris generated on the job site was disposed, salvaged for reuse, recycled, or otherwise diverted. The County's pre-project (Debris Recovery Plan) and post-project (Debris Recovery Report) forms call for identification of the applicable recycling and disposal facilities.

At the July 2015 IOC meeting, several options were presented regarding potential actions that could be taken during the building permit and inspection process to address input raised during stakeholder workshops. The IOC approved the option recommended by DCD Staff calling for:

- a) modification of the Debris Recovery Plan form (see Exhibit C), required to demonstrate compliance with CalGreen, to require that building permit applicants disclose who was expected to haul job site waste (self-haul or name of hauling company); and

- b) modification of the Debris Recovery Report form (see Exhibit D), required to demonstrate compliance with CalGreen, to require disclosure of the entity(s) that hauled debris to disposal/recycling facilities.

Building Inspections Ineffective Means of Monitoring Debris Boxes

The IOC also expressed interest in adding debris box monitoring to the list of items that DCD's building inspectors would be responsible for observing and documenting when performing inspections on job sites. A significant level of effort would be involved to incorporate debris box monitoring into the building inspection process which has one-time and on-going cost implications. DCD staff believes that the additional step of requiring that building inspectors monitor debris boxes would not reduce the number of illegal haulers, illegal transfer stations, or illegal dumping.

DCD staff advised that this approach would most likely yield minimal results. The reason being issues of timing because debris boxes are often no longer present by the time inspections are conducted. Another reason noted by staff was the fact that final inspections are not always requested/conducted.

At the July IOC meeting, DCD staff was directed to research the number of building permits that were issued compared to the number of building permits finalized (final inspection completed). Over a five year period, final inspections were not conducted for approximately one-fifth of the building permits issued (total difference of 9,214). The table below shows the number of building permits issued and finalized for fiscal years 2010/2011 through 2014/2015.

Permit Types	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	5 Year Totals
Single Family Building	227	294	450	531	619	2,121
Multifamily Building	26	1	8	0	14	49
Industrial/Commercial Building	395	427	412	465	424	2,123
Residential Remodel/Addition	2,024	1,874	2,062	2,273	2,440	10,673
Miscellaneous Building	2,841	2,871	3,128	3,822	4,423	17,085
Grading	143	150	192	204	237	926
Electrical	671	607	669	745	847	3,539
Plumbing	1,203	1,222	1,196	1,178	1,351	6,150
Mechanical	962	895	1,096	1,128	1,201	5,282
Total Permits Issued	8,492	8,335	9,213	10,344	11,498	47,882
Total Final Inspections	7,234	6,737	7,387	8,339	8,971	38,668
Difference	1,258	1,598	1,826	2,005	2,527	9,214
	15%	19%	20%	19%	22%	19%

There are multiple reasons there is a disparity between the amount of building permits issued and final inspections completed. As shown in the above table, building permits cover a wide range of projects, ranging from stand-alone grading, electrical, plumbing, and mechanical permits (e.g. air conditioning) to residential structures, commercial/industrial buildings, signage, and wireless telecommunication facilities. Another key type is demolition permits, which represent a substantial source of C&D debris.

Sometimes permits never call for a final inspection, even though the project was completed or built (e.g. remodels). Some projects may go through the initial planning and engineering process to be issued a permit, but then that project is never started due to financial or other reasons. Occasionally, a building permit is issued, construction begins but then the project gets delayed unexpectedly. When the owner/builder gets back to working or building the project, there may have been a change to the Building Code. When that happens, a new permit needs to be issued to account for those code changes so there would be two permits for a single project (one final inspection). Lastly, part of the discrepancy is solely due to timing because inspections are not always performed in the same year as that project's permits were issued. Permits issued this past fiscal year, may get a final inspection next year.

Marking Debris Boxes

Debris boxes are commonly used at job sites to store and remove construction and demolition waste and recyclables. These debris boxes are quite large with a capacity up to 40 cubic-yards. Debris boxes are not always marked, making it difficult to identify who is responsible for transporting them to and from a job site. They are often owned by hauling companies, but contractors also commonly own (especially demolition and roofing companies) or rent the debris boxes used on their job sites. The requirement that the bins be marked with its owner, including for self-haul, is incorporated into the draft ordinance in Section 418-2.008(g).

By requiring that all debris boxes be marked to identify name of the company that owns them, it will make it easier to identify potential illegal haulers as well as assist franchise haulers in combating competitors potentially violating their rights under the County's Franchise (if containing waste exclusively governed under said franchise). Rather than adding another layer and potential costs to the building inspection process, DCD staff recommends that franchise haulers take the lead in debris box identification because their drivers can most effectively observe job sites while on their weekly routes. Franchise haulers' route drivers are much more likely to see a debris box and readily identify/confirm if their company's franchise is being violated.

Where unmarked debris boxes are observed, franchise haulers could hand-deliver written notification of the debris box marking requirements to the property owner or contractor; alternatively, if unsuccessful the franchise haulers could report unmarked debris boxes to CCEH as a potential violation.

5. Modification of Franchise Agreements

The County's Franchise Agreements need to be amended to eliminate potential conflict with any revised hauler ordinance, most notably the sections pertaining to franchise exclusivity and associated exceptions. However, the scope of the Franchise Agreement amendments that may be warranted will depend in part on the ordinance modifications.

6. Franchise C&D Waste

According to CalRecycle's 2008 Statewide Waste Characterization Study, construction and demolition (C&D) materials account for 29% of the waste stream. The IOC expressed potential support for granting the unincorporated County's franchise waste haulers exclusive permission to haul C&D waste in those areas where this is not already done. DCD staff will initiate discussion with the County's franchise haulers to negotiate proposed terms of Franchise Agreements amendments upon receiving direction from the Board of Supervisors.

7. Source-Separated Materials

Originally, CCEH staff proposed that haulers of source-separated materials be exempt from the hauler permit requirement. Stakeholders have expressed concern that these haulers are potentially associated with illegal transfer stations and also contribute to an ongoing scavenging problem. At the July meeting, the IOC did not approve either of the exemption options presented by CCEH staff.

Imposing the permit requirement on hauling source-separated recyclables will eliminate individuals' current rights under State law to donate their recyclables to non-profit organizations willing to pick them up. Some businesses get paid for their recyclables (e.g. cardboard, pallets and more) and requiring permits be obtained by companies now paying customers for their recyclable materials would likely result in negative impacts for customers and diversion. DCD staff requests that the IOC not requiring hauling permits for source-separated recyclables because these materials are not dumped illegally or taken to illegal transfer stations.

There are numerous certified e-waste collectors which offer free pick-up of electronic waste items, which would also be worthwhile to exempt from the revised ordinance.

8. Targeted Outreach

Working with the Contra Costa Health Services Community and Information Unit, CCEH developed two brochures focused on landscapers and building contractors (copies attached as Exhibits E & F). The brochures list those sites within Contra Costa County that have been either (1) granted the necessary approvals by the LEA and CalRecycle in order to accept landscaping and construction waste materials or (2) filed with the LEA the necessary Enforcement Agency (EA) Notification documents.

How and Where to Dispose of Construction & Demolition Debris

How and Where to Dispose of Green Waste

In September and early October, the brochures were distributed to more than 130 landscaping companies, several building contractors associations, Chambers of Commerce, Board of Supervisors, City and County code enforcement agencies, franchised haulers, and the solid waste authorities. The brochures were also posted on the CCEH website.

9. Definition of Industrial Waste

The intent of the proposed ordinance is to exempt legitimate industrial waste haulers from the requirement to obtain a separate waste hauler permit from the County. These wastes are typically transported by specialized equipment under permits from other government entities (e.g., hazardous waste). For the sake of clarity, the stakeholder workshops identified the need to define “industrial waste.” A conceptual definition was considered based on the City of Los Angeles Municipal Code.

“Industrial entity” means any site for mechanized manufacturing activities including factories, food processing, mineral extraction, power generation, refineries, fuel storage facilities and publically operated treatment works.

At the July 2015 IOC meeting the suggestion was made that reference to food processing be deleted from the definition. CCEH and DCD staff will work together on this or any other definitions which may warrant revision to address and/or avoid conflicts between franchises and hauler ordinance. When the ordinance is resubmitted for legal review, the exact wording necessary to exempt industrial waste can be determined based on the above and/or other definitions.

10. Disposal Within CCC

The committee has asked whether non-franchised waste haulers may be required to take their loads only to solid waste facilities in Contra Costa County. The California Integrated Waste Management Act of 1989 authorizes counties to determine aspects of solid waste handling that are of local concern, including the “frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services.” (Pub. Resources Code, § 40059, subd. (a)(1).) A different state law and a U.S. Supreme Court decision place limits on that broad authority, however. A state law enacted in 2012 bars the adoption of ordinances that restrict or limit the importation of solid waste into a privately owned facility in that county based on the place of origin of the waste. (Pub. Resources Code, § 40059.3.) In addition, a requirement that haulers take their waste only to local facilities could be challenged by out-of-county solid waste facility operators in federal court on the grounds that it constitutes economic protectionism and violates the Commerce Clause of the U.S. Constitution. In 1994, the U.S. Supreme Court struck down a New York town’s solid waste flow-control ordinance that required specified solid waste to be taken only to a designated processing facility located in that town, because the ordinance had the effect of hoarding solid waste for the benefit of that facility and depriving out of town competitors of access to a local market. (*C&A Carbone, Inc. v. Town of Clarkstown, New York* (1994) 511 U.S. 383.)

11. Illegal Transfer Stations

Illegal waste haulers are often associated with illegal transfer stations. These illegal transfer stations have not undergone the proper environmental, planning, and other reviews necessary to ensure they are properly sited and will operate pursuant to applicable solid waste and other standards (e.g., zoning). Additionally, they compete unfairly with legitimate waste management operations, and do not pay the applicable fees which support regulatory oversight (e.g., inspections), appropriate mitigation measures, and other oversight.

CCEH regularly investigates complaints about such illegal operations and, if verified, seeks their closure and cleanup. Some illegal haulers bring solid waste materials to illegal transfer stations. The material is then sorted to remove recyclable material considered to have value, and the residual waste is burned, dumped on the roadside, abandoned, or otherwise improperly disposed. These operations do not comply with solid waste standards, including those standards related to record keeping, staff training, load checking, storage, preventing nuisances, etc.

Subsequent to the July 2015 IOC meeting, CCEH investigated more than a dozen reported illegal transfer stations located in Richmond, North Richmond, El Sobrante, and Bay Point. Additionally, significant progress was made by the responsible parties in cleaning up an illegal solid waste facility and in Byron and another in Antioch.

In West Contra Costa County, a previously established task force was reconvened to deal with this problem. On September 16, 2015 two teams from the task force inspected illegal transfer stations. One team visited sites in the City of Richmond and the other team visited locations in unincorporated Richmond. The following agencies participated: Contra Costa Environmental Health (as the LEA), Contra Costa County District Attorney's Office, Contra Costa County Sheriff's Office, Richmond Police Department, Richmond Code Enforcement, California Highway Patrol, Contra Costa County Code Enforcement, Richmond Fire Department, Contra Costa County Fire Protection District, and Contra Costa County Hazmat. Each team was accompanied by a Portuguese translator through an arrangement with Contra Costa County Health Services.

Eight sites were visited on September 16, 2015. The tenant at one site denied entry; CCEH is working with the District Attorney's Office to obtain an inspection warrant. No one was present at a second location and investigators were unable to access the site. Of the six sites where inspections were conducted, illegal solid waste activities were observed at all of them. The sites were operating as illegal transfer stations; e.g. refuse haulers transport large quantities of solid waste materials to these locations and then the materials are sorted, processed, or stored. Violation notices were sent to the business operators and property owners. The notices require the operator to cease accepting solid waste materials and to remove materials to an approved recycling or disposal facility.

In addition to inspecting the location requiring an inspection warrant, the task force will schedule other dates to conduct re-inspections of the sites visited on September 16, 2015, and continue inspecting other illegal solid waste facilities that have not yet been inspected by the task force. At the present time the LEA has reports of 19 possible illegal solid waste facilities.

Exhibits G through K are some of the photos taken on September 16, 2015.

C. Illegal Dumping Technical Advisory Committee

On September 16, 2015, LEA staff attended a meeting of CalRecycle's Illegal Dumping Technical Advisory Committee in Sacramento to discuss the statewide issues with unregulated haulers, illegal transfer stations, and illegal dumping. CalRecycle does not intend at this time to directly regulate waste haulers but is looking at ways to assist local agencies in their efforts to do so.

D. Contra Costa Times Article

The Contra Costa Times (September 13, 2016) Eye on the East Bay had an article on illegal dumping (copy attached as Exhibit L).

E. Next Steps

Once the following remaining issues are resolved, CCEH will work with DCD and County Counsel to develop final proposed ordinance revisions for consideration by the IOC and Board of Supervisors:

- Sherriff's office role and funding (Item 1),
- Select preferred amount for the surety bond (Item 2),
- Building permit and inspection role (Item 4),
- Board direction to negotiate potential amendments to all four of the County's Franchise Agreements (Items 5 & 6), and
- Reconsideration regarding exempting source-separated recyclables (Item 7).

Exhibits Index

Exhibit A	Proposed Revision to Contra Costa County Ordinance 418-2 (October 5, 2015)
Exhibit B	CIWMB 61-Waste Tire Hauler Bond
Exhibit C	Debris Recovery Plan (DCD Form)
Exhibit D	Debris Recovery Report (DCD Form)
Exhibit E	How and Where to Dispose of Construction & Demolition Debris
Exhibit F	How and Where to Dispose of Green Waste
Exhibits G-K	Photos from September 6, 2015 Inspections of Illegal Solid Waste Facilities
Exhibit L	Contra Costa Times Article (September 11, 2015)

**PROPOSED REVISION TO CONTRA COSTA COUNTY
ORDINANCE 418-2
REFUSE TRANSPORT AND DISPOSAL ORDINANCE
(~~DRAFT – June 15, 2015~~)
(October 5, 2015 IOC)**

The following are proposed revisions to Contra Costa County Ordinance Chapter 418-2.

Black text = discussion or background information

Blue text = current ordinance

Red text = proposed revised ordinance

Green = revised post-workshops

Purple = revised post July 27, 2015 IOC

I. INTRODUCTION

Key considerations for this ordinance:

- Not conflict with franchise agreements or County franchise ordinance (418-7).
- Define what refuse transportation businesses are subject to health permit requirement.
- Authorization to conduct inspections.
- Authorization to charge permit and other fees.
- Minimum operating standards.
- Requirement that the solid waste go to an approved solid waste or recycling facility.
- Enforcement tools.
- Identifying other possible target audiences for outreach.

II. DEFINITIONS

The current definition of “refuse” is somewhat out of date. The updated definition of “refuse” recognizes the importance of recycling in modern waste management by including additional terminology. The goal is that the updated “refuse” definition, a description of those refuse transporters exempt from the health permit requirement, and other requirements will facilitate regulatory efforts toward non-franchised transporters to ensure that solid waste materials are brought to a legitimate solid waste or recycling facility in a safe manner that protects public health and the environment.

The modified definition of “refuse” keeps much of the original language, but takes into account that many illegal haulers claim they are recyclers, when, in fact, they may be taking materials to illegal transfer stations or other unacceptable locations. Illegal refuse transporters are often distinguished by the carrying of mixed loads; for example, the waste material in **the** a truck does not meet the three-part test (i.e., not source-separated or too much contamination with residuals or putrescibles);

likewise, at illegal transfer stations, these loads arrive and are further processed or separated, often in a manner inconsistent with the State minimum solid waste standards.

Current Ordinance 418-2.002 Refuse—Defined

As used in this chapter, "refuse" means garbage, combustible or noncombustible waste, and putrescible solid or concentrated liquid wastes originating from household, business, commercial, or industrial activity, including sewage, sewage effluent, sewage sludge, or any admixture of any of these substances with another of them or with any other substance.

Proposed 418-2.002 Definitions

- (a) Refuse – As used in this chapter “refuse” means solid waste, garbage, food waste, junk, rubbish, recyclable materials, ~~non-source-separated recyclable materials, recyclable materials containing more than ten percent residual waste or more than one percent putrescible waste,~~ construction or demolition debris, landscaping wastes, compostable materials, biosolids, combustible or noncombustible wastes, and putrescible solid or concentrated liquid wastes originating from households, business, commercial, or industrial activity.
- (b) Recycling facility – As used in this chapter, “recycling facility” means a facility as defined in the California Code of Regulations, Title 14, Section 17402.5(d) and having all necessary state and local permits and registrations.
- (c) Solid waste facility – As used in this chapter, “solid waste facility” means a facility as defined in the California Public Resources Code Section 40194 and having all necessary state and local permits and registrations.
- (d) Person – As used in this chapter, “person” means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, syndicate, city, county, or other political subdivision, or any other group or combination acting as a unit.
- (e) Industrial waste – As used in this chapter means any waste which results from mechanized manufacturing activities including factories, mineral extraction, power generation, refineries, fuel storage facilities and publically operated treatment works.

Note(s):

- (1) The definition of “person” is standard boilerplate language in many laws. This version is from the California Retail Food Code.
- (2) If haulers of source-separated materials are subject to the permit requirement, there is no need to apply the three-part definition (i.e., ten percent residual, one percent putrescible).

III. PERMIT REQUIRED

The current ordinance requires both franchised haulers and cities to obtain refuse hauler permits if at some point the vehicle travels on a road in the unincorporated county. Environmental Health is recommending that that franchised haulers and cities be specifically exempted from the health permit requirement. The current proposal also excludes from the permit requirement those people transporting their own refuse (e.g., contractors, landscapers), though there is a legitimate concern that some persons transporting their own refuse may contribute to the illegal dumping problem. Additionally, the proposal excludes from the permit requirement businesses operating under a specific permit issued by a solid waste authority; for example, a construction and demolition debris hauler operating under a waste authority permit.

The proposed revision to 418.2-004 includes breaking it out into two separate sections, 418-2.003 and 418-2.004. An inspection program is included in the proposed revision.

Current Ordinance 418-2.004 Permit required

No person, municipality, or governmental agency shall collect or transport any refuse on the public streets or highways of this county without first having obtained a permit from the board of supervisors.

Proposed 418.2.003 Permit required

- (a) Except as described in Section 418-2.005, no person shall transport refuse in the unincorporated areas of the county without possessing a valid health permit for the business and a valid health permit sticker for each refuse transportation vehicle. The health permit and health permit sticker are issued by the Contra Costa County health officer ("health officer") or his or her designee. The health officer ~~may~~ shall designate Contra Costa Environmental Health as his or her designee to implement and enforce the provisions of this chapter, including the issuance of health permits and health permit stickers. In addition to Contra Costa Environmental Health, the Contra Costa County Sheriff's Office shall enforce Sections 418-2.003(a), 418-2.003(b), 418-2.005, and 418-2.008 of this chapter.
- (b) A health officer issued health permit sticker shall be affixed to the rear of the vehicle in a location acceptable to the health officer and be plainly visible.
- (c) An application for a health permit shall be on forms approved by the health officer and contain all information as required by the health officer. The information required by the health officer may include, but is not limited to: (1) a listing of the location(s) where the person will collect, transport, dispose of, or relinquish control of refuse and (2) verification or affirmation that if the refuse is collected in an area covered by a franchise agreement, the person will only haul refuse if the person, or his or her employees, provide the labor component required to load the transport vehicle or container.
- (d) The health officer may issue a health permit and health permit sticker after the refuse transportation vehicle has been inspected by the health officer and found in compliance with the provisions of this chapter, the business is otherwise in compliance with this chapter, and all required fees have been paid.

- (e) Equipment used for refuse transportation shall be made available for inspection as requested by the health officer, including an annual inspection of refuse transportation vehicles prior to the issuance of health permit stickers.
- (f) For the purposes of enforcement of this chapter, the health officer may, during the business's hours of operation and other reasonable times, enter, inspect, issue citations, and secure any sample, photographs, or other evidence from a refuse transportation business or refuse transportation vehicle or any business or vehicle suspected of being a refuse transportation business or vehicle.

Note(s):

- (1) Regarding 418-2.003(a), the collection vs. transportation distinction remains an issue to ultimately resolve; for example, an appropriate place to further address issues around the collection of solid waste is in County ordinance 418-7.
- (2) Right of entry to inspect is commonly found in ordinances, regulations, and statutes.

Proposed 418-2.004 Permit exemptions

The current proposal would exempt from the health permit requirement the following: franchise haulers working under the scope of the franchise agreement **or related permit (e.g., C&D permit)**, cities collecting their own refuse, **and** people **and or** businesses transporting their own wastes to an approved location.

A refuse hauler health permit or health permit sticker is not required for the following if the refuse is taken directly to a solid waste facility or recycling facility:

- (1) Refuse transportation business operating pursuant to a franchise agreement issued by a local governmental entity such as a county, city, or local solid waste authority; or
- (2) Refuse transportation business operating pursuant to a permit issued by a local solid waste authority and transporting the refuse allowed by the permit; or
- (3) Contractor or landscaper transporting refuse from his or her own jobsite. The health officer may request proof that such refuse is from a jobsite. Such proof may include a building or demolition permit consistent with refuse being hauled, contract for the work performed that demonstrates the work is consistent with the refuse being transported, or other documentation acceptable to the health officer; or
- (4) Governmental entity transporting refuse from its own jobsites; or
- (5) Renderer operating under permit from the State Department of Food and Agriculture; or
- (6) Property owner, business owners, agricultural operation, or farmer transporting refuse from his or her own premises; or
- (7) Transporter operating under permit issued by a governmental entity and collecting or transporting only the specific waste allowed by the permit, including such material as **industrial waste, medical waste, or hazardous wastes, and where such waste is transported to an approved destination or facility authorized to accept the material.**

Note(s):

- (1) If a contractor does not take his or her waste directly from a jobsite to a solid waste or recycling facility and instead brings it back to the business for processing or sorting, that location might be considered an illegal transfer station.

IV. HIRING OF LICENSED PERSON REQUIRED

Current Ordinance 418-02.005 Hiring of licensed person required

No person shall engage the service of a person, municipality or governmental agency, whether or not for compensation, to collect or transport over the public streets or highways of this county, refuse, unless the person, municipality or governmental agency whose service is engaged has obtained a permit pursuant to Section 418-2.004.

Proposed 418-2.005 Hiring of licensed person required

No person shall engage the services of a person, whether or not for compensation, to transport refuse, unless the person whose service is engaged has obtained a permit pursuant to Section 418-2.003.

V. BOND REQUIRED

The current ordinance requires a refuse transporter post a \$2,000 bond with the Board of Supervisors. Please note that the current ordinance is based on the transportation of refuse on county roads, but the bond requirement also mentions collection. There are several options the Board of Supervisors may wish to consider.

Option 1 — ~~Keep the amount the same but have the bond posted with the health officer (i.e., Environmental Health).~~

Option 2 Raise the bond amount and have it posted with Environmental Health.

Option 3 — ~~Require liability insurance in lieu of a bond.~~

Option 4 — ~~Delete this section entirely.~~

Current Ordinance 418-2.006 Bond required

Every person, other than a governmental agency, which shall apply for a permit to collect or transport refuse, shall file with the board of supervisors a bond in the amount of two thousand dollars, or the same amount in cash, as a guarantee that the privilege granted in the permit shall be performed in accordance with the regulations prescribed by the board of supervisors in the

order granting the permit, as recommended by the county health department and in accordance with applicable state laws.

Option 2

Prior to the issuance of health permit the applicant shall post with the health officer a cash deposit or performance bond guaranteeing compliance with applicable laws and regulations. Such bond is to be in an amount of \$ _____. In addition to other civil or criminal penalties, the health officer may use this cash deposit or bond to remedy violations of applicable laws or regulations.

VI. VEHICLE REQUIREMENTS

Some of these requirements would apply to all refuse transporters, regardless of whether or not they need a health permit. For example, under the proposed (and current ordinance), no refuse transportation vehicle is allowed to have materials falling off the truck. Franchised haulers expressed concern that Environmental Health may issue permits to a non-franchised hauler who then might impinge upon a franchise agreement. The current proposal includes the requirement that non-franchised haulers not violate a franchise agreement, though Environmental Health has been informed that this requirement may not actually address potential conflicts with franchise agreements; additionally, there is the question as to the appropriateness of our agency being involved in the enforcement associated with a franchise agreement. Nevertheless, Environmental Health recognizes that this is an important issue to the franchise haulers and we hope that it is somehow addressed to the satisfaction of all parties.

Current Ordinance 418-2.010 Vehicle requirements

- (a) Every vehicle transporting refuse to a solid waste disposal or processing facility shall provide a means to cover and contain refuse securely within the vehicle, so that no refuse shall escape.
- (b) Every vehicle used in the business of refuse collection shall have painted on the outside of each side wall of the hauling body, in letters not less than four inches high and one inch wide, the following legible information in a color contrasting with the body color:
 - (1) Name of the refuse collector;
 - (2) Permit number issued by the board of supervisors;
 - (3) Number of vehicle, if more than one vehicle is operated by the collector.
- (c) Collecting vehicles shall be kept clean, and no nuisance of odor committed.

Proposed revised 418-2.008 Vehicle and Operational requirements

- (a) Every vehicle transporting refuse shall provide a means to cover and contain refuse securely within the vehicle so that no refuse shall escape, including leakage of liquid or semisolid materials.
- (b) Every vehicle for which a permit is required pursuant to this chapter shall have painted on the outside of each side wall of the hauling body, in letters not less than four inches high and one inch wide, the following legible information in a color contrasting with the body color:
 - (1) Name of the refuse hauler; and
 - (2) Unique identifying number of the vehicle if more than one vehicle is operated by the refuse hauler.
- (c) Every vehicle transporting refuse shall be kept clean and create no nuisance, including nuisance odors.
- (d) A person operating a refuse transportation business shall not violate a local franchise agreement, whether or not the person has obtained a health permit to operate a refuse transportation business.
- (e) A person operating a refuse transportation business for which a permit is required pursuant to this chapter shall maintain records showing the type, amount, and location from which refuse is collected and the disposal site or end destination for said refuse. Such records shall be kept for at least one year and provided to the health officer upon request. In addition to the records maintained for at least one year, quarterly reports shall be submitted to the health officer by the end of the month following the end of a quarter; these reports shall accurately list the type, amount, location from which refuse is collected, and the disposal site or end destination for said refuse. The health officer shall provide copies of these records to a solid waste authority or other governmental entity upon request.
- (f) Refuse shall be transported to a permitted landfill, permitted transfer station, other solid waste facility operating in conformance with the State minimum solid waste standards, recycling facility, or other facility in conformance with applicable laws and regulations.
- (g) Refuse containers ~~provided by a refuse transportation business~~ shall be clearly marked with the name of the refuse transportation business or other person using or providing said containers. Containers of one cubic yard or larger owned by the refuse transportation business or other person using or providing said containers shall be identified with the name and phone number of the refuse transportation business.
- (h) Where the refuse containers are provided by a refuse transportation business, the refuse transportation business is responsible for maintaining the containers in good condition.

Note(s):

- (1) The following operational standards in this section would apply to both franchise and non-franchise operations (in unincorporated areas of the County): 418-2.008 (a), (c), (f), (g), and (h).
- (2) The following operational standards in this section would apply to non-franchise operations (in unincorporated areas of the County): 418-2.008 (b), (d), and (e). Please note that recordkeeping requirements in other state and local laws/regulations (and enforced by other agencies) already apply to franchise haulers.

VII. CHAPTER EXCEPTIONS

Section 418-2.010 Chapter exceptions

Recommend deleting this section as the exceptions are now described elsewhere.

Current Ordinance 418-2.010 Chapter exceptions

The provisions of this chapter, except [Section 418-2.008\(a\) and \(c\)](#), shall not apply to a septic tank-chemical toilet cleaner as defined in [Section 413-3.415](#), having a valid, unrevoked, unsuspended public health license issued therefor pursuant to the provisions of [Article 413-3.8](#), and to persons collecting:

(1)

Dead animals, bones, or meat scraps for tallow plants;

(2)

Waste material, such as waste paper and waste paper products, to be used as a raw material in manufacturing;

(3)

Refuse originating on their own premises.

VIII. ENFORCEMENT

Title 1, Division 14 of the *Contra Costa County Ordinance Code* contains provisions for civil, [criminal, and administrative penalties](#), ~~and criminal enforcement~~, including permit suspension and revocation.

Note(s):

- (1) When Environmental Health submits cases to District Attorney's Office for prosecution, we typically include Business & Professions Codes 17200. This is used for civil enforcement and does have significant monetary penalties.

IX. FEES

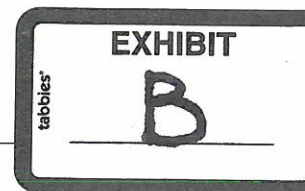
Title 4, Division 413 of the *Contra Costa County Ordinance Code* allows the Health Officer to establish fees in order to fund regulatory programs. A permit fee system would be established for a refuse hauler program, including inspections, reinspections, field surveillance, and complaint investigations.

FYI: Items from other ordinances to consider

1. SF Appendix 10 – Requires a refuse company to provide a written receipt to its customers.
2. SF Appendix 17 – A boilerplate severability clause.
3. Santa Clara County Section B11-160 – A definition of disposal that is consistent with the language in the proposed hauler ordinance: “Disposal means to deposit refuse into an approved solid waste landfill, transfer station, composting or recycling operation.”
4. Santa Clara County Section B11-166 – Specifies that permits are revocable.
5. Santa Clara County Section B11-168 – A general catchall section. “All collectors must operate in a manner to protect the public and environmental health as determined by the director. Collectors are responsible for picking up any spillage that may occur during collection and transport.”
6. Santa Clara County Section B11-173(c) – Contains an exemption similar to the proposed ordinance for contractors hauling their own waste, but requires approval from the enforcement agency to do so.
7. Santa Clara County Section B11-178(b) – Requires yards where collection vehicles are stored to be kept in a sanitary condition.
8. Santa Clara County Section B11-188 – Prohibits unauthorized disposal. “It is unlawful for any person to throw away, deposit or bury, or cause to be thrown away, deposited or buried, any refuse, except at an approved disposal or collection area unless authorized by the director...”
9. Napa County Section 8.56.020 – This section mentions removing, collecting, and transporting. “The standards in this chapter shall apply to vehicles used for removing, collecting, and transporting solid wastes within the incorporated area of the county, except that nothing in this chapter shall be deemed to regulate the transportation of solid wastes on any railroad tracks which connect to any interstate rail system.”
10. Napa County Section 8.56.030 C – Language regarding basis for denying permit. “...The LEA shall deny the permit only if the LEA determines that the proposed operation and equipment will not comply with the requirements of this chapter, all applicable local ordinances including the terms of any applicable franchise agreement, and all applicable state and federal statutes and regulations.”
11. Napa County Section 8.56.040 B – Exclusion from permit language. “Collectors and transporters of septic tank pumping, hazardous wastes and/or medical waste are not required to have a permit under this chapter but must conform to the permit requirements and regulations set forth in other sections of this code as well as all applicable state and federal laws and regulations.”
12. Sonoma County Section 22.10 – Has specific language about the permit application.
13. Sonoma County Section 22.25 – Insurance, bonding, and indemnification

WASTE TIRE HAULER BOND

BOND NUMBER _____



KNOW ALL PEOPLE BY THESE PRESENTS:

That we, The Undersigned _____, whose address for service is _____, as Principal, and _____, a corporation organized and existing under the laws of the State of _____ and authorized to transact a general surety business in the State of California, whose address for service is _____, as Surety, are held and firmly bound unto the State of California in the sum of TEN THOUSAND DOLLARS (\$10,000) lawful money of the United States, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, personal representatives, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal is required by the provisions of Section 42955 of the Public Resources Code to file or have on file a bond as therein prescribed in the amount of ten thousand dollars (\$10,000), and said Principal admits it is so required; and

WHEREAS, the above-named Principal, pursuant to California Senate Bill No. 744 (McCorquodale), Chapter 511, Statutes of 1993, an act to amend Section 42889 of, and to add Chapter 19 (commencing with Section 42950) to Part 3 of Division 30 of, the Public Resources Code, relating to used and waste tire haulers, is applying to the California Integrated Waste Management Board for a registration to engage in transportation of used and waste tires as defined in California Statutes of 1993, Chapter 511, Part 3 of Division 30, Chapter 19, Article 1, Section 42950 et seq., at the following location:

_____; and

NOW THEREFORE, the conditions of the foregoing obligation are that if the Principal above named shall faithfully comply with all and be subject to all applicable statutes, rules, and used and waste tire hauler registration conditions of the State of California, then this obligation shall be null and void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, this bond is issued subject to the following express conditions:

1. This bond shall be effective on _____ day of _____, 20____, and shall run concurrently with the period of the registration granted to the Principal, and shall remain in full force and effect for any renewals thereof, provided, however, that the penalty of said bond shall not be cumulative from year to year, and the total liability of the Surety herein shall not exceed the sum of ten thousand dollars (\$10,000), regardless of the number of registration periods for which said bond is in force.

2. The conditions of this bond are as set forth in Chapter 19 (commencing with Section 42950) of Part 3 of Division 30 of the Public Resources Code and any regulations adopted to carry out this chapter or any of the California Integrated Waste Management Board's duties or responsibilities imposed pursuant to this chapter.

3. This bond is executed by the surety to comply with the provisions of Chapter 19 (commencing with Section 42950) of Part 3 of Division 30 of the Public Resources Code and applicable regulations and of Chapter 2 (commencing with Section 995.010), Title 14, Part 2 of the Code of Civil Procedure and said bond shall be subject to all of the terms and provisions thereof.

4. Any person claiming against said bond may bring an action on this bond, provided that written claim of such right of action shall be made to a principal or the surety company within two years after the injury.

5. It shall be the responsibility of the Surety to notify the California Integrated Waste Management Board immediately upon the payment of any funds which decreases the liability of the Surety under this bond, or if there is outstanding a claim for which the Principal and/or bonding company is liable.

6. This bond may be canceled by the Surety by sending a notice of cancellation by registered or certified mail to the Tire Hauler Compliance Section, Compliance Evaluation and Enforcement Division, P.O. Box 4025, Sacramento, CA 95812-4025. The Surety shall at the same time mail or deliver a copy of the notice of cancellation to the Principal. [See Code of Civil Procedure Section 996.310 et seq.] Such cancellation shall take effect 30 days from the date said notice of cancellation is received by the California Integrated Waste Management Board.

IN WITNESS WHEREOF, the above named parties have executed this instrument the _____ day of _____, 20__.

Corporate Seal
of Principal
(if corporation)

Principal

By _____
(Title)

ACKNOWLEDGMENT OF SURETY

I certify (or declare) under penalty of perjury under the laws of the State of California that I have executed the foregoing bond under an unrevoked power of attorney.

Executed in _____ on _____, under the laws of the
(City, State) (Date)
State of California.

Corporate Seal
of Surety

Signature of Attorney-In-Fact for Surety

Printed or Typed Name of Attorney-In-Fact for Surety

DEBRIS RECOVERY PLAN – FOR CALGREEN & COUNTY ORDINANCE

PERMIT WILL NOT BE ISSUED UNTIL COMPLETED PLAN SUBMITTED AND APPROVED

Submit Plans to the Application & Permit Center at 30 Muir Road, Martinez, CA 94553

QUESTIONS? Contact Judi Kallerman or Keith Denison at (925) 674-7200

APN: _____ Building Permit #: _____

Owner Name: _____

Owner Mailing Address: _____ Owner Phone: (____) _____

Jobsite Address: _____ Sq. Ft.: _____ Building Type: ☐ Single-Family House ☐ Multi-Family Residential

Jobsite Contact: _____ Company: _____ Jobsite Contact Phone: (____) _____

Brief description of project: _____

By signing below, I acknowledge that I am responsible for complying with the requirements of County Ordinance 2004-16 (Chapter 418-14 of County Code) or the 2013 CalGreen Building Standards Code.

Owner Signature: _____ Date: _____

For County Staff Use Only:

Circle One: CalGreen

County Ordinance

Plan Approved by:

Date Approved:

Make copy for applicant, place original in permit file.

MATERIAL	Reuse	Recycle	Dispose	FACILITIES/SERVICE PROVIDERS TO BE USED*	Amount in tons or volume but not both
Asphalt					
Brick					
Cardboard					
Carpet Padding					
Concrete					
Dry Wall/Gypsum					
Green-Waste					
Lumber-Untreated					
Rock/Stone					
Metals					
Mixed					
Other: _____					
Construction methods employed to reduce amount of waste generated					



*Please inquire with the local franchise refuse/recycling hauler to ascertain what recycling services they offer. Also, refer to the Contra Costa Builder's Guide for locating construction and demolition debris recycling businesses (available on-line at www.cccrecycle.org/debris or by calling our Recycling Hotline at 1-800-750-4096).

DEBRIS RECOVERY REPORT REQUIRED PER COUNTY ORDINANCE
FINAL INSPECTION WILL NOT BE SCHEDULED UNTIL COMPLETED REPORT IS SUBMITTED

APN: _____ Building Permit #: _____

Owner Name: _____ Contractor Name: _____

Jobsite Address: _____

Jobsite Contact: _____



Owner Phone: () _____

Jobsite Contact Phone: () _____

Submit completed form to:
 Application and Permit Center
 Contra Costa County
 Dept. of Conservation & Development
 30 Muir Road
 Martinez, CA 94553

MATERIAL	Reuse	Recycle	Dispose	ACTUAL FACILITIES/SERVICE PROVIDERS USED	WEIGHT (TONS)
Asphalt					
Cardboard					
Concrete					
Dry Wall					
Green Waste					
Lumber & Wood					
Metal(s)					
Rock/Stone					
Other:					
Other:					
Other:					

Total tons of materials disposed of (not recycled or reused): _____

Total tons of materials not disposed of (either recycled or reused): _____

Percent recycled/reused: _____ %

Please sign and date indicating that the above information is true and correct to the best of your knowledge:

Owner/Contractor Signature _____

Date _____

THANK YOU FOR YOUR EFFORTS TO REDUCE WASTE AND SAVE NATURAL RESOURCES

Questions can be directed to the County's Application and Permit Center at (925) 674-7200.

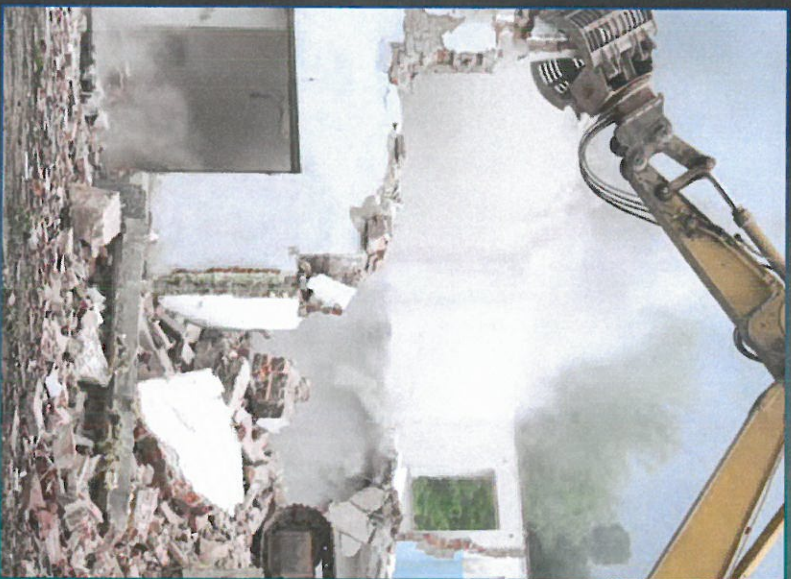


**Attach copies of receipts, gate tags, or other
 verifying documentation for all materials that were
 reused, recycled or disposed.**

CONSTRUCTION & DEMOLITION DEBRIS DISPOSAL & RECYCLING

Construction and demolition work in Contra Costa County generates a large amount of solid waste. Some of this waste ends up illegally dumped or taken to illegal transfer stations, causing significant environmental problems

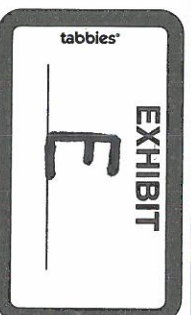
and blight. Taking construction and demolition debris to an approved disposal site or recycling facility will ensure that the material is handled in a manner that protects the environment and public health.



HOW AND WHERE TO DISPOSE OF CONSTRUCTION & DEMOLITION DEBRIS IN CONTRA COSTA COUNTY



For more information visit
cchealth.org/eh



July 16, 2015


**CONTRA COSTA
ENVIRONMENTAL HEALTH**
A Division of Contra Costa Health Services
2120 Diamond Blvd, Suite 200
Concord, CA 94520
925-692-2500 ph
925-692-2503 fx

CONSTRUCTION & DEMOLITION DEBRIS RECYCLING & DISPOSAL LOCATIONS

The following are locations for construction and demolition disposal or recycling in Contra Costa County.

Byron	
Woodmill Recycling 5595 Byron Hot Springs Road woodmillrecycling.com	925-634-3669
Martinez	
Acme Landfill 950 Waterbird Way acmelandfill.com	925-228-1139
Contra Costa Transfer and Recovery 951 Waterbird Way	925-313-8900
Pittsburg	
Keller Canyon Landfill 901 Bailey Road	925-458-9800
Mt. Diablo Recycling Center and Transfer Station 1300 Loveridge Road contracostawaste.com	925-473-0180
Richmond	
West County Organics & Golden Bear Transfer Station 1 Parr Boulevard	510-970-7242

Contact the facility to verify the types of waste accepted, if there are any residency or direct-hauling restrictions, hours of operation and fees.
If you hire someone to clean up, remove or dispose of waste, use a reputable company and verify that they are taking the waste to an approved facility for disposal or recycling. Consider asking for a receipt or other verification that the waste materials were properly

disposed of or recycled.
In areas served by franchised solid waste collections companies, you may be required to use the franchised or permitted hauler, depending on the type of waste and other factors, including for debris boxes. Contact the local solid waste authority for more information.
The waste authority websites have additional information regarding recycling and disposal, including out-of-county locations.



Central Contra Costa Solid Waste Authority covers Danville, Lafayette, Moraga, Orinda, Walnut Creek and unincorporated areas in Central Contra Costa 925-906-1801 • recyclesmart.org

West Contra Costa Integrated Waste Management Authority covers El Cerrito, Hercules, Pinole, Richmond, San Pablo and unincorporated areas in West Contra Costa 510-215-3125 • recyclemore.com

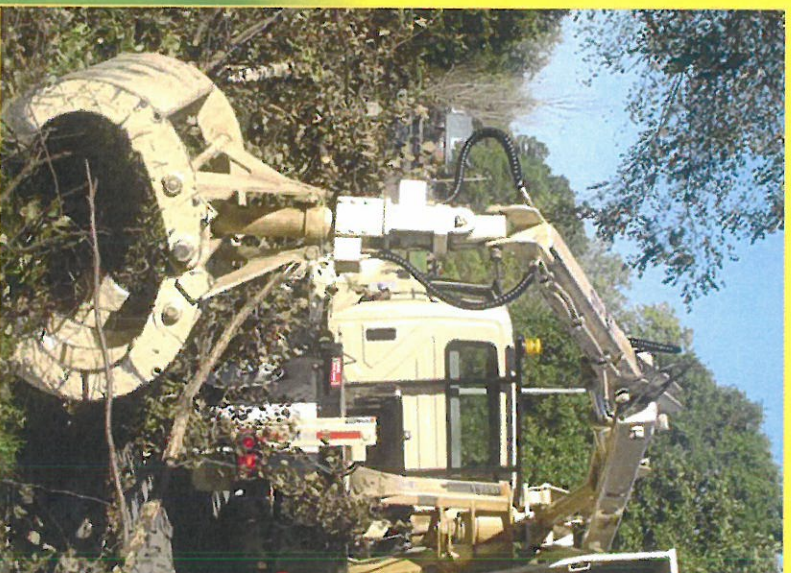
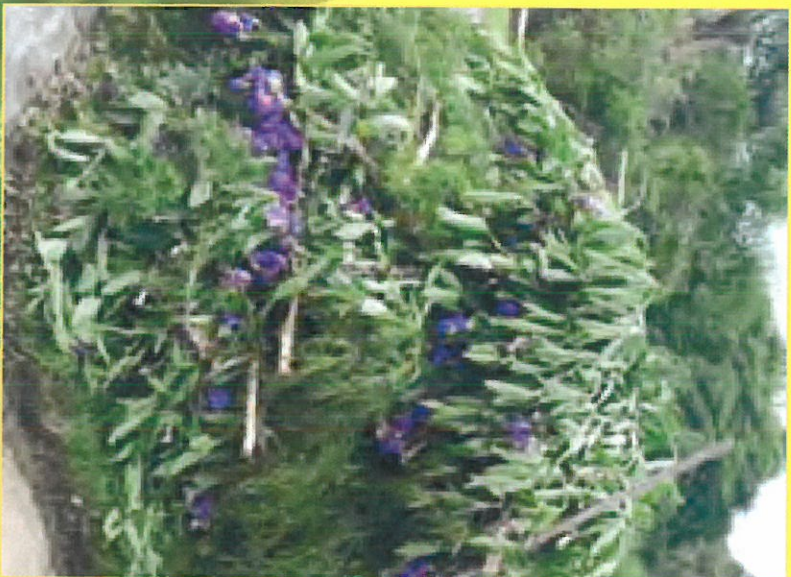
Contra Costa County Conservation and Development covers unincorporated areas in Contra Costa County not served by a waste management authority 925-674-7200 • www.co.contra-costa.ca.us/3383/Conservation-and-Development



GREEN WASTE DISPOSAL & RECYCLING

Landscaping work in Contra Costa County generates a large amount of solid waste. Some of this waste ends up illegally dumped or taken to illegal transfer stations, causing significant environmental problems and blight.

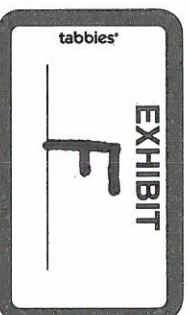
Taking landscaping waste to an approved disposal site or recycling facility will ensure that the material is handled in a manner that protects the environment and public health.



HOW AND WHERE TO DISPOSE OF GREEN WASTE IN CONTRA COSTA COUNTY



For more information visit
cchealth.org/eh



July 2, 2015

**CONTRA COSTA
ENVIRONMENTAL HEALTH**
A Division of Contra Costa Health Services
2120 Diamond Blvd, Suite 200
Concord, CA. 94520
925-692-2500 ph
925-692-2503 fx

GREEN WASTE RECYCLING & DISPOSAL LOCATIONS

The following are locations for green waste disposal and recycling in Contra Costa.

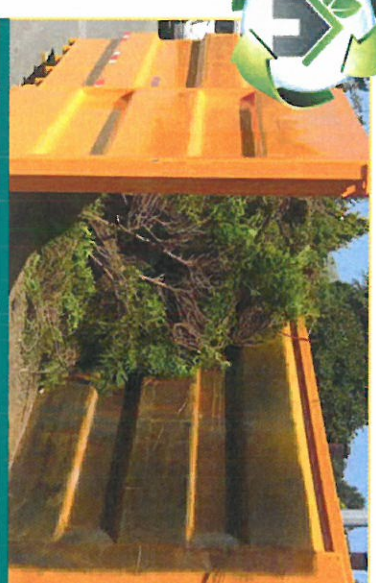
Byron	
Oliveira Enterprises 8005 Bruns Road	209-835-9382
Woodmill Recycling 5595 Byron Hot Springs Road woodmillrecycling.com	925-634-3669
Concord	
Atlas Tree Service 150 Medburn Street atlastreeservice.com	925-687-3681
Martinez	
Acme Landfill 950 Waterbird Way acmelandfill.com	925-228-1139
Contra Costa Transfer and Recovery 951 Waterbird Way	925-313-8900
Hamilton Tree Service 4949 Pacheco Boulevard hamiltontree.com	925-228-1010
Orinda	
Expert Tree Service 150 Old Tunnel Road experttreesevice.com	925-254-8733
Pittsburg	
Keller Canyon Landfill 901 Bailey Road	925-458-9800
Mt. Diablo Recycling Center and Transfer Station 1300 Loveridge Road contracostawaste.com	925-473-0180
Richmond	
Fahy Tree Service 2780 Goodrick Avenue	510-232-0100
West County Organics & Golden Bear Transfer Station 1 Parr Boulevard	510-970-7242
Green Waste Recycle Yard 2550 Garden Tract Road greenwasterecycleyard.com	510-527-8733

Contact the facility to verify the types of waste accepted, if there are any residency or direct-hauling restrictions, hours of operation and fees. If you hire someone to

clean up, remove or dispose of waste, use a reputable company and verify that they are taking the waste to an approved facility for disposal or recycling. Consider asking for a receipt or other verification that the waste materials were properly disposed of or recycled.

In areas served by franchised solid waste collection companies, you may be required to use the franchised or permitted hauler, depending on the type of waste and other factors, including for debris boxes. Contact the local solid waste authority for more information.

The waste authority websites have additional information regarding recycling and disposal, including out-of-county locations.



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Contra Costa County Conservation and Development covers unincorporated areas in Contra Costa County not served by a waste management authority 925-674-7200 • www.co.contra-costa.ca.us/3383/Conservation-and-Development









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EXHIBIT

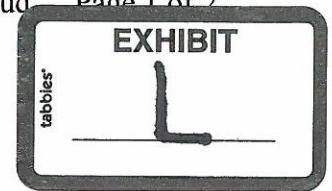
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EXHIBIT
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Eye on the East Bay: 'Game of Thrones' star's guest appearance draws Mountain of an audience

Updated: 09/11/2015 05:11:37 PM PDT

ContraCostaTimes.com

GAME OF CROWDS: The strongman actor who plays "The Mountain" on the HBO drama "Game of Thrones" left a big impression over Labor Day weekend in his first appearance at the Scottish Highland Gathering & Games in Pleasanton.

Bjornsson's character, Gregor "The Mountain" Clegane, is known as the scariest warrior on a show with many brutal deaths.

But in autograph sessions over Labor Day weekend, Bjornsson was a crowd pleaser, not a crowd killer. He held up babies and gave his ferocious scowl for photo takers.

The Icelandic actor and professional weight lifter didn't have much time for interviews, but he responded by email to some questions from The Eye.

He wrote that his favorite "Game of Thrones" character is Queen Cersei, the promiscuous schemer with a penchant for having people murdered.

And why her? we asked. "I could tell you, but then I'd have to..."

We also asked Bjornsson if he is like his "Mountain" character.

"When I compete we can be quite similar," he wrote, "but on an every day basis, we are quite different."

Good to hear that. Hafthor probably wouldn't be invited back to the Scottish Games if he crushed anyone's skull or cut off some arms or heads.

Busby said the games would like to have "The Mountain" return next year.

→ NO REST FOR THE WICKED: The illegal dumping of garbage -- not littering, but willful, wanton unloading of big, unwanted items and/or piles of trash in places it doesn't belong -- has reached epidemic proportions in some parts of the Easy Bay, often in gutters alongside roads less traveled, or relatively far from the madding crowd.

In one recent example in Pleasant Hill, though, neighbors weren't taking dumped mattresses lying down.

When several mattresses and box springs appeared recently alongside Morello Avenue between lower Paso Nogal Road and Netherby Drive, someone took the liberty of responding, in marker on corrugated cardboard, taped to the offending bedroom furniture:

"If you are the pig who dumped this, I pray you receive insomnia"

Nearby resident Felix Rodriguez said all these items were picked up shortly after the above photo was made.

ROSIE RALLY REVISITED?: The Eye hopes that the more than 1,000 women and girls who turned out for the (hopefully) record-setting Rosie Rally on Aug. 15 at Marina Bay Park in Richmond are hanging on to those overalls and bandanas. The gauntlet was thrown down even as the Rosie the Riveter Trust awaited the official word from Guinness World Records that the Richmond event set a new mark for most women gathered at one time dressed as the World War II home front icon. That word came Friday.

As part of ongoing efforts led by the Yankee Air Museum in Michigan to save part of the historic bomber plant, an attempt to regain the record from Richmond is being planned for Oct. 24.

It will then be up to Richmond and the Bay Area to rally as Rosie again.

Staff writers Denis Cuff, Sam Richards and Chris Treadway contributed to this report.