

## Contra Costa Environmental Health

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Date: October 8, 2018

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

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

Subject: Update on Revised Solid Waste Collection & Transportation Ordinance  
Contra Costa County Ordinance 418-2

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### **A. Introduction**

On December 5, 2018, the Board adopted Ordinance No. 2017-16 establishing a permit program for specified non-franchise solid waste haulers. Section 418-2.018 of the Ordinance requires a permittee to file with the County a performance bond of the type and in the amount set by Board resolution. In addition, Section 418-2.020 requires payment of a permit fee established by Board resolution.

Following adoption of the Ordinance, Environmental Health (EH) staff returned to the Board on January 23, 2018 with Resolution No. 2018/31 to add a non-franchise solid waste collection and transport permit fee to the schedule of fees for the Environmental Health Division, and Resolution No. 2018/41 establishing the amount of \$20,000 as well as other requirements for a performance bond to be filed under Section 418-2.018.

The following Section B is a summary of actions taken by county staff to implement this new permit program.

### **B. Summary of Non-Franchise Solid Waste Hauler Program Implementation**

#### **1. Hauler Outreach Activities**

Beginning in January 2018, EH staff enlisted the assistance of the Contra Costa County Health Services Community Education and Information (CEI) group to help construct a website (<http://cchealth.org/eh/solid-waste/non-franchise-permit.php>) specifically targeted at waste haulers affected by the new permit requirement. Concurrently, the CEI group and EH staff also co-developed an informational brochure (see Exhibits A & B). These brochures have been distributed via the following means:

- a. EH staff has hand-distributed approximately 135 to haulers encountered out in the field during day-to-day activities, such as leaving on the windshield of parked vehicle filled with solid waste and/or with advertisement about hauling on side of truck.

- b. Approximately 200 were provided to Republic Services to be handed out to haulers they encounter at transfer stations they operate throughout the county.
- c. Approximately 50 were provided to Board member offices to distribute at community meetings such as the Municipal Advisory Committees.
- d. Approximately 200 were provided to Garaventa Enterprises to distribute to haulers they encounter at their Pittsburgh transfer station.

In addition, EH staff met with the Treasurer/Tax Collector's office that issues business licenses for the unincorporated county and obtained a list of nine businesses with "Haul" and two businesses with "Junk" in their business name. These eleven businesses were sent a brochure along with a letter via the US Mail to inform them about the requirements of the new permit program. EH has also provided language to the Treasurer/Tax Collector's office in hopes that they will add it to their Business License Application directing potential haulers to EH for the permit program information.

More recently, EH staff have sent brochures along with letters via the US Mail to O2E Brands (parent company of 1-800-GOT-JUNK) and Vets Move Junk (a local company that recently began advertising to Contra Costa County residents) in an effort to inform these companies about the requirements of the new permit program.

## **2. Stakeholder Engagement**

On February 20, 2018, EH hosted a meeting attended by approximately 14 Contra Costa County Sheriff's Deputies representing Patrol Divisions throughout the county with the intent to educate them on the permit and vehicle requirements for non-franchise solid waste haulers. With citation authority, EH believed that the Office of the Sheriff would be key partners in the enforcement of the non-franchise solid waste collection and transport permit. However, during the meeting it was brought to our attention by one of the Sheriff's Deputies that as an administrative violation the citation would only amount to an infraction with penalties limited to \$100 (first offense), \$200 (second offense), and \$500 (all subsequent offenses). Both EH and the Sheriff's Deputies present at the meeting believed these penalties may not be significant enough to deter a potential offender given the cost of the permit in addition to the liability insurance and performance bond costs required to obtain the permit.

In March 2018, EH staff reached out to the Central Contra Costa Solid Waste Authority (RecycleSmart), Rodeo Sanitary District, Mt. View Sanitary District, and the Kensington Police & Community Services District to incorporate language specifically targeted at the consumer in their upcoming spring, summer, and fall 2018 publications with the intent of informing residents within these service areas about the new permit requirement for non-franchise solid waste haulers. To date, only Mt. View Sanitary District has highlighted this new permit program in their May 2018 newsletter (see Exhibit C) although EH staff continues to engage with RecycleSmart, Rodeo Sanitary District, and the Kensington Police & Community Services District in hopes of partnering with these entities to inform their service area customers of the new permit program in an upcoming publication. EH staff also reached out to the Byron Sanitary District but have yet to hear back from them regarding our request to form a partnership in order to spread the word in their community. The West Contra Costa Integrated Waste Management Authority (RecycleMore) does not have a newsletter, but EH has asked them to incorporate similar language or our brochure into their billing process.

EH staff have also been participating in both the Contra Costa County Illegal Dumping Think Tank and the Alameda County Illegal Dumping Working Group as both groups have identified unpermitted hauling as

potential contributors to illegal dumping. There are currently efforts underway at both regional and statewide levels to increase awareness of the potential effect unpermitted non-franchise haulers have on illegal dumping. EH staff have been using these platforms to promote our permit program with the hope that partnerships with other agency stakeholders will help encourage haulers who qualify to obtain permits.

### **3. Application Materials Development**

In February 2018, EH staff worked closely with Department of Conservation and Development (DCD) staff to develop a comprehensive application packet including a map indicating locations throughout the county the new permit would be required (see Exhibit D). This application packet was made available as a downloadable file on our website (<http://cchealth.org/eh/solid-waste/non-franchise-permit.php>) as well as in hard copy format at both the DCD and EH offices. EH and DCD staff also co-developed a Quarterly Activity Report as required by Section 418-2.016(b)(9) that permittees must submit to EH quarterly indicating the location(s) and type(s) of materials collected and where the materials were disposed (see Exhibit E).

#### **C. Permitted Non-Franchise Solid Waste Haulers**

EH has not yet received any applications for a non-franchise solid waste collection and transport permit. However, EH staff have spoken with approximately 42 potential non-franchise solid waste haulers either via telephone or in our office since March 1, 2018. Many of the businesses EH staff have spoken with were exempt from a permit as stipulated by Section 418-2.008(b) which states that the requirement to obtain a permit under Section 418-2.004 does not apply to the following:

*The collection and transport of solid waste that is generated on real property in the course of a service provided to the owner or tenant of that property by a building contractor or landscape contractor, if the solid waste is collected and transported by the contractor.*

In addition, many of the businesses EH staff spoke with also indicated that they only collect solid waste from incorporated cities within Contra Costa County and do not collect solid waste from the unincorporated areas of the county.

#### **D. Ongoing Efforts**

- EH staff continues to engage with RecycleSmart, Rodeo Sanitary District, and the Kensington Police & Community Services District in hopes of partnering with these entities to add language to their upcoming publications regarding our permit program.
- EH staff are actively engaging incorporated communities (beginning with the City of Richmond and the City of Antioch) in hopes of encouraging these communities to adopt municipal codes similar to Contra Costa County Ordinance 418-2 establishing EH as the non-franchise solid waste hauler permitting entity within the community.