

Memorandum



DATE: May 23, 2008

TO: Honorable Members of the Quality of Life Committee: Pauline Medrano, Chair; Vonciel Jones Hill, Vice Chair; Carolyn R. Davis, Angela Hunt, Sheffie Kadane, David A. Neumann, Steve Salazar

SUBJECT: **Illegal Dumping**

On Tuesday, May 27, 2008, you will be briefed on Illegal Dumping. Attached is the briefing material for your review prior to Tuesday's discussion.

If you have questions or need additional information, please let me know.

David O. Brown
Interim Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Attorney
Judge Jay E. Robinson
Ryan S. Evans, First Assistant City Manager
Ramon F. Miguez, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
David K. Cook, Chief Financial Officer
Gloria Lopez Carter, Director, Court and Detention Services



Illegal Dumping

**Illegal Dump Team (IDT)
Department of Court and Detention Services**

**Briefing to the Dallas
City Council Quality of Life Committee
May 27, 2008**



The History

- In 1994 the Illegal Dump Team was created under the Department of Code Compliance
- In 2002 the Illegal Dump Team (IDT) Deputy Marshal's was transferred to the Dallas Marshal's Office of the Department of Court and Detention Services
- The present Illegal Dump Team consists of:
 - 1 Senior Deputy Marshal (Sergeant)
 - 5 Deputy Marshals
 - 1 Investigator

What We Do

- Investigate illegal dumping complaints and monitor locations where illegal dumping is chronic
 - Without traceable evidence or witnesses, criminal cases cannot be found and are addressed by the Department of Code Compliance
- Set Up Surveillance At Chronic Dumpsites
- Randomly monitor chronic dumpsite locations
(See Appendix Page 25)

Functions of the Illegal Dump Team

- Issue citations and/or arrest violators for:
 - Violation of Environmental Law/Ordinances (e.g. Scrap Tire Ordinance, Texas Water Code, Violation of Outdoor Burning Rule)
 - Unsecured load Violations
 - Illegal dumping Violations
 - Illegal Transport Violations
- Refer cases to the District Attorney's Office/ Serve as Key Witnesses for the State:
 - Felony Cases, State Jail Felony Cases, Class A/B Misdemeanor Cases against violators
- File Class C Misdemeanor cases in the City's Municipal Courts
- Enforce Motor Vehicle Idling Ordinance
 - Enforce Chapter 5A-15 of the Dallas City Code (Idling Ordinance) beginning April 1st through October 31st
 - Conduct random Inspections at Truck Stops

What is Illegal Dumping?

Unlawfully placing or depositing solid waste (illegal fill) at a location other than a legal landfill, transfer station, or a designated point for collection within the corporate city limits of Dallas

- Illegal Dumping is the disposal of waste generated at one location and disposed of at another location without permission
- Illegal dumping includes the disposal of trash, tires, yard waste, appliances, and other waste materials, disposed of without the permission of the property owner
- Illegal Dumping is also termed as “Open Dumping”, Fly by Dumping” and “Midnight Dumping”

The Effects Of Illegal Dumping On Communities

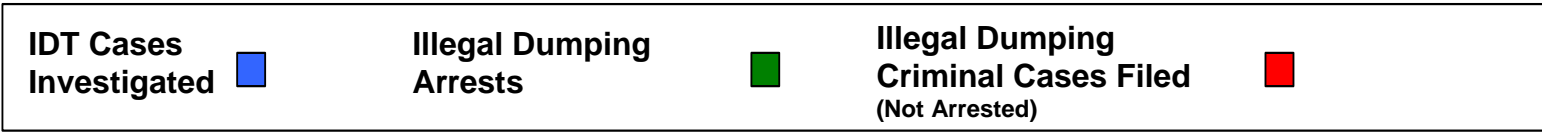
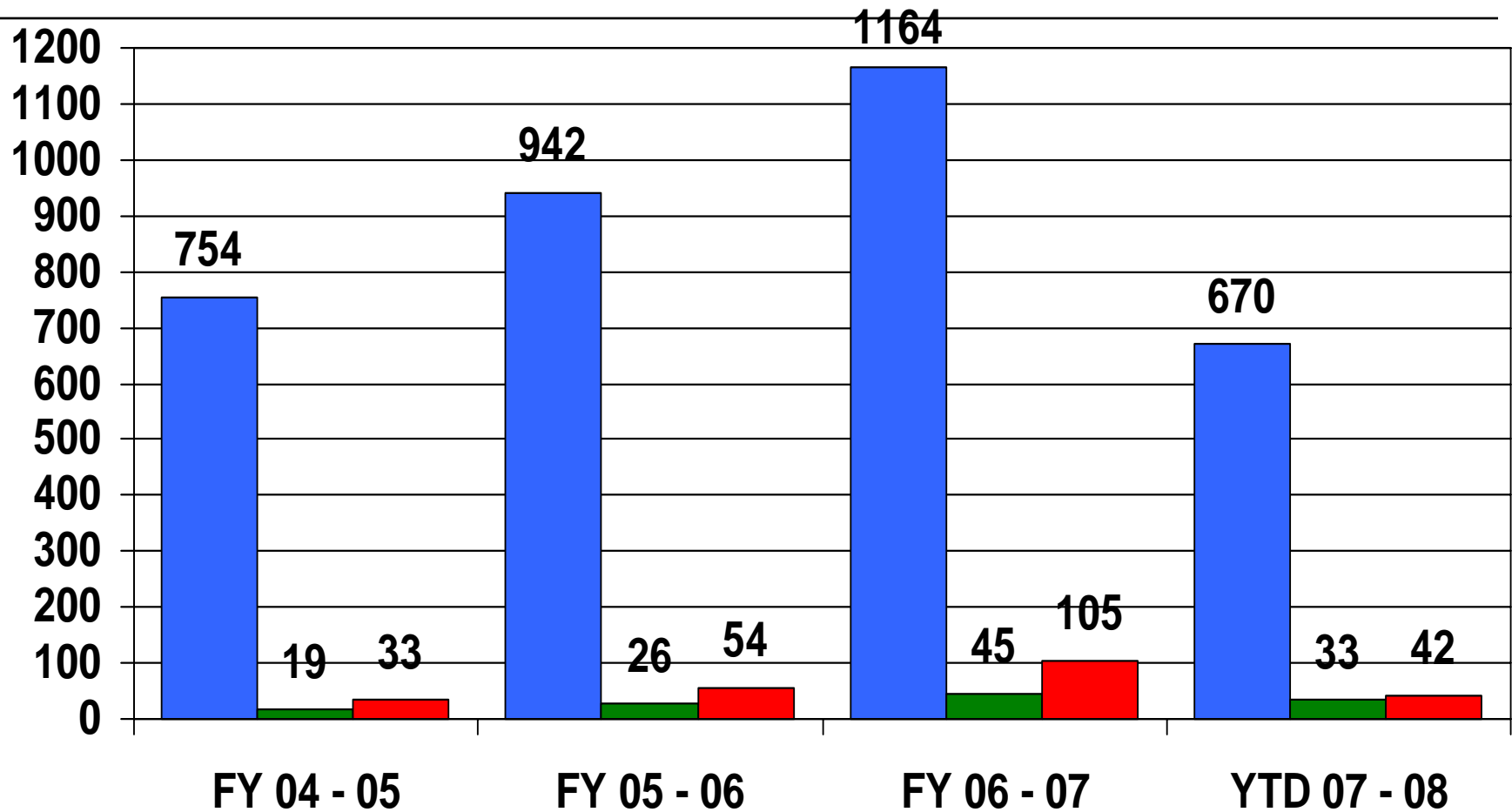
Illegal Dumping adversely impacts communities by:

- Increasing the risk of flooding (e.g. blocked ravines, creeks, culverts, and/or drainage basins)
- Serving as magnets for additional dumping and other criminal activities such as drug activities, prostitution, vehicle crimes, etc.
- Attracting rodents, insects, and other vermin
- Contaminating drinking water as a result of runoffs from dump sites
- Causing injuries and or an environmental hazard
- Causing severe illnesses, including Encephalitis, West Nile Virus and Dengue Fever which can be attributed to disease-carrying mosquitoes originating from scrap tire piles

Penalties for Illegal Dumping

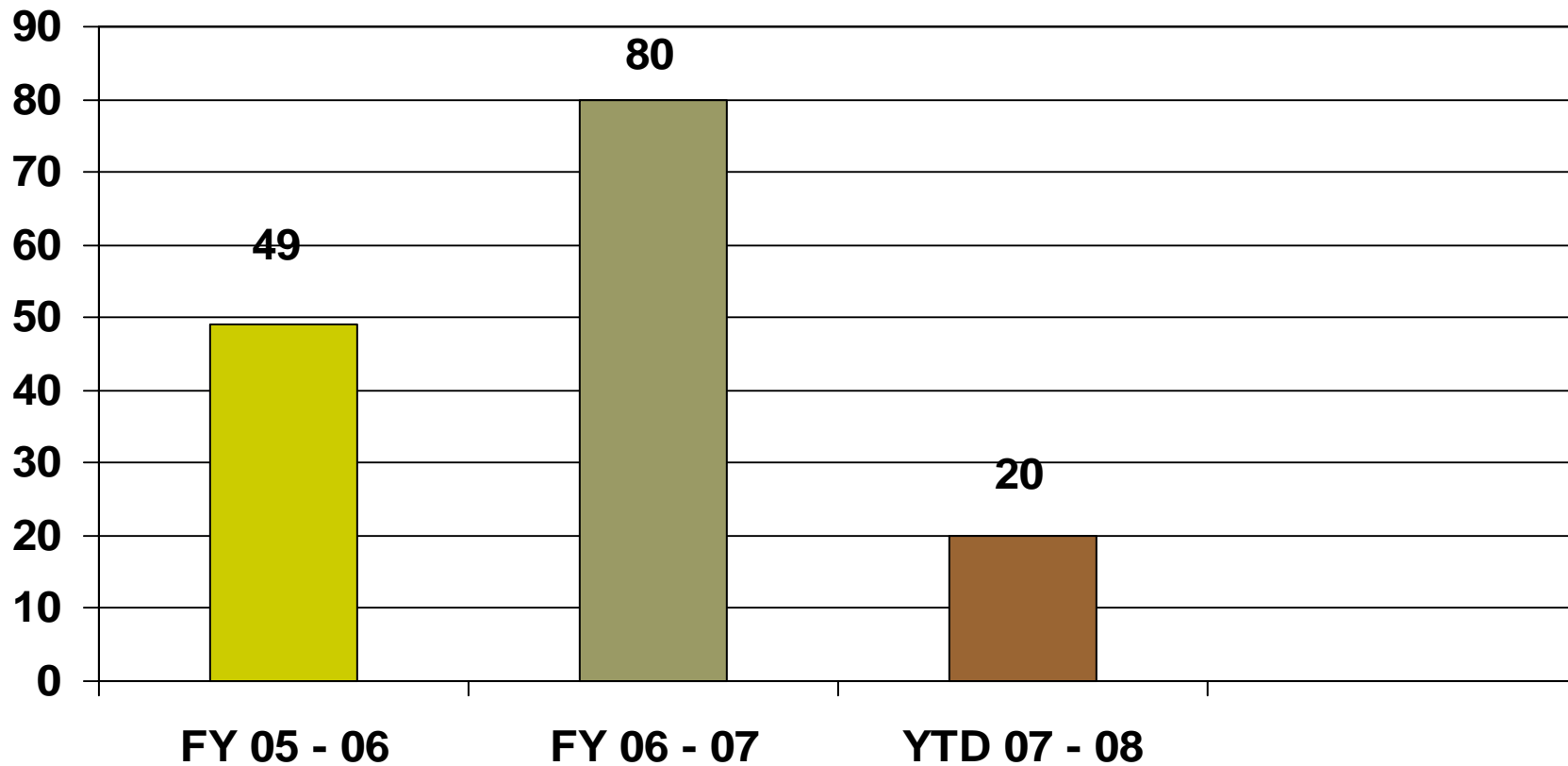
Penalties under the Texas Litter Abatement Act /Health & Safety Code, Chapter 365 - Litter		
Class C Misdemeanor	5 lbs. or less, or a volume of 5 gallons or less	Fine up to \$500
Class B Misdemeanor	More than 5 lbs. but less than 500 lbs., or a volume of more than 5 gallons but less than 100 cubic feet	Fine up to \$2000; Up to 6 months in jail
Class A Misdemeanor	500 lbs. or more, but less than 1000 lbs., or a volume of 100 cubic feet or more, but less than 200 cubic feet or If disposed for a commercial purpose and weigh more than 5lbs. but less than 200lbs or have a volume of more than 5 gallons but less than 200 cu. feet	Fine up to \$4,000; and/or Up to 1 year in jail
State Jail Felony	1000 lbs. or more, has a volume of 200 cu. feet or more; or Dumping for economic purposes and weighing 200 lbs. or more, has a volume of 200 cubic feet or more; or Dumping a closed barrel or drum	Fine up to \$10,000; Up to 2 years in jail

Illegal Dumping Cases



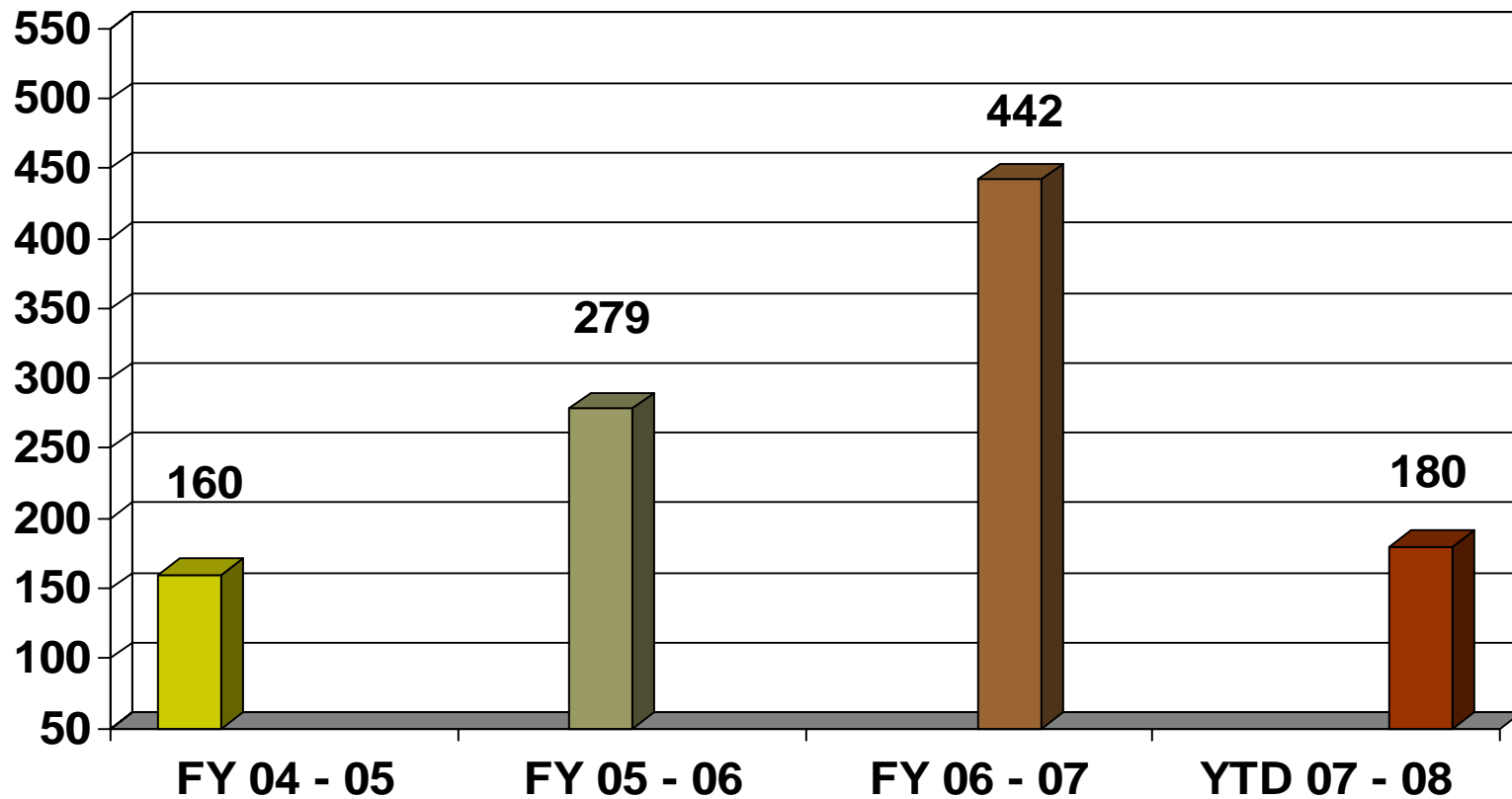
Citations Issued for Illegal Transport

(Transporting of 6 or More Tires/No City of Dallas Permit)



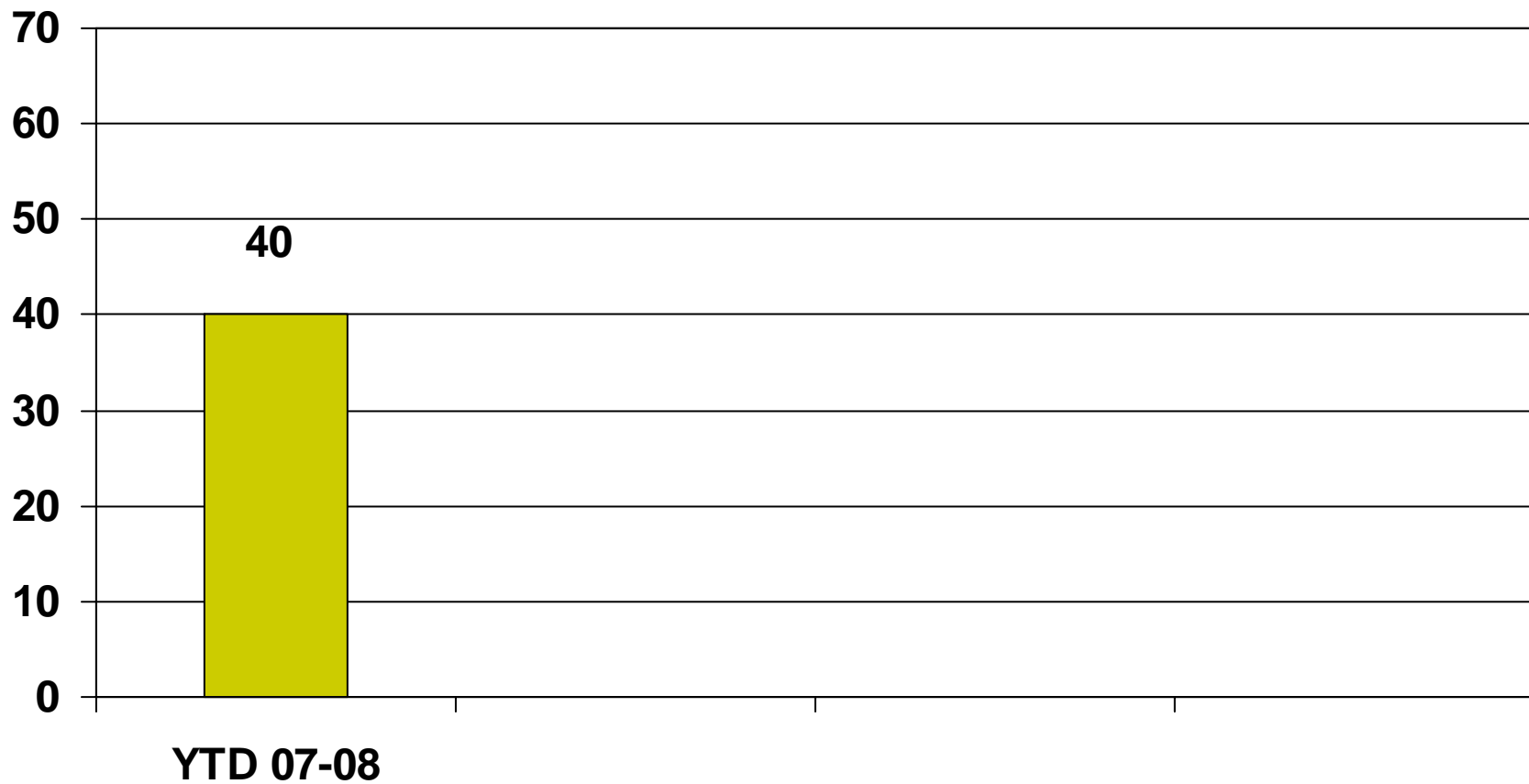
Citations Issued for Unsecured Loads

(Un-Tarped /Un-Secured Loads)



Citations Issued for Illegal Idling

(Citation Issuance Effective only during Ozone Season - Vehicles over 14,000 Lbs. Idling More than 5 Minutes)



Illegal Dumping Violation



- Location : 2400 Anderson - Vacant Lot
- Yard waste was deposited by a make ready contractor who lived in the neighborhood
- The violator would bring job material to a vacant lot
- IDT monitored the area and found traceable evidence which linked the evidence to the suspect
- Suspect admitted to the violation and was charged with 4 State Jail Felonies of Illegal Dumping
- District Court found suspect guilty and a term of his probation was restitution in the amount of \$482.62 to the City of Dallas

Illegal Dumping Violation



- **SLIDE 1-** While patrolling a remote area the Illegal Dump Team Deputy noticed an object in a gravel area located at 6100 I-30. The vehicle was removed and a regional check revealed that the vehicle had been reported stolen 5 years prior to the discovery.
- **SLIDE 2-** Hass & Stag Road- this location was a chronic dumpsite which was closed as a result of the property owner working with the Illegal Dump Team Investigators. The above violation was abated by the property owner who paid the City of Dallas for the removal of the tires and fenced the property.

Illegal Dumping Violation



- Dallas Police observed a suspicious vehicle in a housing development. In an attempt to stop the vehicle, 2 passengers in the rear dumped the above items onto the public street
- Dallas Police referred the case to the Illegal Dump Team who filed criminal charges with the District Attorney's Office
- Both violators were sentenced to 30 days in the Dallas County Jail

Illegal Dumping Violation



- **McCommas Landfill - Medical Waste**
Unknown suspects dumped medical waste at the McCommas Landfill. Landfill personnel contacted IDT; however no traceable evidence was found. These items were properly disposed of by the McCommas Landfill staff.

Unlawful Placement of Bulky Items



- **SLIDE 1-** Construction and demolition materials dumped by contractor. This is a pending Criminal case that was referred to the Grand Jury in 2007.
- **SLIDE 2-** 6500 Ivyglenn - Unlawful Placement of Bulky Items
Resident in neighborhood placed unlawful items at a location across from his property. Traceable evidence was found by IDT and the violator was issued a citation and required to remove the items. The site was abated as a result of the violator arranging payment for a Cost Plus pick-up with the Sanitation Department.

Traceable Evidence



- Any evidence that can identify the source of the debris and lead the officer to a suspect or suspects
- Traceable evidence or eye witnesses are critical in identifying and prosecuting violators

Traceable Evidence



- This site is a vacant house where illegal dumping occurred during the day in front of several witnesses. Three individuals working as scrappers made several trips over a period of two weeks which resulted in the accumulation of 12.5 tons of debris being dumped
- The Illegal Dump Team was notified by a concerned citizen and upon investigation, trace evidence was found
- Illegal Dumping charges were filed with the District Attorney's Office and all 3 offenders were required to pay restitution to the City of Dallas in the amount of \$967.57

Scrap Tire Ordinance Violation



- The City of Dallas Scrap Tire Ordinance gives the authority to City of Dallas Sworn personnel to impound vehicles and/or issue citations to violators
 - Fines can exceed \$2,000

Unsecured Load Violation



- The State of Texas Unsecured Load Law gives sworn personnel the authority to issue citations to drivers of vehicles transporting unsecured solid or liquid waste

Did You Know ?



- **Lighting and barriers can reduce or eliminate continued dumping**
- **“No Dumping” Signs:**
 - **Reduce the Amount of Illegal Dumping Violations**
 - **Are effective in creating awareness of ordinances, fines, and penalties**
 - **May only be placed on public rights-of-way and City property**
 - **Are monitored by the IDT for 30 days after placement**

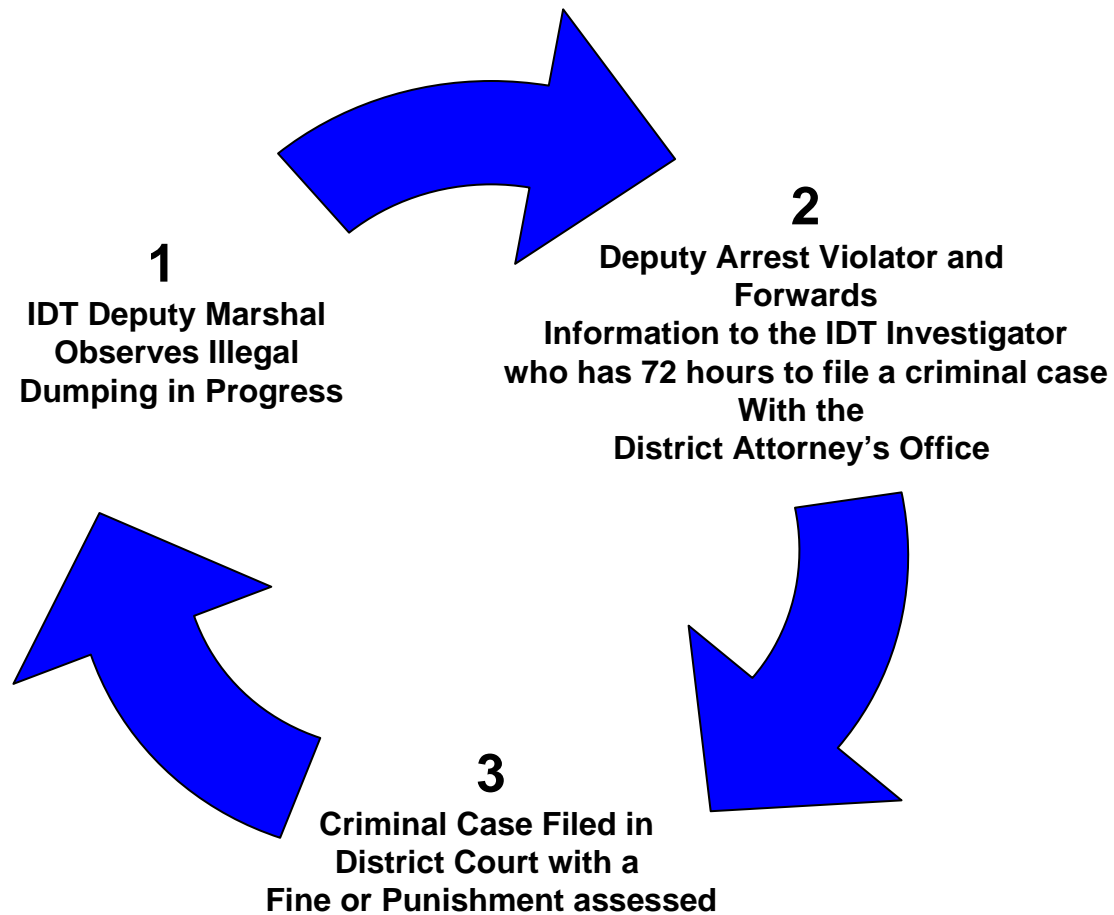


QUESTIONS

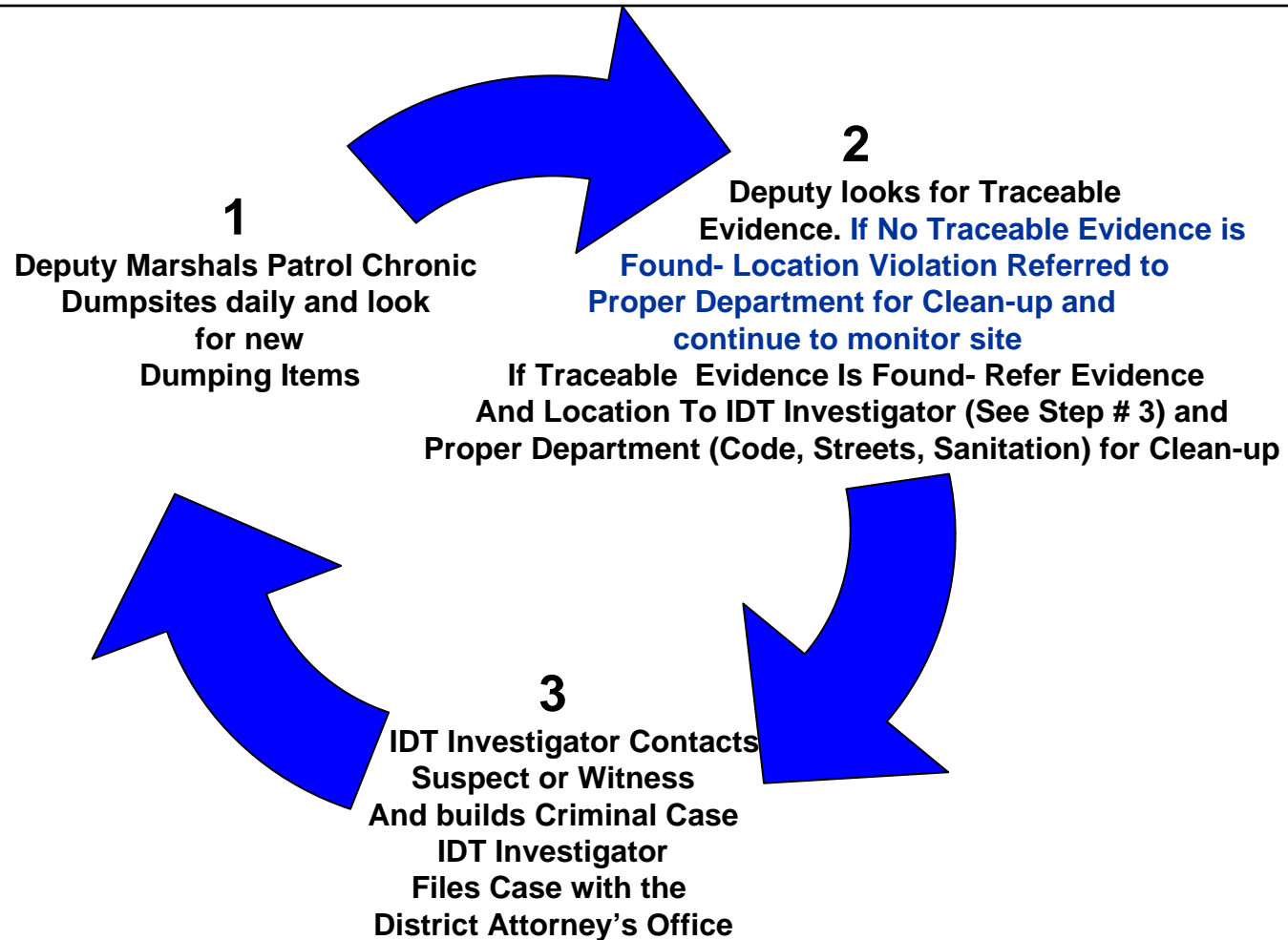
Appendix

- **Processes**
 - **Illegal Dumping in Progress**
 - **Monitoring Dumpsites**
 - **3-1-1- Calls for Service**
 - **Illegal Idling Violators**

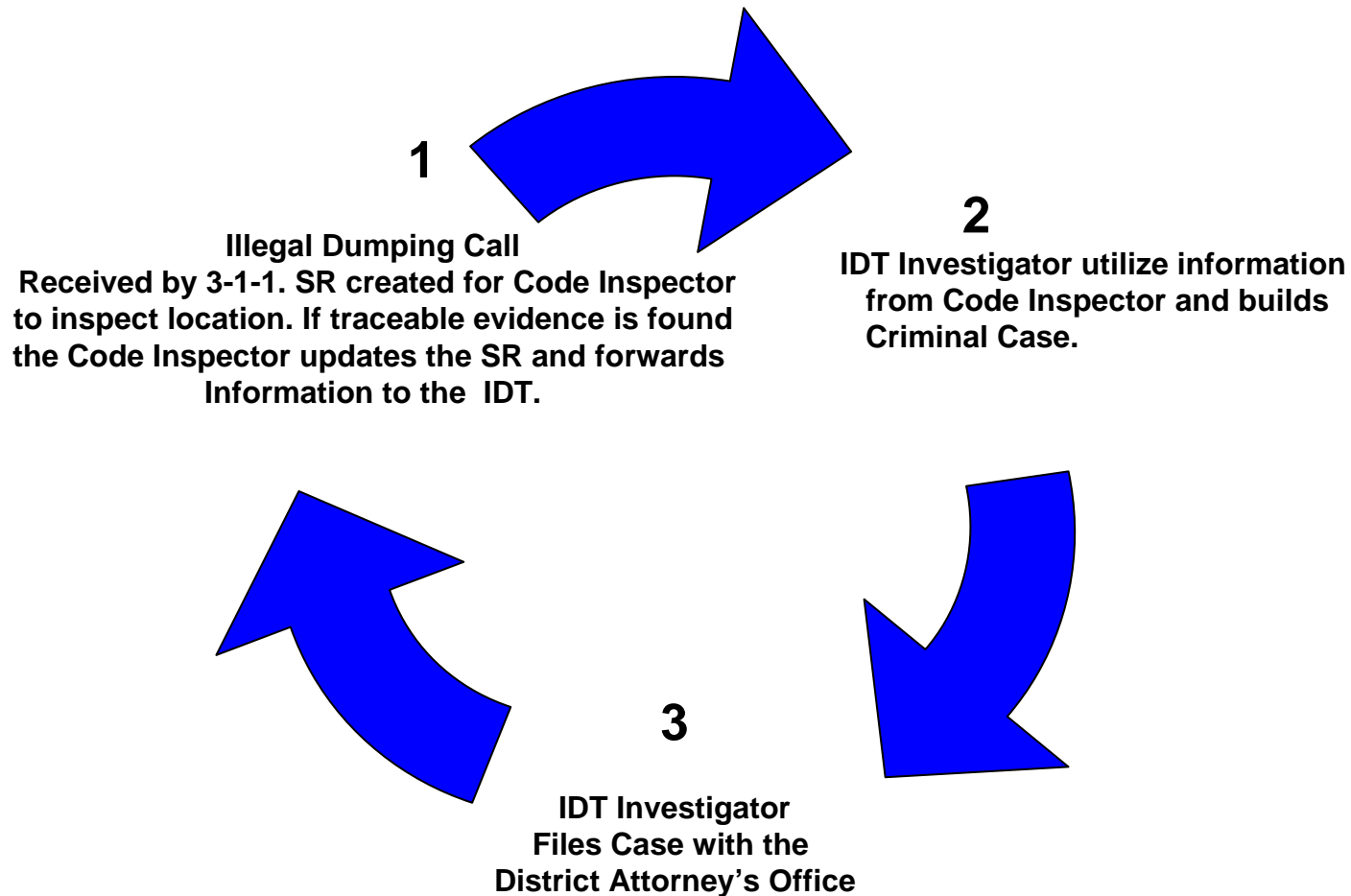
Process for Illegal Dumping In Progress



Process for Monitoring Chronic Dumpsites



Process for Illegal Dumping Calls to 3-1-1 For Service Requests



Process for Monitoring Illegal Idling

