

North Central Texas Council of Governments Targeted Illegal Dumper Study



Prepared by:



Reed, Stowe & Yanke, LLC

August 2001

This study was funded through a solid waste management grant provided by the Texas Natural Resource Conservation Commission through the North Central Texas Council of Governments. This funding does not necessarily indicate endorsement of the study findings and recommendations.

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Council of Governments**

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EXECUTIVE SUMMARY

Introduction

The illegal dumping of various types of materials is a problem for many of the local governments in the 16-county North Central Texas Council of Governments (NCTCOG) region. Illegal dumping problems in the region vary tremendously based on the many types of communities and the wide range of residents and businesses in the region. Illegal dumping problems in the region have ranged from the operation of the largest illegal solid waste landfill in the State of Texas to countless cases of household trash being dumped in vacant lots and along rural roads.

To address the significant illegal dumping problems in the region, local governments, under the direction of the NCTCOG, have initiated efforts to address illegal dumping problems. Based on the initial strategic framework of the *Regional Solid Waste Management Plan for North Central Texas* as well as suggestions from local stakeholders, the NCTCOG has developed a three-year strategic program to achieve a strong, self-sustaining and publicly recognized regional Stop Illegal Dumping program by 2003.

As a component of this three-year strategic program, the NCTCOG initiated a study to better understand the typical illegal dumpers in the NCTCOG region. Based on profiles of these typical dumpers, implementation strategies could be developed to reduce illegal dumping from these sources.

This project had two primary objectives. The first objective was to develop profiles of the various types of illegal dumpers that are active in the NCTCOG region. The second objective was to develop implementation strategies that could be employed by local, regional and state governments in the NCTCOG region to reduce illegal dumping problems.

NCTCOG received funding for this project from its regional solid waste grant program, which is funded through the Texas Natural Resource Conservation Commission (TNRCC). To conduct this study, the NCTCOG retained the services of Reed, Stowe and Yanke, LLC in January 2001.

The Reed, Stowe and Yanke, LLC project team developed this study with the intention that it would serve as an on-going reference and planning guide for governmental agencies in the NCTCOG region. Based on this goal, the project team developed the profiles of illegal dumpers and the implementation strategies so they could be as user-friendly as possible for personnel who will use the study in the future.

Illegal Dumping Trends

To develop profiles of the various types of illegal dumpers in the NCTCOG region, the project team conducted detailed research and analyses, which are described in Section 2. The purpose of this research was to obtain an understanding of the type, extent and severity of illegal dumping that is occurring in the 16-county NCTCOG region. Based on this research, the project team documented extensive and widespread illegal dumping problems throughout the region. While a number of trends were consistently identified throughout the region, many other trends were specific to either urban, suburban or rural areas. Several examples of the types of illegal dumping trends identified through the study include the following:

- A wide variety of individuals are involved in illegal dumping activities, ranging from rural residents looking to dispose of their household garbage to companies running illegal landfills to avoid legal disposal fees.
- In many cases illegal dumping has occurred because people are not willing to pay for the cost of disposal, and recognize that the risk of being caught is relatively low. In addition, in cases where illegal dumpers have been caught, the penalties for being convicted, which typically have involved low fines in many cases, have not served as a substantial deterrent.
- Illegal dumping throughout the region has resulted in significant threats to public health and the environment. These threats have included polluting water bodies from dumped chemicals and the presence of mosquitoes and rodents from dumped household garbage.
- Along with the rapid growth rate in many areas of the NCTCOG region, suburban communities have also experienced tremendous increases in illegal dumping from on-going construction projects.

Illegal Dumper Profiles

One of the primary objectives of this study was to develop profiles of the various types of illegal dumpers that are active in the NCTCOG region. By developing these profiles in Section 3, the project team will be able to provide law enforcement personnel in the NCTCOG region with valuable information that they can use to reduce specific types of illegal dumping that is occurring in their area.

These profiles have been designed so that users of this study can copy and provide this material to members of their law enforcement staff to use during their daily patrols and investigations. The project team would like to stress the need to distribute these profiles to law enforcement personnel who are not typically involved in the enforcement of environmental crimes. These profiles can serve as a relatively easy way to provide these personnel with useful information to enforce applicable environmental laws. Each profile

includes background information to help law enforcement personnel know what they are looking for, as well as details on how to investigate cases and potential penalties for violations.

The project team developed the following illegal dumping profiles:

- Rural Residents
- Urban/Suburban Residents
- Private/Commercial Haulers
- Contractors/Remodelers
- Drug Labs
- Businesses (oil, solvents, hazardous waste, tires, etc.)
- Illegal Solid Waste Facilities (landfills and sham recycling, tire and composting facilities)

These profiles are included in Appendix B, so that they can be easily duplicated and provided to law enforcement personnel throughout the NCTCOG region.

Implementation Strategies

To effectively reduce illegal dumping in the NCTCOG region, there is a need to develop implementation strategies. The project team has developed implementation strategies, which are described in Section 4, to address the illegal dumper profiles developed in this study. These implementation strategies are based on the project team's research of on-going initiatives in the NCTCOG region, as well as in other parts of the State of Texas and the United States. In addition, the project team has developed several strategies based on its own analyses and input obtained during workshops held for this study to discuss implementation strategies.

These implementation strategies are intended to serve as a working resource for any entity that is working to reduce illegal dumping problems in the NCTCOG region. These implementation strategies have been developed so that they are consistent with and contribute to the NCTCOG's three-year strategic program, which is titled "Regional Stopping Illegal Dumping Initiatives."

The implementation strategies included in Section 4 are organized into three levels: regional, subregional and local. Within each level, the project team discusses roles for regional and local governments for developing and implementing these strategies. For

each strategy, the project team has identified whether it is suited for illegal dumping problems in urban, rural, suburban or all types of communities.

In some cases, implementation strategies should be developed at the regional level, but implemented at the local level. In these cases, the project team has included references for where additional information can be found within this report. For example, the project team has recommended that the NCTCOG purchase surveillance cameras for local governments and develop a regional public awareness campaign that focuses on the use of cameras in the region. At the subregional and local levels, we have recommended that local governments share and/or use these cameras.

The project team would recommend that local governments use this section of the study to identify the implementation strategies that should be helpful to abate illegal dumping problems in their area. Local governments should select the strategies they would like to implement, and then develop a plan on how they will implement them over a period of two to three years.

Within the sections on regional, subregional and local strategies, the discussion has been divided into five categories. These five categories are essential to developing a comprehensive approach to stopping illegal dumping. These five categories include the following:

- Political/Organizational
- Enforcement
- Collection and Disposal Options
- Public Awareness and Education
- Clean Up

1. INTRODUCTION

1.1 Project Background

The illegal dumping of various types of materials is a problem for many of the local governments in the 16-county North Central Texas Council of Governments (NCTCOG) region.¹ Illegal dumping problems in the region vary tremendously based on the many types of communities and the wide range of residents and businesses in the region. Illegal dumping problems in the region have ranged from the operation of the largest illegal solid waste landfill in the State of Texas to countless cases of household trash being dumped in vacant lots and along rural roads.

To address the significant illegal dumping problems in the region, local governments, under the direction of the NCTCOG, have initiated efforts to address illegal dumping problems. Based on the initial strategic framework of the *Regional Solid Waste Management Plan for North Central Texas* as well as suggestions from local stakeholders, the NCTCOG has developed a three-year strategic program to achieve a strong, self-sustaining and publicly recognized regional program to stop illegal dumping by 2003.

As a component of this three-year strategic program, the NCTCOG received funding from the regional solid waste grant program to fund a study to better understand the typical dumpers in the NCTCOG region. Based on profiles of these typical dumpers, implementation strategies could be developed to reduce illegal dumping from these sources. To conduct this study, the NCTCOG retained the services of Reed, Stowe and Yanke, LLC in January 2001.

1.2 Project Objectives

This project has two primary objectives. The first object was to develop profiles of the various types of illegal dumpers that are active in the NCTCOG region. The second objective was to develop implementation strategies that could be employed by local, regional and state governments in the NCTCOG region to reduce illegal dumping problems.

1.3 Study Format

The following provides a summary of the format of this study.

Section 1: Provides an introduction to and overview of the project.

¹ Refer to page 4 for a map of the NCTCOG region.

- Section 2: Presents research and analysis of illegal dumping trends completed for this study.
- Section 3: Describes the profiles of the various types of illegal dumpers that are active in the NCTCOG region.
- Section 4: Presents the implementation strategies developed to address the categories of illegal dumper profiles developed for this study.
- Index: Lists main subject categories discussed throughout the study.
- Appendix A: Provides background information related to the research and analysis described in Section 2.
- Appendix B: Includes the profiles described in Section 3.
- Appendix C: Includes additional resources and reference information discussed in Section 4.

1.4 How to Use this Study

The Reed, Stowe and Yanke, LLC project team developed this study with the intention that it would serve as an on-going reference and planning guide for many governmental agencies in the NCTCOG region. Based on this, the project team developed the profiles of illegal dumpers and the implementation strategies so that they could be as user-friendly as possible for personnel who will use the study in the future.

1.4.1 Profiles of Illegal Dumpers

The profiles of illegal dumpers that are included in Section 3 were designed so that they can be easily duplicated and distributed to law enforcement personnel in the region. The concept is that specific profiles will be distributed to law enforcement personnel who conduct patrols or investigations in areas that match the illegal dumper profile. Each profile includes background information to help law enforcement personnel know what they are looking for, as well as details on how to investigate cases and potential penalties for violations.

1.4.2 Implementation Strategies

The implementation strategies are intended to serve as a working resource for any entity that is working to reduce illegal dumping problems in the NCTCOG region. These implementation strategies have been developed so that they are consistent with and contribute to the NCTCOG's three-year strategic program, which is titled "Regional Stopping Illegal Dumping Initiatives." The implementation strategies are organized into three levels: regional, subregional and local. Within each section, the project team

discusses roles for regional and local governments for developing and implementing these strategies. For each strategy, the project team has identified whether it is suited for illegal dumping problems in urban, rural, suburban or all types of communities. For clarification, the project team applied the following general definitions for urban, suburban and rural communities.

- Urban: Areas comprised of large sized cities. Examples of these cities in the NCTCOG region include Dallas, Fort Worth, Arlington and Irving.
- Suburban: Cities and towns located on the outskirts of a major metropolitan area. Examples of suburban communities in the NCTCOG region include the cities of Allen, Rowlett, Weatherford and Flower Mound.
- Rural: Smaller towns and counties located in the country or less populated or developed areas of the NCTCOG region. Examples of rural areas include Wise County, Erath County and the City of Corsicana.

The project team would recommend that local governments use this section of the study to identify the implementation strategies that should be helpful to abate illegal dumping problems in their area. Local governments should select the strategies they would like to implement, and then develop a plan on how they will implement them over a period of two to three years.

1.4.3 Index

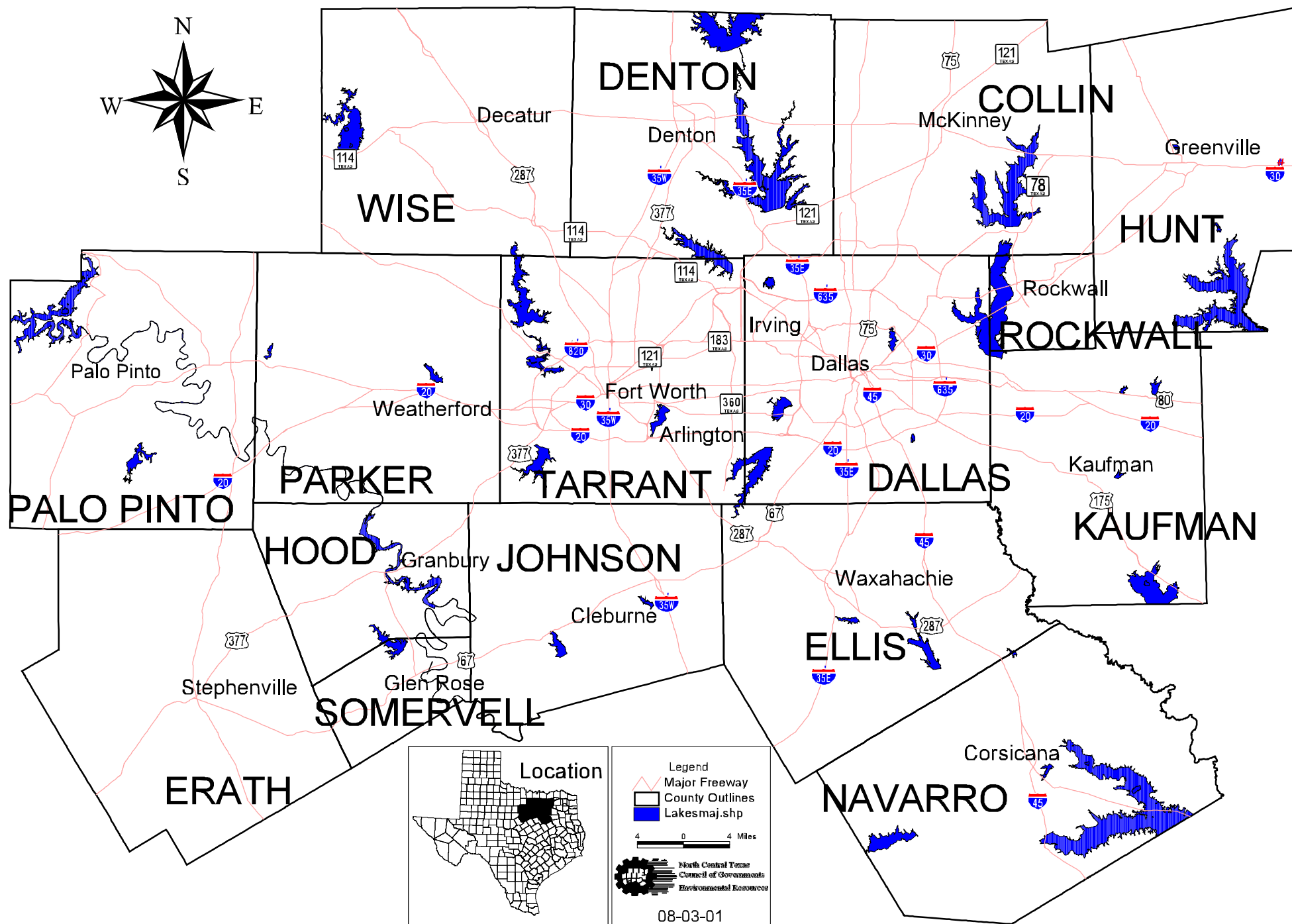
The study includes an index on page 49 that readers can use to look up references to specific issues, profiles or implementation strategies. Again, this index has been developed to make the study as user-friendly and productive as possible.

1.5 Acknowledgements

The project team would like to express its appreciation to the many people throughout the NCTCOG region who contributed to the development of this study. To conduct this study, the project team conducted approximately 37 interviews with law enforcement and solid waste personnel. The project team appreciates the time and effort taken by these individuals to provide valuable information. A complete list of entities interviewed during the study is included in Section 2.3 that begins on page 11. The project team would also like to thank staff at the NCTCOG who provided significant input, data and coordination efforts for the project. In addition, the project oversight committee contributed key ideas and valuable direction for the project.

This project was funded through the regional solid waste grants program, which is administered by the Texas Natural Resource Conservation Commission (TNRCC).

North Central Texas Council of Governments



2. RESEARCH AND ANALYSIS OF ILLEGAL DUMPING TRENDS

To develop profiles of the various types of illegal dumpers in the NCTCOG region, the project team conducted detailed research and analyses. The purpose of this research was to obtain an understanding of the type, extent and severity of illegal dumping that is occurring in the 16-county NCTCOG region. Research conducted during this task included the following:

- Analysis of data from the NCTCOG Illegal Dumper Hotline
- Written survey of local, regional and state officials in the NCTCOG region who address illegal dumping problems
- Interviews with local, regional, state and federal officials in the NCTCOG region who address illegal dumping problems
- Inspection of illegal dump sites

The following sections provide summaries of the efforts to complete these analyses.

2.1 Analysis of the NCTCOG Illegal Dumper Hotline Data

As a part of its efforts to reduce illegal dumping in the region, the NCTCOG operates the “North Central Texas Illegal Dumping Hotline.” People can report illegal dumping activities by either calling a toll-free telephone number or entering the information on the NCTCOG’s web site. A copy of the internet-based form NCTCOG uses to document a reported incident is included in Appendix A. Information requested to report illegal dumping activities includes the following:

- Location
- When illegal dumping was sighted/witnessed
- Description of any vehicle
- Waste type
- Violator description

To analyze this data, the project team compiled and entered existing data into an Excel spreadsheet. The project team entered a total of 346 reports, which were reported over a period of time from June 1997 to February 2001. Based on information reported through the “North Central Texas Illegal Dumping Hotline,” the project team compiled the following results from the database.

Table 2.1, “Where or How Illegal Dumping Occurs,” describes the locations of areas where or methods how illegal dumping occurs in the NCTCOG region. A vast majority,

74 percent, of the reported cases occurred on land. The next highest category was water bodies at 10 percent. Table 2.2, “Calls by Violator Type,” details the descriptions of the various types of violators. Table 2.3, “Summary of Types of Material Dumped by Violator Category,” reports the types of materials that are typically dumped by the various types of violators.

Table 2.1: Where or How Illegal Dumping Occurs

Percentage of Reported Cases	Location/Method
74%	Land
10%	Creek/river/lake/storm drain
7%	Bury
5%	Roadside littering from unsecured loads
2%	Burn
2%	Dumpster that is owned by someone else
1%	Sewer

Source: NCTCOG Illegal Dumper Hotline Reports

Table 2.2: Calls by Violator Type

Percentage of Reported Cases	Violator Description
48%	Resident
20%	Private business
15%	Property owner
13%	Construction/contractor
4%	Private hauler

Source: NCTCOG Illegal Dumper Hotline Reports

Table 2.3 Summary of Types of Material Dumped by Violator Category

Type of Material	Violator Category				
	Residents	Contractors	Private Haulers	Private Business	Property Owner
Common household or residential garbage	63%	0%	60%	11%	42%
Brush, tree trimmings, lawn clippings and leaves	12%	14%	0%	2%	9%
Construction and demolition wastes	3%	76%	30%	22%	12%
Appliances and other large white goods	15%	0%	0%	4%	6%
Automotive wastes (used oil, tires, batteries)	4%	3%	0%	37%	12%
55-gallon drums (solvents, chemicals, other possible hazardous wastes)	0%	3%	0%	13%	6%
Ashes (dumped from burning garbage)	0%	0%	0%	0%	0%
Dead animals	2%	0%	0%	0%	3%
Bio-medical waste	0%	0%	0%	0%	0%
Sludge (from water or wastewater treatment systems, septic pumpage)	0%	0%	0%	7%	6%
Grease and grit trap wastes	0%	0%	0%	0%	0%
Commercial wastes (small businesses, light manufacturing, product packaging)	0%	0%	10%	2%	0%
Agricultural wastes	0%	0%	0%	0%	0%
Soil contaminated with petroleum products or industrial by-products	0%	0%	0%	0%	0%
Textiles/used clothing	0%	0%	0%	0%	0%
Cars	2%	3%	0%	2%	3%

Source: NCTCOG Illegal Dumping Hotline Reports

2.2 Survey of Local, Regional and State Officials

The project team developed and administered a survey of local, regional and state officials in the NCTCOG region to obtain their input about the illegal dumping problems they encounter on a consistent basis. The project team developed the survey based on an illegal dumping survey that was originally administered by the TNRCC's Texas/Mexico Border Solid Waste Program in 1996. Information regarding this survey was included in *Illegal Dumping Assessment of Impacts on County Governments in the Texas-Mexico Border Region*. A copy of the survey administered for the Targeted Dumper Study is included in Appendix A.

The survey was administered by (1) asking officials in attendance at the Targeted Dumper Study Kick-off Meeting on January 26, 2001 to complete the survey and (2) by mailing the survey to officials included in the NCTCOG's illegal dumping contact list. A total of 44 completed surveys was returned to the project team. These 44 surveys included responses from a cross-section of the NCTCOG region, which included urban, suburban and rural communities. These 44 surveys represented the following governments in the NCTCOG region²:

- 19 cities
- 10 counties
- 2 regional/state government agencies

Table 2.4, "Ranking of the Types of Material Most Typically Dumped," provides detail on the types of material that are most frequently dumped in the NCTCOG region. In answering this survey question, respondents could select as many choices as needed to reflect the types of material they see illegally dumped. Responses to this question indicated that there are several types of materials that are dumped on a regular basis in many areas of the region. These types of materials include the following:

- Common household or residential garbage (100 percent)³
- Construction and demolition wastes (97 percent)
- Brush, tree trimmings, lawn clippings and leaves (81 percent)
- Automotive wastes (used oil, tires, batteries) (74 percent)
- Appliances and other large white goods (65 percent)

² In cases where more than one survey was received from a city or county, the project team reviewed all completed surveys to determine a response that would be representative of the responses. Their combined survey results were included in the survey results as one completed survey, to avoid any potential bias.

³ In other words, every survey respondent reported that the dumping of common household or residential garbage was a problem.

In addition, other categories may not have received as high of a percentage response rate, but may still represent a significant danger to the NCTCOG region due to the serious threat these materials can pose to public health and the environment. For example, 23 percent of respondents reported problems with 55-gallon drums, which typically include materials like solvents, chemicals and other possible hazardous wastes.

Table 2.4: Ranking of the Types of Material Most Typically Dumped

Percentage	Material
100 %	Common household or residential garbage
97 %	Construction and demolition wastes
81 %	Brush, tree trimmings, lawn clippings and leaves
74 %	Automotive wastes (used oil, tires, batteries)
65 %	Appliances and other large white goods
45 %	Dead animals
32 %	Commercial wastes (small businesses, light manufacturing, product packaging)
26 %	Textiles/used clothing
23 %	55-gallon drums (solvents, chemicals, other possible hazardous wastes)
16 %	Ashes (dumped from burning garbage)
16 %	Bio-medical waste
6 %	Grease and grit trap wastes
6 %	Agricultural wastes
3 %	Sludge (from water or wastewater treatment systems, septic pumpage)
0 %	Soil contaminated with petroleum products or industrial by-products

Source: RS&Y Survey administered for the NCTCOG Targeted Illegal Dumper Study

Table 2.5, “Illegal Dumping Locations by Area Type,” provides detail on the types of locations where dumping frequently occurs in the NCTCOG region. In answering this survey question, respondents could select as many choices as needed to reflect the types of areas present in their area of jurisdiction. The responses summarized in this table are particularly helpful in that they emphasize the interaction between different types of areas. For example, there are several areas in the NCTCOG region that are still rural, but are experiencing suburban growth.

Table 2.5: Illegal Dumping Locations by Area Type

Percentage	Area Type
71%	Rural
39%	Rapidly growing suburban
20%	Urban
19%	State and local parks
13%	Established suburban

Source: RS&Y Survey administered for the NCTCOG
Targeted Illegal Dumper Study

Table 2.6, “Reasons Why Illegal Dumping Is a Problem,” provides insight regarding respondents views of why people are illegally dumping in their area. Respondents could select as many choices as needed to reflect the reasons why illegal dumping is a problem. Learning about the reasons why people are illegally dumping material can help efforts to identify future implementation strategies to decrease illegal dumping in the future. Results from this question indicate that economics and low risk are important factors in people’s decisions to illegally dump material. Of the survey respondents, 81 percent agreed that the following reasons contributed to their illegal dumping problems:

- Dumpers are willing to risk illegal dumping because fines and the risk of being caught are typically low
- Construction contractors are not willing to spend the time to drive to permitted landfills and/or money to legally dispose of materials

Additional reasons for illegal dumping include a lack of public awareness, long driving distances to disposal facilities, and a lack on convenient and affordable collection and disposal services.

Table 2.6: Reasons Why Illegal Dumping Is a Problem

Percentage	Reason
81 %	Dumpers are willing to risk illegal dumping because fines and the risk of being caught are typically low
81 %	Construction contractors are not willing to spend the time to drive to permitted landfills and/or money to legally dispose of materials
52 %	Lack of public awareness about the health and environmental risks of illegal dumping
48 %	Driving distance for self-haulers to the nearest permitted landfill or transfer station is too far
48 %	Private haulers are not disposing of waste in permitted landfills
42 %	Lack of convenient or affordable collection services in unincorporated areas
42 %	Lack of convenient collection alternatives (citizens' collection stations, recycling centers, etc.)
26 %	Lack of public awareness about nearby permitted landfills or citizens' collection stations
23 %	Nearest permitted landfill only allows access to residents of that particular jurisdiction

Source: RS&Y Survey administered for the NCTCOG Targeted Illegal Dumper Study

2.3 Interviews and Illegal Dumping Site Inspections

For this study, the project team conducted a number of on-site and telephone interviews with local, regional, state and federal officials involved in addressing illegal dumping problems in the NCTCOG region. The project team conducted a total of 30 on-site interviews and seven telephone interviews. During these interviews, the project team asked questions regarding the nature, extent and severity of illegal dumping problems. In addition, the project team asked questions about the programs in place to reduce illegal dumping in their area of jurisdiction.⁴ A copy of the questions asked during these interviews is included in Appendix A. For a number of the on-site interviews, the project team also toured areas to examine illegal dumpsites in person.

The project team conducted on-site and/or telephone interviews with representatives of the following entities:

⁴ The project team has included successful projects and programs identified during these interviews in the Implementation Strategies section of this study, which can be found in Section 4.

Cities	Counties
<ul style="list-style-type: none"> • City of Allen • City of Alvarado • City of Arlington • City of Burleson • City of Carrollton • City of Cleburne • City of Corsicana • City of Dallas • City of Denton • City of Cedar Hill • City of Flower Mound • City of Garland • City of Grand Prairie • City of Greenville • City of Irving • City of Keene • City of Rio Vista • City of Royse City • City of Rowlett • City of Sachse 	<ul style="list-style-type: none"> • Collin County • Dallas County • Denton County • Erath County • Grayson County • Hunt County • Johnson County • Kaufman County • Navarro County • Parker County • Tarrant County • Wise County
	Other <ul style="list-style-type: none"> • Bluebonnet RC&D • TNRCC Regional Office • U.S. Attorney's Office (Sherman, Texas) • U.S. Drug Enforcement Agency • U.S. EPA

In conducting these interviews, many officials mentioned that their areas included a combination of urban, suburban and rural areas. This information has helped guide how information in this study is organized. While the following sections summarize the results of interviews based on location (i.e. urban, suburban, rural), the project team did identify some problems that occur in all types of areas of the 16-county region.

2.3.1 Regional Illegal Dumping Trends

A number of issues identified during the interviews affect urban, suburban and rural communities in a similar manner. This section discusses these issues that occur throughout the region.

Intraregional Movement of Illegal Dumping: Local officials recognized that when one local government has an active illegal dumping enforcement program, and its neighboring local government does not, illegal dumping is more likely to occur in the neighboring area. Illegal dumpers, especially those who dump on a regular basis, have learned where they can dump material with the least risk of being caught.

Dumping on Land Owned by Absent Property Owners: For properties where the landowner is absent, there have been numerous cases where frequent illegal dumping

has occurred. Properties with absentee owners are typically located in either rural or urban areas. Dumping occurs on these sites because the sites are usually unmonitored and can be accessed easily.

Lack of Cooperation from Prosecutors and/or Judges: Several local officials expressed frustration about how illegal dumping cases are lightly regarded by some prosecutors and judges. This frustration was primarily based on prosecutors and judges being unfamiliar with environmental laws and with them not taking these cases very seriously.

Lack of Cooperation from Law Enforcement Personnel: While a number of police departments within the NCTCOG region are committed to operating an effective environmental crimes program, there are a number of communities where the police department does not seriously enforce environmental crimes. This typically occurs due to other types of crimes having higher priorities and police officers not being aware or knowledgeable about laws for environmental crimes.

Inconvenient Landfill and Citizens' Collection Station Operating Hours: The volume of illegal dumping appears to be affected by the operating hours of landfills and citizens' collection stations in the region's urban, suburban and rural communities. Local officials commented that in cases where their disposal facility closes before 4:30 p.m. during the week or prior to noon on Saturdays, they have experienced increases in the amount of illegal dumping. Dumping that occurs during the week is primarily from contractors who need to dispose of materials at the end of the day, and must have an empty truck bed or van prior to starting work the next day. Dumping on Saturdays is typically the result of a homeowner who tries to take material to the disposal facility, only to arrive after it closes.

Residents Dumping Brush and Bulky Items: Several urban and suburban cities have experienced problems with residents in their community illegally disposing of brush and bulky (such as appliances, furniture) material. Dumping of household garbage is usually not a problem, since this is collected at least once per week in all cities. However, since the collection frequency of brush and bulky items is less frequent, many residents have illegally dumped these materials. Reasons for dumping these materials typically include residents being unaware of brush and bulky collection options, residents not willing to wait for the next collection or residents not willing taking the time to haul material to the landfill.



The dumping of furniture and other bulky household items near the City of Corsicana in Navarro County

Economics and Risk: In many cases illegal dumping has occurred because people are not willing to pay for the cost of disposal, and recognize that the risk of being caught is relatively low. In addition, in cases where illegal dumpers have been caught, the penalties for being convicted, which typically have involved low fines, have not served as a substantial deterrent.

Illegal Use of Dumpsters: Many businesses have experienced problems with illegal dumping in their dumpsters. Urban and suburban sources for this type of dumping typically include residents who need to dispose of bulky items or excess garbage and other businesses who fill up their own dumpsters. In rural areas, illegal use of dumpsters often occurs in cases where residents do not have or are not aware of legal disposal options. Dumpsters may place their material next to the dumpster when the dumpster is already full. This dumping has resulted in increased costs for the legal users of these dumpsters.



Illegal disposal of residential garbage next to a commercial dumpster in Grand Prairie



Remodeling material dumped by a business or private hauler in Denton County

Private Haulers: Several private haulers, including small, independently owned as well as large businesses, have contributed to the illegal dumping problem in the region. These smaller private haulers will illegally dispose of material they collect from customers in order to avoid landfill disposal costs. Because they do not incur a tipping fee, these private haulers can offer more competitive prices than other businesses that legally dispose of collected material. These haulers, who are active in

urban, suburban and rural areas, will dispose of materials in any place where they believe they will not be caught. Typically locations include vacant lots, roadsides and private property in rural areas. Some haulers will collect material in urban or suburban areas, and dispose of it in rural locations. In the case of large private haulers, dumping generally occurs when employees decide on their own to dump material illegally in order to save time during the workday.

Another type of problem from private haulers involves the illegal disposal of liquid waste, which includes septic, grease and grit trap wastes. Again, these haulers will illegally dispose of these materials to avoid paying the costs for legal disposal. Liquid waste haulers will typically empty the contents of their tanks into sanitary sewers, storm drains or directly into water bodies.

2.3.2 Illegal Dumping Trends Specific to Urban Areas

Dumping of Chemical and Hazardous Materials: Dumping of various types of potentially hazardous materials has been a frequent problem in urban areas. These materials are usually waste or by-products of manufacturing and service industries. These materials are usually dumped because these businesses want to avoid the typically high cost of disposing of these materials. While this type of dumping may not occur as frequently as other types discussed in this study, the dumping of chemicals and hazardous materials is significant due to the potentially serious threat to public health and the environment.

Automotive Shops: The illegal dumping of materials such as tires and used oil from automotive shops has been a problem in the area. This dumping has typically been done by small, independently owned businesses. The dumping of used oil typically occurs on the property where the shop is located, as employees will often dump used oil into a storm sewer or ditch. Tire dumping occurs off-site, in vacant lots, along roadsides or in the parking lots of industrial areas.

Dumping in Vacant Lots: Dumping in vacant lots has been a problem in urban areas. These lots are typically located in neighborhoods where other lots are occupied. Dumping in the vacant lots comes from contractors and remodelers working in the area, as well as from neighborhood residents.

Landscaping and Tree Service Contractors: Due to various collection and disposal restrictions in place for several cities for grass trimmings, leaves and brush, illegal dumping of these materials has been a problem for several communities in the area. In cities where there are collection or disposal bans in place, these materials are often dumped illegally. Some cities, which provide for collection and disposal of these materials, have experienced problems with contractors bringing material from job sites in other cities and dropping material in their city for collection.

Housing Remodelers: Housing remodelers have contributed to illegal dumping problems in urban areas on a regular basis. These remodelers are typically do-it-yourselfers or small, independently owned businesses. These individuals or businesses will typically dump material such as sheet rock, carpet and fencing. Some people dump these materials to avoid the landfill fees and others may not be aware of collection and disposal laws and options for these materials.

Sham Recyclers: Several businesses in the area have operated on the basis of being a recycling processor, even though there are concerns about whether material being processed at their facilities will be recycled. In these situations, property owners will haul or allow others to haul material onto their property, and claim that they will recycle it. This has created a problem in locations where hundreds of tons of material, which usually looks like household garbage, will sit for long periods of

time. Due to the content of these materials, it can pose a health and environmental threat due to nuisance and water quality factors.

2.3.3 Illegal Dumping Trends Specific to Suburban Areas

Construction and Demolition

Materials: Along with the rapid growth rate in many areas of the NCTCOG region, suburban communities have also experienced tremendous increases in illegal dumping from on-going construction projects. Examples of illegal dumping from construction sites have included paint buckets, lumber, shingles, bricks, sheet rock and lime. Additional dumping has occurred from dirt and aggregate material that has been removed from construction sites. While some of this dumping is being done by large homebuilders, most of the dumping has been done by subcontractors or small, independently owned private haulers.



Dirt and aggregate material illegally dumped in the City of Allen from construction projects

Dumping in Undeveloped Areas: Much of the illegal dumping that has occurred in suburban areas has taken place on tracts or lots that have not been developed. Material dumped in these locations typically originates from suburban and urban sources.

2.3.4 Illegal Dumping Trends Specific to Rural Areas



Illegally disposed household trash in Kaufman County

Lack of Disposal and Collection

Services: Officials from many rural communities reported illegal dumping problems due to the lack of disposal facilities such as landfills or citizens' collection stations. In counties with citizens' collection stations, officials noted that there was typically a sharp decrease in illegal dumping after an area built and began operating a citizens' collection station. Several officials that had

citizens' collection stations in their county also indicated the need for additional citizens' collection stations in areas of their county that were not served by these facilities.

Lack of Public Awareness: In some communities with citizens' collection stations or landfills, officials noted that they still incurred some illegal dumping problems. These officials attributed these problems to a lack of public awareness about the availability of these facilities. Due to the rural location of these residents, it was often a challenge to communicate the availability of the citizens' collection stations.

Lack of Brush and Bulky Collection Services: While some rural residents subscribe to a private solid waste collection service, many of these private haulers will only collect household garbage that can be placed into carts or bags. As a result, residents may often lack a disposal option for brush and bulky materials. When they cannot get this material collected from their service provider, they will then dump the material illegally.

Illegal Dumping from Drug Labs: Several communities have experienced problems with the illegal dumping of chemicals or by-products used in making methamphetamines, which are synthetic amphetamines or stimulants that are produced and sold illegally. Environmental enforcement personnel in the region have encountered cleanup situations involving these illegal labs and chemicals, as many of these drug makers will illegally dispose of these items. Illegal dumping as a result of this manufacturing process can be serious as five to six pounds of toxic waste are typically created for every pound of methamphetamine produced.

Sham Composters: The problem with sham composters is similar to the problem with sham recyclers. For the sham composting problem, property owners have established businesses to allow material to be dumped on their property with the "intention" that they will process it in the future, even though they have no necessary equipment or customers for their processed material. These individuals are usually trying to use the State's composting law as a shield for their illegal dumping operation. These locations can be significant problems as materials disposed of can often include potential hazardous materials, as well as wood waste, which can pose a serious fire threat.

Sham Scrap Tire Processors: Again, this issue is similar to the problem discussed for sham recyclers and composters. For tires, property owners will allow tires to be dumped on their property with the "intention" that they will process the tires in the future, even though they have no necessary equipment or customers identified to purchase their processed material. These individuals are usually trying to use the State's tire law as a shield for their illegal dumping operation. These locations can be significant problems as materials disposed of can pose a fire and public health threat.

Dumping on Roadsides and Bridges: Officials in rural areas noted that illegal dumping often occurs on isolated roads. This method of dumping also includes throwing material from roads and bridges into creeks and streams. With counties typically having many miles of rural roads, it is often very difficult to stop illegal dumping from occurring in these locations.

Dumping on Permanent Sites: Another popular type of location for illegal dumping has been in permanent locations that can include dead-end streets and tracts of land. These are usually places where materials have been dumped for a long period of time, and local residents and businesses see the location as a viable dumpsite. These types of sites can be chronic as dumping may resume even after a site has been cleaned up.

Illegal Landfills: Several property owners in rural areas have themselves dumped or allowed others to dump on their land for a fee. Dumped materials typically include construction and demolition debris and brush and bulky items. These property owners are essentially operating illegal landfills. Volumes of material disposed of in an illegal landfill can be significant. Furthermore, illegal landfills can be difficult to identify on some properties because they are located away from roads and behind trees or other structures.



An illegal landfill in Wise County

3. ILLEGAL DUMPER PROFILES

One of the primary objectives of this study is to develop profiles of the various types of illegal dumpers that are active in the NCTCOG region. By developing these profiles, the project team will be able to provide law enforcement personnel in the NCTCOG region with valuable information that they can use to reduce specific types of illegal dumping that is occurring in their area.

These profiles have been designed so that users of this study can copy and provide this material to members of their law enforcement staff to use during their daily patrols and investigations. The project team would like to stress the need to distribute these profiles to law enforcement personnel who are not typically involved in the enforcement of environmental crimes. These profiles can serve as a relatively easy way to provide these personnel with useful information to enforce applicable environmental laws.

Based on the research and analyses described in Section 2 of the study, the project team developed the following illegal dumping profiles:

- Rural Residents
- Urban/Suburban Residents
- Private/Commercial Haulers
- Contractors/Remodelers
- Drug Labs
- Businesses (oil, solvents, hazardous waste, tires, etc.)
- Illegal Solid Waste Facilities (landfills and sham recycling, tire and composting facilities)

For each profile, the project team provided information to describe the actions, habits and trends for the various categories of illegal dumpers. In addition, the project team focused on identifying efforts law enforcement personnel could take to reduce illegal dumping. Information provided for each profile includes the following:

- Characteristics of Violators
- How Dumping Typically Occurs
- Typical Dumping Times

- Dumping Locations
- What Materials are Being Dumped
- Reasons Dumping Occurs
- Tips for Investigating a Case
- Applicable Laws and Possible Penalties

These profiles are included in Appendix B, so that they can be easily duplicated and provided to law enforcement personnel throughout the NCTCOG region.

4. IMPLEMENTATION STRATEGIES

To effectively reduce illegal dumping in the NCTCOG region, there is a need to develop implementation strategies. The project team has developed implementation strategies to address the categories of illegal dumper profiles developed for this study. These implementation strategies are based on the project team's research of on-going initiatives in the NCTCOG region, as well as in other parts of the State of Texas and the United States. In addition, the project team has developed several strategies based on its own analyses and input obtained during workshops held for this study to discuss implementation strategies.

These implementation strategies are intended to serve as a working resource for any entity that is working to reduce illegal dumping problems in the NCTCOG region. These implementation strategies have been developed so that they are consistent with and contribute to the NCTCOG's three-year strategic program, which is titled "Regional Stopping Illegal Dumping Initiatives."

The following implementation strategies are organized into three levels: regional, subregional and local. Within each level, the project team discusses roles for regional and local governments for developing and implementing these strategies. For each strategy, the project team has identified whether it is suited for illegal dumping problems in urban, rural, suburban or all types of communities. In some cases, implementation strategies should be developed at the regional level, but implemented at the local level. In these cases, the project team has included references for where additional information can be found on other pages of this section. For example, the project team has recommended that the NCTCOG purchase surveillance cameras for local governments and develop a regional public awareness campaign that focuses on the use of cameras in the region. At the subregional and local levels, we have recommended that local governments share and/or use these cameras.

The project team would recommend that local governments use this section of the study to identify the implementation strategies that should be helpful to abate illegal dumping problems in their area. Local governments should select the strategies they would like to implement, and then develop a plan on how they will implement them over a period of two to three years.

Within the sections on regional, subregional and local strategies, the discussion has been divided into five categories. These five categories are essential to developing a comprehensive approach to stopping illegal dumping. These five categories include the following:

- Political/Organizational
- Enforcement
- Collection and Disposal Options
- Public Awareness and Education
- Clean Up

4.1 Regional Implementation Strategies

Regional implementation strategies focus on initiatives that are needed by many, if not all, of the local governments in the NCTCOG region. For the regional strategies, the NCTCOG or another regional initiative (such as the Illegal Refuse Abatement Team Effort (IRATE), which is discussed below) should coordinate efforts to develop these implementation strategies.

4.1.1 Political/Organizational

Continue Planning Efforts to Reduce Illegal Dumping: With its three-year strategic program, which is titled “Regional Stopping Illegal Dumping Initiatives,” the NCTCOG has taken a proactive approach to reducing illegal dumping in the region. By continuing to place a high priority on this initiative, the NCTCOG will have the best opportunity to successfully implement many of the strategies included in this section of the study.

Continue IRATE: The Illegal Refuse Abatement Team Effort (IRATE) is a forum for representatives from local governments to discuss important illegal dumping issues and exchange ideas. By continuing IRATE, local governments will increase opportunities to network and share ideas on how to further reduce illegal dumping. IRATE could also serve as a forum for developing several of the implementation strategies discussed in this study. For example, IRATE members have been very instrumental in efforts to develop a regional database to track illegal dumping investigations and convictions.

Leverage the Use of Grant Funds: Many local governments in the NCTCOG region have benefited from the use of solid waste grant funds. To ensure the most effective and long-term positive impact of these funds, the NCTCOG should encourage local governments to develop a strategy on how they will continue operating programs after a grant ends. By taking as proactive approach as possible, NCTCOG will be able to further the positive impact of its grant program. In addition, the NCTCOG should continue to identify and develop regional studies that can benefit many of the communities in the region. For example, during interviews completed for this study, a number of local government officials expressed a need for a study to quantify the costs for on-going clean ups (see Section 4.1.5 on page 26 for further detail on this issue). The NCTCOG could fund such a study through the grants program.

4.1.2 Enforcement

Develop an Illegal Dumper Database: Due to the fact that some illegal dumpers will commit their crimes in different areas of jurisdiction, there is a need to track on-going investigations and convictions. By having information about previous convictions, law enforcement personnel will know whether a person has previously committed an illegal dumping crime, which could result in charging the person with a more serious crime. IRATE and the NCTCOG have already started efforts to develop this database. By

ensuring that this database is developed and implemented so that local law enforcement personnel in the NCTCOG region can easily use it, the database should serve as valuable tool. One reference for development of this type of database is the Memphis/Shelby County Environmental Court (see Section 4.2.2 starting on page 27 for more information), which operates a database similar to the one NCTCOG is developing.

Provide Training for Law Enforcement Personnel: Efforts should be made to encourage local law enforcement personnel to attend future sessions of the Criminal Environmental Law Training Conference, which is conducted by the TNRCC. The TNRCC periodically offers a three-day training course for Texas peace officers who are currently involved in the investigation of environmental crimes or for officers who represent a department that is interested in developing an environmental crimes program. Seminars include explanations of environmental laws and investigation techniques, plus re-enactments of significant Texas environmental crimes and an emergency response demonstration. For information on future training dates, contact the Special Investigations Unit of the TNRCC at (512) 239-3416. NCTCOG can request that future training be conducted in the NCTCOG region.

Provide Training for Prosecutors: Many prosecutors in the NCTCOG region do not have experience prosecuting environmental crimes. By conducting training courses for prosecutors in the region, the likelihood of getting environmental crimes prosecuted would increase. The TNRCC has recently started to coordinate training courses for prosecutors on environmental crimes. The TNRCC and NCTCOG are coordinating to conduct a training session in the NCTCOG region in either 2001 or 2002. Another source of information for this type of training is Mr. Paul Ruesch of the U.S. Environmental Protection Agency. Mr. Ruesch, who can be reached at (312) 886-7598, coordinates illegal dumping abatement activities for EPA Region 5 (Chicago) Mr. Ruesch has coordinated previous training courses for prosecutors.

Provide Seminars for Judges: Just as there is a need to properly train prosecutors, there is a need to train judges regarding environmental laws. Training could occur through seminars or through peer mentoring. For further ideas on seminars, contact Mr. Paul Ruesch of U.S. EPA, who has also coordinated these courses for judges. For peer mentoring, organizations such as the NCTCOG or IRATE could encourage judges in the region who are knowledgeable and supportive of environmental laws to inform their fellow judges about the seriousness of environmental crimes and the need to seriously address these types of crimes.

Provide an Expert Witness: In order to prosecute more severe levels of environmental crimes, such as Class A misdemeanors or state jail felonies, prosecutors frequently have a need for someone to serve as an expert witness in order to articulate public health and environmental problems caused by illegal dumping. An expert witness would ideally be available to testify in any of the courts in the NCTCOG region. The NCTCOG could maintain a list of expert witnesses, which could include NCTCOG staff who focus on addressing solid waste and illegal dumping issues.

Continue the Illegal Dumper Hotline: The NCTCOG has operated an illegal dumping hotline for several years. This hotline has proved to be a useful resource that has been implemented on a regional level. The NCTCOG should continue operating and promoting this hotline as a useful resource.

Promote Model Environmental Enforcement Programs: There are a number of very active and successful environmental enforcement programs in the NCTCOG region. By developing brief descriptions or case studies about how these programs function, it could serve as a valuable resource for other local governments in the region. The NCTCOG could develop this information and distribute it to local governments and/or post the information on the council's website.

Purchase Surveillance Cameras: As a part of its 2001 grant projects, the NCTCOG received a grant to purchase surveillance cameras to be used by local governments in the region to help video illegal dumping crimes. Further detail regarding the use of these cameras is provided in Section 4.2.2 starting on page 27.

4.1.3 Collection and Disposal Options

Evaluate Needs for Additional Disposal Facilities: A number of cities and counties throughout the NCTCOG region have a need for additional disposal facilities. Determining the most effective and efficient manner to provide these facilities is a challenge due to the complexity and costs typically associated with their development. By conducting a planning study to better assess these needs, cities and counties in the NCTCOG could gain a better understanding of the most cost-effective approach to proceed in satisfying their disposal needs.

4.1.4 Public Awareness and Education

Further Develop a Regional Public Awareness Campaign: The NCTCOG has already developed and implemented a regional public awareness campaign to stop illegal dumping. There are several additional initiatives that the NCTCOG could employ as a part of this campaign. To the degree practicable, public awareness campaigns to stop illegal dumping should be conducted at the regional level as one initiative. This provides the opportunity to leverage resources and to send a coordinated message. It is important to note that in order for a regional campaign to be effective, it will be necessary to have some efforts implemented at the local level (see Section 4.2.4 starting on page 30).

At the regional level, the NCTCOG and its member governments should develop and implement a public awareness campaign that includes the following:

A focused message through the use of slogans and emblems. The NCTCOG has already developed a well-recognized and eye-catching slogan and emblem through its "Stop Illegal Dumping" campaign. The NCTCOG should continue using these as a part of its regional public awareness campaign.

Conduct a media campaign. By conducting a media campaign at the regional level, the NCTCOG will be able to communicate its focused message to stop illegal dumping to many residents of the region. Such a campaign could include radio, newspaper and movie theater screening ads and billboards. This type of campaign should be more cost effective than individual local governments having to create and implement their own campaigns.

Send press releases out on a regular basis to all media in the region. These press releases could feature current or recent efforts to stop illegal dumping through enforcement, providing collection and disposal services, conducting clean ups and implementing public awareness campaigns. For example, when a local government obtains an important conviction in an illegal dumping case, the NCTCOG should write a press release, which will assist in discouraging future dumping by others.

Publicize the NCTCOG's website as a source of information regarding illegal dumping issues. Information included on the website should continue to include the "Illegal Dumper Hotline" and the "Most Least Wanted Dumpsites." In addition, the NCTCOG could post photos from the surveillance cameras to ask for help in identifying illegal dumpers.⁵

Provide media kits to local governments. The NCTCOG should develop information to provide to local governments that are working to stop illegal dumping. These kits should be consistent with information developed for the regional public awareness campaign and should include items such as model press releases.

Promote use of surveillance cameras on a regional basis. By letting the public know that they may be watched if they are illegally dumping, people will be less likely to dump. The NCTCOG could further promote the use of the cameras by sending press releases for cases where convictions occur based partially on use of cameras.

Publicize chronic dump sites. As a part of its on-going efforts to publicize chronic dumpsites in the NCTCOG region, the NCTCOG could provide photographs of dumpsites to members of the media and schools to raise awareness in the community. When providing these photographs, additional information describing the problems caused by illegal dumping could be described. This information could also be included as part of a school's environmental curriculum.

Provide Regionally Developed Public Awareness Information and Tools to Local Governments: The NCTCOG should develop and provide information and tools to local governments. The NCTCOG is already doing this by purchasing a number of signs that will be provided to local governments in the region. Additional items that the NCTCOG could develop at the regional level include the following:

⁵ The State of Kentucky uses its website in this manner. To view their website, go to the following address: <http://www.kydumps.org/>.

Stickers for Dumpsters: These stickers would be placed on dumpsters and would provide the information listed below to stop illegal dumping. These stickers could be sold at cost to private solid waste management companies, which own many of the dumpsters used in the region. The following information could be placed on the stickers:

Dumpster Not for Public Use
Area Under Surveillance
Report Illegal Dumping: (888) 335-DUMP

Provide Camera-ready Artwork: The NCTCOG should continue to provide and promote the availability of camera-ready artwork of its emblems and slogans to local governments in the region. Examples of artwork already created have been included in Appendix C. These local governments could then incorporate these into their own illegal dumping prevention messages. For instance, the City of Greenville has incorporated the NCTCOG's slogan and emblem into its public awareness campaign.

Have Businesses in the Region Help Contribute to the Illegal Dumping Campaign: A number of businesses in the region have a vested interest in illegal dumping and environmental issues. For example, the NCTCOG could encourage home improvement stores like Home Depot and Lowe's to provide information to customers (contractors and homeowners) on proper disposal practices. Depending on the location of the store, local governments could provide information on nearby collection and disposal facilities.

4.1.5 Clean-up

Conduct a Study to Quantify the Costs for On-going Clean Ups: Many local governments in the NCTCOG region spend significant amounts of money annually to clean up illegal dumpsites. However, many public officials in these local governments may not be aware of these costs. Furthermore, these officials may not realize that they could address illegal dumping problems more effectively by developing a proactive approach, rather than just reacting by cleaning dumpsites on an on-going basis. By completing a study to address this issue, the NCTCOG could provide results from the project to local governments in the region. This information could be provided to elected officials to assist them in realizing the importance of having an environmental enforcement program and the costs associated with ignoring the problem.

Conduct Regional Clean Up Events: The NCTCOG and a number of local governments could coordinate efforts to conduct some of their clean up events on the same day of the year. By taking this approach, the opportunity would exist to publicize the event on a regional basis. From a logistical perspective, individual local governments would conduct their own clean ups, but would receive promotional assistance at the regional level. Residents interested in participation in the event, could call a centralized number to determine the most convenient location for them to participate.

4.2 Subregional Implementation Strategies

Implementation strategies at the subregional level can be a very important part of efforts to reduce illegal dumping. Subregional strategies are needed to help prevent illegal dumping from moving from one area to another, which has occurred in areas where one local government has an active illegal dumping program, but its neighboring local government does not. In addition, subregional implementation strategies can be helpful in allowing several local governments to combine resources.

4.2.1 Political/Organizational

Create and Coordinate Subregional Taskforces: By coordinating with other local governments in their area, cities and counties can develop more effective programs to reduce illegal dumping in their community. Taskforces can provide the opportunity to accomplish the following types of objectives:

- Forum for sharing ideas and problems related to illegal dumping.
- Opportunity to develop a coordinated public awareness campaign.
- Opportunity to share resources that would otherwise be unfeasible. Examples include environmental courts, surveillance cameras and prosecutors.

In the NCTCOG region, the counties of Johnson, Hood, Erath and Somervall have created a subregional taskforce. Of the four counties, some were initially more committed to the program than others. To get the buy-in of all four counties, county commissioners and judges from the more proactive counties helped sell the program to the other counties. Each county is responsible for “policing” its own territory. However, monthly meetings of the illegal dumping task force allow all counties to keep informed as to the status of illegal dumping in the other areas, share ideas, etc.

4.2.2 Enforcement

Establish Environmental Courts: Several other communities in the United States have been successful in establishing environmental courts that only deal with environmental crimes. In other parts of the country, these courts have proven successful in reducing illegal dumping for several reasons. These reasons include that judges and prosecutors know the applicable environmental laws and can recognize repeat offenders.

Benefits from operating an environmental court can include the following:

- Enforcement personnel become more active in the enforcement of environmental crimes as there is a greater likelihood that their efforts will result in a conviction.

- Enforcement personnel can be more effective in the field, as they know that the environmental court can ultimately “back-up” any requests for compliance.
- Provides an opportunity for multiple cities and/or counties to coordinate efforts to enforce environmental crimes.
- Penalties can be enforced on a consistent basis and with a purpose of reducing future illegal dumping through fines and/or jail time.
- Provides an opportunity to focus on compliance from offenders in terms of cleaning up illegal dumpsites.

The concept of an environmental court is similar to the purpose of establishing other types of specialty courts such as for traffic and juvenile crimes. In fact, the American Bar Association has recognized environmental courts as a court of specialty.

The City of Memphis and Shelby County established the first environmental court in Memphis, Tennessee through a coordinated effort. This court has served as a model for the more than 25 environmental courts that have been established in the United States to date. The court will hear cases involving the following issues: housing, fire, building inspections and health (illegal dumping). Key features of the Memphis/Shelby County court is that enforcement personnel from various departments such as code enforcement, building inspections, fire and police coordinate efforts to improve their effectiveness. In addition, they have a computer database system in place to help identify repeat offenders and to track locations with chronic illegal dumping problems. Steps used to establish the Memphis/ Shelby County court included the following:

1. Identify a judge who will serve as the judge for the environmental court.
2. Identify a prosecutor(s) who will serve as the prosecutor for the environmental court.
3. Establish a system to channel all environmental crime cases to the environmental court. This can be done through the use of an effective operating computer system.
4. Ensure that enforcement personnel understand the purpose, function and procedures of the environmental court

In Texas, one county is currently establishing an environmental court. El Paso County will start operating an environmental court in September 2001. The county already has a prosecutor whose time is dedicated to prosecuting environmental crimes. This position is equally funded by the county and a criminal justice grant from the Office of the

Governor.⁶ The prosecutor also leads a countywide environmental task force and conducts training for law enforcement personnel on environmental crimes. The environmental court will hear cases regarding illegal dumping, illegal on-site septic systems, outdoor burning and violations for clean air, used oil and lead-acid batteries.

To establish one or more environmental courts in the NCTCOG region, local governments will need to determine whether it would be more effective for cities and counties to establish a joint court or develop separate courts. For example, there could be a single court for all (or many of the) cities in Dallas County. In other parts of the region, several counties could coordinate efforts to create a single environmental court.

Coordination between Cities and Counties: In cases where a county is active in prosecuting environmental crimes, cities within that county could coordinate with the county to ensure that cases are prosecuted cases. For example, the Dallas County Criminal District Attorney's Office encourages all cities within Dallas County to send all Class A (or higher) cases to them for prosecution. To best ensure productive results, the District Attorney's Office has offered to provide training for law enforcement personnel on the information the county needs to effectively prosecute an environmental crimes case.

Circuit Rider Program for Prosecutors: For several of the cities and counties in the NCTCOG region that do not have the resources to employ a prosecutor who can focus his time on prosecuting environmental crimes, the prosecution of environmental cases can still occur through the use of a circuit rider. Circuit rider attorneys have been used in the United States in locations where multiple areas would benefit from sharing. For a circuit rider environmental prosecutor, several cities and/or counties could share in the use and cost of a prosecutor. In addition, local governments in the NCTCOG region could consider applying for a solid waste grant for this position for a period of one year and then fund the position using local funding thereafter.

Request Assistance from Airplane/Helicopter Pilots: Due to the nature of where illegal dumping sometimes occurs (e.g. heavily wooded areas), it can be difficult for law enforcement personnel to pursue cases because they are not aware of the dumpsites. To address this issue, the Wise County Public Works Department created "Wise Eyes." Through this initiative, the county encourages local pilots using airports or airstrips in the county to notify officials about illegal dumpsites that they see from the air. This effort has helped Wise County officials to identify several large dumpsites that were undetectable from the ground.

Share Surveillance Cameras: For the surveillance cameras that are being purchased by the NCTCOG (as discussed in Section 4.1.2 starting on page 22), several local governments could share in the use of a camera. There is a specific need to share

⁶ Local governments in the NCTCOG region should contact Mr. Robert Neff (817-695-9174) of the NCTCOG to obtain further information about the availability of future funds for this purpose. The funding cycle for these grants typically begins each year in September.

cameras since the NCTCOG can only purchase a limited number of cameras. There are several additional potential benefits to be gained from sharing cameras. For example, this could serve as a reason for local governments to coordinate efforts in determining where to place cameras based on illegal dumping problems. Decisions on how cameras would be shared could be made as a part of a subregional taskforce, which is discussed in Section 4.1.2 on starting on page 22. Also, refer to Section 4.3.2 starting on page 32 for details on specific use of these cameras by local governments.

4.2.3 Collection and Disposal Options

Learn from Other Local Governments: Many local governments in the region provide their residents with various types of collection and disposal services that assist in efforts to reduce illegal dumping. In urban and suburban areas, these efforts typically include collection services for items such as brush and bulky materials. In rural areas, providing collection services for household garbage is often a key part of reducing illegal dumping. For cities and counties that do not offer these services to their residents, they could consider obtaining further information about how these services may be provided by other communities in the area. By knowing this information, they may be able to develop their own similar programs.

4.2.4 Public Awareness and Education

Develop a Subregional Public Awareness Campaign: Several cities and/or counties could coordinate efforts to develop a subregional public awareness campaign. Any campaign at this level should be consistent with the regional public awareness campaign discussed in Section 4.1.4 on page 24. There may be a need to develop a subregional public awareness campaign based on specific qualities of a particular area of the region. For example, there may be a need for several rural counties to develop a campaign that addresses illegal dumping by residents who are not using existing disposal options.

4.2.5 Clean-up

Conduct Subregional Clean Up Events: This strategy is similar to the discussion in Section 4.1.5 on page 26 regarding regional clean up events. For a subregional clean up event several local governments could coordinate efforts to conduct an event in their area. Such a clean up could focus on a river or lake that flows through more than one city and/or county.

4.3 Local Strategies

Implementation strategies for the local level are fundamental to developing a successful program to stop illegal dumping. Local governments are typically best positioned to address illegal dumping problems. For the strategies designed to be implemented at the local level, the authors have identified whether each strategy applies for urban, suburban

and/or rural areas. The authors have also indicated which illegal dumper profile(s) each implementation strategy addresses.

4.3.1 Political/Organizational

Develop and Implement Policies for Environmental Enforcement: By developing and implementing policies related to how a local government addresses its environmental crimes, local governments can address these problems in a logical manner. These policies should address the following types of issues:

- Who has responsibility for the enforcement of environmental crimes?
- How will different departments (such as the police and code enforcement departments) coordinate together?
- What penalties will be applied to the various types of environmental crimes?
- Are processes in place to ensure that cases are thoroughly prepared before being sent to the local prosecutor **and** that the local prosecutor will follow through on filing the case?

To answer these types of questions, officials within local governments will need work together. For example, in Dallas County, officials and staff have developed these types of policies so that it is clear how the county will enforce laws against illegal dumping crimes. As a result, the program has the support that it needs to best ensure that on-going efforts produce intended results.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All⁷

Use the *How to Establish and Operate an Environmental Enforcement Program Manual*: This manual serves as a complete guide to help local communities start an environmental enforcement program. The publication includes ideas on enforcement/prosecution, public education, training opportunities, and clean-up issues. This document was developed by for the Houston-Galveston Area Council (H-GAC) by Reed, Stowe and Yanke, LLC, and can be obtained by calling Ms. Cheryl Mergo at (713) 993-4520. The manual can also be accessed from H-GAC's website at <http://www.hgac.cog.tx.us/resources/sw/illdump2.pdf>.

Intended Geographic Area(s): Urban, suburban and rural

⁷ All profiles include rural residents, urban/suburban residents, private/commercial haulers, contractors/remodelers, drug labs, businesses (oil, solvents, hazardous waste, tires, etc), illegal solid waste facilities (landfills and sham recycling, tire and composting facilities).

Applicable Profiles: All

Provide Key Reports to Elected Officials and Managers: By informing key personnel such as elected officials and managers about the city or county's efforts to abate illegal dumping, these people will be more likely to support efforts to abate illegal dumping. These reports should track information related to incidents of illegal dumping, investigations, convictions, as well as the financial impact of illegal dumping to the community. It is also recommended that reports include efforts to make the information more interesting to elected officials and managers. For example, reports should include graphics, photographs and data presented in easy to understand terms (such as saying the total amount of illegal dumping for the last year would fill "two football fields ten feet high." These reports may also discuss the types of materials that have been illegally dumped, especially if they involve potentially dangerous items such as chemicals.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All

4.3.2 Enforcement

Enforce State Laws Regarding Illegal Dumping Crimes: There are several state laws that law enforcement personnel can use to enforce environmental crimes in Texas. This section provides a broad overview of these laws. For a more detailed analysis and understanding of how to apply these laws, refer to *Local Control of Illegal Dumping*⁸.

Health and Safety Code Chapter 341: The purpose of this chapter, "Minimum Standards of Sanitation and Health Protection Measures," is to identify and cause the abatement of nuisances to public health throughout the State. Illegal dumping, which often creates a nuisance, is covered under this law. This statute is most often used by health department and code enforcement personnel for dumping on private property. This statute applies throughout Texas to all cities, towns and unincorporated areas.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All

Health and Safety Code Chapter 343: The purpose of this chapter, "Abatement of Public Nuisances," is to establish minimum standards for public health. Unlike Chapter 341, this chapter only applies to unincorporated areas of counties. This law provides county governments with the authority to abate nuisances themselves in cases where a violator will not. This statute is most often used to address dumping on private property. In order to use this statute, county governments must adopt

⁸ *Local Control of Illegal Dumping* is a user-friendly book written to help local law enforcement personnel properly enforce the various types of environmental laws in the State of Texas. A limited number of copies of the book can be obtained from the NCTCOG (free of charge).

procedures on how the county will abate nuisances in order to ensure that the process is fair. In the NCTCOG region, Parker County has adopted such procedures. A copy of these procedures is included in Appendix C.

Intended Geographic Area(s): Rural

Applicable Profiles: All (except for urban/suburban residents)

Health and Safety Code Chapter 365: The “Texas Litter Abatement Act” is the most commonly used statute to control illegal dumping in Texas. Criminal acts under this statute generally fall into one of the three following categories:

- Disposing or allowing or permitting the disposal of litter or solid waste at a place that is not an approved solid waste site.
- Receiving litter or solid waste for disposal anywhere that is not an approved solid waste site.
- Transporting litter or solid waste for disposal to a place that is not an approved solid waste site.

Sections of Chapter 365 were amended by the Texas Legislature in 2001 in order to increase penalties for violations of the State’s laws against illegal dumping. These changes have been reflected in the information discussed in this study and in the profiles.

Dumping for commercial purposes and the unauthorized use of someone else’s dumpster are also addressed in this statute. This statute, in section 365.012 addresses the issue of dumping on one’s own land. This section describes the only scenarios where it is legal to dump on one’s own property.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All

Texas Water Code Chapter 7: The “Enforcement” chapter is intended to address the more serious, specialized and complex environmental crimes in the State of Texas. Fines can be significantly higher and prison terms, longer, under TWC Chapter 7, than under sections 341, 343 or 365 of the Health and Safety Code. Administrative, criminal and civil penalties can be pursued under this statute. Several of the criminal enforcement areas included in this statute are water, hazardous waste, medical waste, sewage disposal systems, used oil and lead-acid batteries.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All

Coordinate with State and Federal Law Enforcement Personnel: Several state and federal agencies in the NCTCOG region are involved in enforcing illegal dumping and related laws. To more effectively enforce illegal dumping crimes in the NCTCOG region, local law enforcement personnel need a complete understanding of these agencies' roles and responsibilities. With this information, local governments will know whom to contact at the various agencies for specific types of environmental crime cases. A list of agencies that local law enforcement personnel should be aware of follows:

TNRCC Arlington Regional Office: The TNRCC's regional office for the NCTCOG region will typically only handle illegal dumping cases that involve commercial operations ("cash for trash") or hazardous waste. The telephone number for the Arlington regional office is (817) 588-5800.

TNRCC Special Investigations: The TNRCC Special Investigations unit is responsible for enforcing environmental laws in the State of Texas. Due to resource limitations, Special Investigations responds primarily to major cases. However, they may be able to support local enforcement of larger dumping operations, especially commercial activities. They also have an attorney on staff who can help local law enforcement personnel and prosecutors who are seeking advice. The telephone number for Special Investigations is (512) 239-3405.

Texas Parks and Wildlife Department (TPWD): In cases where illegal dumping has a negative impact on wildlife, the TPWD can be contacted. Local law enforcement personnel should contact the nearest TPWD game warden, who will investigate the case and determine how to address the situation. To determine the telephone number for the nearest game warden, call the TPWD headquarters at (512) 389-4800.

U.S. Environmental Protection Agency (U.S. EPA): The Criminal Investigation Division of the U.S. EPA is responsible for enforcing federal environmental laws. The U.S. EPA deals with cases that cause serious impacts to safety, human health and the environment. Examples of cases the U.S. EPA could have an interest in typically involve the dumping of large quantities of hazardous materials into bodies of water. The U.S. EPA encourages local governments to notify them about cases. After receiving information about potential cases, the U.S. EPA will screen the information and open criminal investigations for the most serious cases. To contact the U.S. EPA, call (214) 665-6600.

U.S. Drug Enforcement Agency (U.S. DEA): The U.S. DEA will investigate and enforce cases related to violations of federal drug laws. This can include problems related to illegal dumping that occur from the production of illegal drugs. To contact the U.S. DEA, call (214) 366-6900.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All

Establish Environmental Courts: In establishing an environmental court, local governments can ensure that they have a venue where environmental crimes can be prosecuted with high priority and attention. For further information on this strategy, please refer to Section 4.2.2 on page 27.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All

Prosecute Cases through Administrative Hearings: Several cities in the United States use an administrative hearings process in place of courts to prosecute violators of illegal dumping statutes. The administrative hearings process can significantly reduce or eliminate the need for involvement of municipal judges. In prosecuting cases through an administrative hearing process, illegal dumping cases can receive the necessary attention. The City of Chicago, Illinois, which has an effective illegal dumping prevention program, uses administrative hearings for illegal dumping cases.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All

Encourage All Law Enforcement Personnel to Enforce Laws for Illegal Dumping Crimes: While environmental enforcement peace officers and code enforcement staff are typically the personnel responsible for enforcing laws for illegal dumping crimes, there is usually a need for additional enforcement personnel. By encouraging all law enforcement personnel to enforce these laws, communities can leverage resources to stand a better chance of catching violators. One way to encourage other law enforcement personnel to pursue these laws is to provide them with copies of the applicable illegal dumper profiles developed for this study. By having these profiles, these peace officers will have information needed to identify and pursue enforcement of potential crimes. In addition, through the development of the illegal dumper database hotline, law enforcement personnel can be notified of areas with chronic illegal dumping problems. Officers patrolling these areas can then be looking for illegal dumping activity. For example, in the City of Sachse a city police officer arrested a person who was illegally dumping liquid waste into the city's sewer system late one night. The police officer knew how to handle this case because the city's environmental police officer had recently attended a TNRCC sponsored Environmental Law Training Conference and shared information he had learned with other city police



A police officer investigating an illegal dumping case

officers during a weekly briefing. During the briefing, the environmental police officer informed the other officers about situations to be aware of and how to handle any ensuing violations.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All

Provide Training for Law Enforcement Personnel on Local Rules and Procedures:

In order to ensure that law enforcement personnel will send well prepared cases to local prosecutors, there is a need for these personnel to receive proper training on local rules and procedures. A local prosecutor can typically provide this type of training to answer what specific information a prosecutor needs to file and prosecute a case. For example, the Dallas County Criminal District Attorney's Office will provide this training to all law enforcement personnel in Dallas County on how to properly prepare a Class A or higher case so that their office will be able to effectively prosecute it. In smaller communities this type of training could occur through a meeting between local prosecutors and law enforcement personnel. This type of training can also benefit other "non-environmental" peace officers who may otherwise be reluctant to file illegal dumping cases.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All

Coordinate with City Building Inspectors: To reduce illegal dumping from construction and remodeling sites, environmental enforcement personnel should coordinate efforts with city building officials. As part of this coordination, law enforcement personnel can inform building inspectors about what they can look for with regard to possible illegal dumping issues. In addition, building inspectors can provide information to construction site managers on proper disposal methods and legal disposal locations. Inspectors can also inform law enforcement personnel about potential enforcement violations. Building inspectors could require contractors to provide them with proof of legal disposal before the city would issue an occupancy permit for a building.

Intended Geographic Area(s): Urban and suburban

Applicable Profiles: Contractors/remodelers

Conduct Site Visits at Construction Sites: During the course of patrols, law enforcement personnel can visit construction sites to ask construction managers about their disposal practices. In addition, law enforcement personnel can inform construction managers that they are responsible for how subcontractors dispose of material from the site. An effective deterrent that law enforcement personnel can use at construction sites is to request samples of the various types of building materials being used at the site, such as bricks, roofing materials, paint colors and soil aggregate. By having these samples,

law enforcement personnel may be able to match these samples to any future illegal dumping.

Intended Geographic Area(s): Urban and suburban

Applicable Profiles: Contractors/remodelers

Seek Assistance from Residents to Catch Illegal Dumpers: Arriving at a site after a person has already committed an illegal dumping crime can be a frustrating experience for law enforcement personnel. By receiving assistance from nearby residents and/or businesses, law enforcement personnel can receive significant assistance in their efforts to catch illegal dumpers. In residential areas, law enforcement personnel can help residents establish a neighborhood watch program. Law enforcement personnel can provide residents and business owners with a list (such as violator and vehicle description and license plate number) of the information they would need in order to catch an illegal dumper. In addition, residents and businesses could receive disposable cameras that they could use to photograph violators. These types of programs will work best in urban areas or locations where residents are near sites where dumping regularly occurs. Some local communities have even provided financial incentives for residents to report illegal dumping by providing them with a reward for information that leads to convictions.

Intended Geographic Area(s): Urban and suburban

Applicable Profiles: Urban/suburban residents, private/commercial haulers, businesses and contractors/remodelers

Use Surveillance Cameras to Identify Illegal Dumpers: Local law enforcement personnel can benefit from the use of surveillance cameras to identify violators in the process of committing illegal dumping crimes. Based on discussions with local government personnel in the NCTCOG region and other areas of the country, surveillance cameras have been an effective tool, but should not be viewed as the only solution to catching violators. Law enforcement personnel have found that the cameras provide the best results in areas where dumping occurs on a chronic basis. In the NCTCOG region, the cities of Dallas and Arlington have significant experience using surveillance cameras.

Intended Geographic Area(s): Permanent/chronic dumpsites in urban, suburban and rural areas

Applicable Profiles: Urban/suburban residents, rural residents, businesses, private/commercial haulers, contractors/remodelers and illegal solid waste facilities

Track the Movement of Uncollected Residential Setouts: Many of the cities in the NCTCOG region have limitations on the types of materials their solid waste collection crews or private haulers will collect and the collection frequencies. For example, some

cities may not collect items such as yard waste and bulky materials (e.g. furniture). While these items may not be collected, some residents will still set them out for collection. After these cities inform residents that these materials will not be collected, some residents will illegally dispose of the items. To address this problem, one city in the NCTCOG region places a sticker with a unique number on illegal setouts (in as hidden an area as possible), which can include brush, bags and bulky items. If the material is illegally dumped, the city knows where the material came from based on the sticker. These stickers can also be used to explain to the resident why the city did not collect the materials.

Intended Geographic Area(s): Urban and suburban

Applicable Profiles: Urban/suburban residents

Ensure Vehicles Comply with Laws for Transporting Waste: There are a number of laws in place regarding the transport of numerous materials that could be destined for illegal dumping. For example, tire transporters are required by the TNRCC to register as tire transporters and to keep a manifest for each load of transported tires. Vehicles that are hauling drums of potentially hazardous materials are required to place proper placards on their vehicles and to maintain manifests. While it is not a certainty, drivers that are not complying with these types of laws are more likely to illegally dispose of these materials than are drivers who are in compliance. For further information on this issue, refer to the TNRCC's "Transporting Waste in Texas—A Guide to Regulation."⁹

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: private/commercial haulers and businesses

4.3.3 Collection and Disposal Options

Provide Collection Services in Rural Areas: Illegal dumping in rural areas frequently occurs due to a lack of convenient and affordable collection options. Counties have several options to address this problem: to provide for countywide collection services or to provide collection options through citizens' collection stations.

Senate Bill 352, which was recently passed into law by the 77th Legislature in 2001, provides more options for counties in



Entrance to a citizens' collection station near the City of Terrell in Kaufman County

⁹ To obtain a copy of this regulatory guidance document, contact the TNRCC by telephone at (512) 239-0028 or via the Internet at <http://www.tnrcc.state.tx.us/admin/topdoc/rg/086.pdf>. When requesting the publication, ask for RG-086.

requiring residents to receive collection services. Texas law provides counties the authority to offer and require solid waste services, and permits them to collect fees for the service, but does not provide an effective enforcement mechanism to compel payment. Senate Bill 352 allows a county to contract with a private or public entity, including a public utility, to collect solid waste fees.

By developing and operating citizens' collection stations, rural communities can help to address this problem. Local governments in the NCTCOG region can apply for solid waste grants for the development of citizens' collection stations. The following resources have been developed to assist in the development of citizens' collection stations:

- *How to Plan, Design and Finance Citizens' Collection Stations* – This TNRCC “how-to-manual” helps communities evaluate options for providing convenient and affordable garbage collection services through citizens' collection stations.
- *Guide to Developing Community Solid Waste Facilities* – This Houston-Galveston Area Council publication provides guidelines for the development of community solid waste facilities, particularly citizens' collection stations and transfer stations. The document includes several case studies. The NCTCOG can provide local governments in the region with copies of this book.
- *How to Conduct a Community MSW Services Survey* – This TNRCC “how-to-manual” helps communities determine what preferences residents have for garbage collection services and how much they would be willing to pay for such services.

Intended Geographic Area(s): Rural

Applicable Profile: Rural residents

Provide Convenient Operating Hours for Landfills and Citizens' Collection Stations: Ensuring that landfills and citizens' collection stations are open during key times when various types of customers would use these facilities can help reduce illegal dumping. For example, landfills need to be open until the late afternoon to provide opportunities for contractors to dispose of material. Residents need access to landfills and collection stations on Saturdays. It is also important to note that a landfill can allow for access to the facility without operating at full capacity. By providing a roll-off container during these extended hours, landfills can be open to the public while operating with a skeleton crew. It is important to note that making a change in the operating hours of a landfill could require a permit amendment from the TNRCC.

Intended Geographic Area(s): Urban, suburban and rural

*Applicable Profile: Urban/suburban residents, rural residents,
contractors/remodelers and private/commercial haulers*

Require Collection Containers at All Construction and Remodeling Sites: To reduce illegal dumping that occurs due to construction and remodeling activity, local governments could require that dumpsters or roll-off containers be used at construction and remodeling sites. Local governments could require this provision as a part of the construction and remodeling permitting process. Only remodeling jobs that require a permit would be required to use a container.

Intended Geographic Area(s): Urban and suburban

Applicable Profile: Contractors/remodelers

Encourage Customers to Require Receipts for Disposal Fees. A significant amount of illegal dumping occurs in cases where a private/commercial hauler will collect material from a business or residential customer. Instead of taking the material to a legal landfill, the hauler will illegally dispose of it. If customers would begin requiring haulers to provide them with proof of legal disposal, there is likelihood that illegal dumping from these sources would decrease. In this situation, an individual who hires a hauler would pay for ½ of the disposal cost up-front and the other ½ after the hauler provides a receipt from the landfill where the waste was legally disposed.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: Private/commercial haulers

Require Permits for Private/Commercial Haulers: Several cities and counties in the NCTCOG region require permits for all solid waste collection vehicles operating in their area of jurisdiction. Through this requirement, these cities and counties can better track which private/commercial haulers are operating in their area. Requiring all haulers to obtain these permits could discourage haulers engaged in illegal dumping activities from operating in their area. Local governments could distribute lists of permitted haulers to businesses and residents that may need such services.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: Private/commercial haulers

Provide Adequate Levels of Brush and Bulky Collection Services: A number of communities in the NCTCOG region have experienced illegal dumping of brush and bulky items. This illegal dumping has typically occurred due to either a lack of collection services or a lack of information regarding available services. In cases where collection services are not provided for these materials, communities should consider providing this service. In cities, solid waste departments can provide this service as a part of their standard collection services. In rural areas, counties can ensure that their citizens' collection stations accept these types of materials. The issue of providing better information in cases where services are available is addressed in Section 4.3.4.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: Urban/suburban residents and rural residents

Require Proof of Legal Disposal as a Part of the Demolition Process: In cases where a city requires property owners to obtain permits to demolish buildings, the city could require that the property owner provide proof of legal disposal of the demolition debris.

Intended Geographic Area(s): Urban

Applicable Profile: Contractors/remodelers

4.3.4 Public Awareness and Education

One way to decrease illegal dumping is to develop and implement public awareness and education campaigns. In general, these campaigns should focus on legal alternatives to illegal dumping, problems created by illegal dumping and potential penalties. In this section, the project team has developed implementation strategies for the various illegal dumper profiles developed for this study.

Inform New Residents about Collection and Disposal Services: When residents move into an area, they may not be familiar with how all solid waste services are provided. By providing this information, solid waste utilities can better ensure that customers will not turn to illegal dumping as a means to dispose of material like brush and bulky items.

In urban and suburban areas, solid waste utilities should be able to identify new residents based on billing changes for water/wastewater and/or electric services. Solid waste utilities should send these new customers packets on all services provided. For residents who move into apartments, cities could provide apartment complexes with information for them to distribute to their tenants on how to dispose of material like bulky items.

In rural areas, counties can request that electric utilities provide lists of new residents to them on a weekly basis.¹⁰ Upon receiving lists of new customers, counties can provide necessary information. One source of information that can be provided is a brochure, *Let's Work Together to Stop Illegal Dumping*, that was developed by the TNRCC. This is a public education brochure on illegal dumping that any local community can use to provide information specific to their community. Communities can request up to 1,000

¹⁰ Chapter 366.005 of the Health and Safety Code includes the following language: "An electric utility shall compile a list weekly for each county in this state of the addresses located in an unincorporated area of the county at which the electric utility has made new electric service connections during the preceding week. The electric utility shall submit the list to the county judge of the county, or to a county officer or employee designated by the county judge, who shall forward the list to each authorized agent having jurisdiction over an area in which an address on the list is included." Note, this language specifically addresses new on-site septic systems, but can be used to notify residents about solid waste management options.

copies of the document and then print their own information about where to take items for disposal and recycling and how to report illegal dumping. This document is available in Spanish and English. To obtain the document, please telephone TNRCC's publication office at (512) 239-0028 and request publication GI-243. A sample copy of this brochure has been included in Appendix C. Counties could also send lists of the private haulers that operate in the area.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: Urban/suburban residents and rural residents

Conduct On-going Public Awareness Campaigns: There are several ways to provide on-going public awareness campaigns.

- Include notices in monthly utility bills.
- Write articles in city/county newsletters or for the local newspaper.
- Develop videos that discuss important illegal dumping issues. These videos can be shown at presentations and on local access cable television.
- Publish information about dumpsites in local newspapers or on the community's website. For example, run a photo each month on the "ugliest" property.¹¹
- Promote cases where people are convicted of illegal dumping crimes in the local press.
- Implement ideas discussed in Section 4.1.4 on page 24.



The City of Mesquite uses its newsletter to update residents on illegal dumping issues.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profiles: All

¹¹ A local television in Cape Girardeau, Missouri runs a weekly spot on the news showing the "ugliest" property in Cape Girardeau for that week.

Conduct Presentations to the Public: Conducting presentations in areas with illegal dumping problems can help reduce future problems. The target audiences for these presentations will be determined based on the type of illegal dumping problems in the area being targeted. Presentations can be most effective when given by uniformed peace officers, as their presence will typically stress the seriousness of the issue.

For local governments that are using surveillance cameras, they could incorporate the use of these cameras into their presentations. Before starting the presentation, the presenter could hide the camera nearby and use a monitor to show what it being filmed. Use of these cameras would be most effective at all-day events like a county fair or home and garden show.

The following list identifies possible groups for different types of illegal dumping problems:

Urban/Suburban Residents: Neighborhood associations, civic organizations (e.g. Rotary, Lions), home and garden shows

Rural Residents: County fairs, community picnics

Contractors/Remodelers: Building associations

Intended Geographic Area(s): Urban and suburban

Applicable Profile: Urban/suburban residents, rural residents, contractors/remodelers and private/commercial haulers and businesses

Conduct Presentations at Schools: Communicating messages regarding illegal dumping problems can be an effective method of changing behavior, as children will often repeat the message to their parents. This can be especially effective in cases where children's parents are engaged in illegal dumping activities, but they are not aware of the criminal and environmental issues associated with their activities.



A representative of the Collin County Sheriff's Department and Trashasaurus with school staff and students

These types of presentations can be effective when presented by a uniformed peace officer or by a mascot. For example, in Collin County, the litter enforcement officer and their mascot, Trashasaurus, typically make presentations.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: All

Distribute Information to Property Owners: Dumping on private property can be a significant problem, as the property owner is often the entity responsible for cleaning up the mess. To prevent property owners from having to clean up or pay for the clean-up of dumping on their property, local governments should distribute information to property owners in areas where there has been a history of illegal dumping. In these letters, local governments could explain that the property owner may be ultimately responsible for illegal dumping on their land. The letter could also include recommendations property owners could take, such as fencing their property, posting signs and watching for illegal dumpers.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: Urban/suburban residents, rural residents, illegal solid waste facilities and private/commercial haulers

Prevent Unauthorized Use of Dumpsters: Local governments and private haulers could use the stickers discussed in Section 4.1.4 on page 24. These stickers could be placed on all dumpsters in the community.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: Urban/suburban residents and rural residents

Educate the Construction Industry on Proper Disposal Methods: There are several ways to provide information to the construction industry to ensure that they properly dispose of material. Potential suggestions include the following:

Conduct Workshops for the Construction Industry: To encourage compliance with solid waste collection and disposal, the City of Dallas is going to conduct workshops with members of the construction industry. In addition to discussing the proper way to dispose of material, these workshops will focus on penalties for illegal dumping and the environmental impacts caused by illegal dumping. The city's construction inspectors will encourage people in the construction industry to attend the workshops.

Provide Information During the Building Permitting Process: When contractors or remodelers receive their building permits, local governments could take the

opportunity to provide them with brochures on proper collection and disposal techniques.

Send Notices in the Mail: Local governments can provide information, such as brochures, through the mail about proper disposal techniques. Information could also include a list of private/commercial haulers who have received permits to operate within the city.

Intended Geographic Area(s): Urban and suburban

Applicable Profile: Contractors/remodelers

Conduct Promotional Campaigns Regarding Private/Commercial Haulers: To discourage illegal dumping by private/commercial haulers, local governments could encourage businesses and residents to be aware of potentially illegal disposal practices on the part of haulers. Local governments could develop information campaigns to encourage businesses and residents to pay ½ of the charge up-front and the other ½ after the hauler provides a receipt from the landfill where the waste was disposed.

Intended Geographic Area(s): Urban and suburban

Applicable Profile: Contractors/remodelers and private/commercial haulers

4.3.5 Clean-up

There are a number of methods local governments can use to clean up illegal dumping in their community.

Conduct Community Based Clean Up Activities: There are a number of community or volunteer based clean up efforts that can help to not only make a community cleaner, but to also emphasize the importance of preventing illegal dumping from recurring in the future. For each of these types of clean ups described in this section, local governments typically provide for disposal costs and ensure that the event includes a public awareness message about illegal dumping.

One helpful reference guide for planning community clean ups is the TNRCC's *Texas Environmental Event Planning Guide*. This publication will help communities organize events that generate public interest in recycling, waste reduction, conservation, litter cleanup, and pollution prevention. To obtain the document, please telephone TNRCC's publication office at (512) 239-0028 and request publication GI-157.

Various types of community based clean up activities are described below:

Neighborhood Clean Ups: In specific areas where residents have an interest in cleaning up their neighborhood, communities can conduct neighborhood clean ups. These clean ups are primarily intended for urban areas.

Annual or Semi-annual Clean Ups: Communities frequently sponsor clean ups on an annual or semi-annual basis for specific areas, such as around a lake or river. These events can also coincide with the State's annual clean up, "Don't Mess with Texas Trash-Off."

Free Dump Days at the Landfill: These events are conducted as days when residents can bring material to the local landfill without having to pay the tipping fee. However, local governments should try to ensure that residents do not depend on these events as their primary means of disposal.

Adopt a Road/Spot/Watershed: The concept for this type of clean up is similar to the Texas Adopt a Highway program, where community organizations are responsible for keeping a specific area clean.

Clean Ups as Community Service Efforts: Various types of organizations, such as the Boy Scouts, will frequently conduct community service events. Local governments can provide opportunities for these organizations to conduct clean ups as their community service event. To make this program effective, the local government should maintain a list of areas that need to be cleaned.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: Urban/suburban residents and rural residents

Quantify the Cost of Conducting Clean Ups: One existing resource that local governments can use to quantify the cost of cleaning up illegal dumping is the Illegal Dumping Economic Assessment (IDEA) model. The IDEA model is a simple, useful tool to help users understand the total costs associated with illegal dumping and the economic impact on their community. For example, the City of Gary, Indiana, utilized the model to define the extent of the clean up activities necessary to mitigate the illegal dumping problem and propose a comprehensive prevention plan. For further information about the IDEA model, go to <http://www.epa.gov/region5/illegal dumping/>.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: All

Clean Up Dumpsites on Private Property: Cleaning up illegal dumping on private property is often a delicate matter for local governments as they do not want to engage in clean up activities on private property. Chapters 341 and 343 of the Health and Safety Code establish a process for local governments to abate nuisances created by illegal dumping.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: All

Require Clean Up Activities for Violators: For persons convicted of various types of crimes, there are opportunities for local governments to use these people to clean up illegal dump sites. Several local governments use prisoners to help conduct clean ups while they are incarcerated. Several judges have required people convicted of illegal dumping or other crimes to conduct clean ups as a part of the community service hours associated with their sentence.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: All

Keep Areas Near Landfills Clean: In cases where there are significant amounts of illegal dumping near or around a landfill, there is a greater likelihood that additional people will dump items at these illegal sites. These individuals will typically believe that if other people are avoiding the tipping fee at the landfill by dumping, they will do the same. By ensuring that these types of locations are kept free of illegal dumping, less illegal dumping should occur in these areas.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: All

Use County/City Departments to Conduct Clean Ups: Several local governments use various departments such as public works, road and bridge and health to conduct on going clean ups. These clean ups are typically limited to public property or rights-of way. These clean ups can be critical to keep roadsides safe for motorists and water bodies clean for wildlife and drinking water. In cases where local governments provide this type of service, it is important to maintain detailed records of clean up activities, including locations of dump sites and volumes of material collected. This information can be useful for law enforcement personnel to investigate cases. In addition, this information can help to convince public officials and managers about the need for proactive programs to prevent illegal dumping from occurring.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: All

Prevent Dumping from Recurring: There are several actions local governments and property owners can take to prevent dumping from recurring at locations where illegal dumping has been a chronic problem. Local governments can act by denying road access to potential dumpsites. For example, on dead end roads that do not need to be open to the public, several local governments have placed large barriers to prevent vehicles from passing onto locations where illegal dumping has occurred. Several local governments

have been creative in the types of barriers used by using items like large planters. These barriers are limited in the locations where they can be used, as they prevent access by all motorists. Property owners can prevent dumping from recurring by fencing their property and placing signs.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: All

Obtain Financial Assistance from the U.S. DEA for Cleaning Up Drug Labs:

Through federal legislation, the U.S. DEA can pay for the clean up and disposal costs for clandestine drug labs. However, funds can not be used for contamination caused by illegal dumping from drug labs. To obtain further information, contact the Dallas office of the U.S. DEA at (214) 366-6900.

Intended Geographic Area(s): Urban, suburban and rural

Applicable Profile: Drug lab

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Appendix A

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north central texas council of governments

[NCTCOG Meetings](#)[NCTCOG Committees](#)[NCTCOG Jobs](#)

Department of Environmental Resources

North Central Texas Council of Governments

Illegal Dumping Report Form

The North Central Texas Council of Governments is involved in a regional effort to stop illegal dumping in the North Central Texas area. You can assist this process by reporting any illegal dumping activity that you may encounter in your neighborhood or in the region. The report will be forwarded to enforcement officials in the counties of interest.

Enter Illegal Dumping Information Below

Location of Illegal Dumping

County

Specific Street Address

City

When Illegal Dumping Was Sighted/Witnessed

Date

Time (Specify AM or PM)

Description of Any Vehicle Sighted

License Plate Number

Make, Model, Color

Violator Information

Waste Type

Violator Description

Witness/Contact Person Information

Name

Phone Number

Email Address

**NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
TARGETED ILLEGAL DUMPER STUDY**

Survey of Illegal Dumping Trends in Your Area

1. Name of the area you represent (i.e. city or county)

2. Who is the primary contact person in your area for illegal dumping issues?

3. List any databases or other data sources that track illegal dumping that is occurring in your area?

4. Check the primary type(s) of material that you believe is typically dumped in your area.
 - _____ Common household or residential garbage
 - _____ Brush, tree trimmings, lawn clippings and leaves
 - _____ Construction and demolition wastes (e.g. , building materials, roofing shingles, demolition debris)
 - _____ Appliances and other large white goods
 - _____ Automotive wastes (used oil, tires, batteries)
 - _____ 55-gallon drums (solvents, chemicals, other possible hazardous wastes)
 - _____ Ashes (dumped from burning garbage)
 - _____ Dead animals
 - _____ Bio-medical waste
 - _____ Sludge (from water or wastewater treatment systems, septic pumpage)
 - _____ Grease and grit trap wastes
 - _____ Commercial wastes (small businesses, light manufacturing, product packaging)
 - _____ Agricultural wastes
 - _____ Soil contaminated with petroleum products or industrial by-products
 - _____ Textiles/used clothing
 - _____ Other, please describe _____
 - _____

5. Check the primary location(s) where you believe illegal dumping typically occurs in your area:

☐ Urban
☐ Established suburban
☐ Rapidly growing suburban
☐ Rural
☐ State and local parks
☐ Other, please describe _____

6. Check any of the following reasons that you believe may contribute to illegal dumping problems in your area.

☐ Driving distance for self-haulers to the nearest permitted landfill or transfer station is too far.
☐ Lack of convenient or affordable collection services in unincorporated areas.
☐ Lack of convenient collection alternatives (citizens' collection stations, recycling centers, etc.).
☐ Dumpers are willing to risk illegal dumping because fines and the risk of being caught are typically low.
☐ Nearest permitted landfill only allows access to residents of that particular jurisdiction.
☐ Lack of public awareness about nearby permitted landfills or citizens' collection stations.
☐ Lack of public awareness about the health and environmental risks of illegal dumping.
☐ Private haulers are not disposing of waste in permitted landfills.
☐ Construction contractors are not willing to spend the time to drive to permitted landfills and/or money to legally dispose of materials
☐ Other, please describe _____

Please Return Completed Survey to Reed, Stowe & Yanke, LLC

5806 Mesa Drive, Suite 310

Austin, Tx 78731

Phone: (512) 450-0991— Fax: (512) 450-0515

Email: spasternak@rsyllc.com

**North Central Texas Council of Governments
Targeted Illegal Dumper Study**

Interview Questions

1. Describe the program you have to stop illegal dumping.
2. Based on the attached table, “Summary of Types of Material Dumped by Violator Category,” do any of these profiles exist in your area? If yes, provide characteristics regarding these profiles. Characteristics could include the following type of information:
 - a) Description of the typical dumper
 - b) Typical times when illegal dumping will occur
 - c) Typical locations where illegal dumping occurs
 - d) Typical types of materials being dumped
 - e) Evaluation of reasons why these individuals are dumping
 - f) Effective strategies that can be developed to deter illegal dumping
3. What type of information would you like to see included in profiles of different types of illegal dumpers? Do you have examples of any profiles?
4. Describe disposal/collection options.
5. Describe educational programs to deter illegal dumping and promote proper disposal.
6. Describe enforcement and prosecution programs
7. Describe clean-up activities.
8. Describe coordination with other governments in your area to address illegal dumping problems? (i.e. coordination between cities and counties)
9. What additional ideas do you have to stop this illegal dumping?
10. Have any efforts not worked very well?
11. Can you provide summaries of data documenting who has committed illegal dumping in the past?
12. From a program administrative perspective, how, if at all, do you monitor the success of your program?
13. Do you have any photos of illegal dumpsites you could provide to us?
14. Is there any other information you would like to share with us?

Appendix B

Obtaining Copies of the Illegal Dumper Profiles

The seven profiles of illegal dumpers have been produced so that the NCTCOG and local governments can duplicate and distribute them to law enforcement personnel.

The following options are available to duplicate these profiles:

- Request that the NCTCOG send copies to you. To ask the NCTCOG for copies, contact them at (817) (817) 695-9210.
- Use the master copies included in this appendix to make additional copies.
- Print copies from the NCTCOG's web site. Their web site can be accessed at <http://www.dfwinfo.com/envir/sw/index.html>. These pages can either be printed in-house or by a professional print shop from this website.
- Have your print shop make copies of the profiles, using the master copy that can be obtained from the NCTCOG's web site at <http://www.dfwinfo.com/envir/sw/index.html>.

- Look for information to identify the customer who hired the waste hauler; inform the customer that they will be prosecuted for illegal dumping if they do not provide needed information
- Call the TNRCC Regional Office for assistance in cases involving large commercial dumping operations. Their phone number is (817) 469-6750

Applicable Laws and Possible Penalties

Health and Safety Code §365.012

- State Jail Felony: Dumping for a commercial purpose and the material weighs 200 pounds or more or has a volume of 200 cubic feet or more
- For cases involving lower volumes of material, they can be prosecuted as Class A, B or C misdemeanors
- For repeat offenders, penalties can be increased to the next higher level
- Upon conviction, court can provide written notice that future convictions may result in forfeiture of vehicle used in committing the offense

- No culpable mental state is required, unless the crime is a state jail felony

Texas Water Code Chapter 7: Enforcement

- Provides option to prosecute cases for dumping into “waters of the state,” which can include bodies of water and dry creek beds and ditches
- Penalties can be much higher than those in Health and Safety Code §365.012
- Allows individuals and officers of corporations to be prosecuted

Health and Safety Code Chapter 341: Minimum Standards of Sanitation and Health Protection Measures

- Allows law enforcement personnel to address illegal dumping problems on private property
- Defines due process to provide the person with the opportunity to abate the nuisance before the local government can take legal action

Health and Safety Code Chapter 343:

Abatement of Public Nuisances

- Similar to Chapter 341, but is only enforceable in unincorporated areas
- Provides county governments with the power to abate nuisances themselves



This brochure is intended for use by law enforcement personnel in the enforcement of illegal dumping laws.

**Stop Illegal Dumping
in its Tracks!**



Characteristics of Violators

- Typically small businesses in the waste hauling business
- Some violators are employees of larger companies that are dumping material illegally to save time during the work day
- Dumpers can also include liquid waste haulers who empty collected sewage into storm drains and sanitary sewers

How Dumping Typically Occurs

- Waste hauler will identify material from a business or resident that needs to be hauled or a customer will contact the hauler
- Waste hauler will offer to haul material at a competitive price
- Waste hauler will illegally dispose of material, instead of taking it to a legal landfill or transfer station

Typical Dumping Times

- Material will be collected during daylight hours
- Material can be dumped anytime
- Liquid waste haulers will typically empty contents of their vehicles at night, since it can take some time to drain their tanks

Dumping Locations

- Some sites are random locations while others are permanent/chronic dump sites
- Haulers may have locations in rural areas where they repeatedly take material to, which can include illegal landfills or their own property
- Haulers may identify random locations near where they collected the material to be dumped

What Materials are Being Dumped

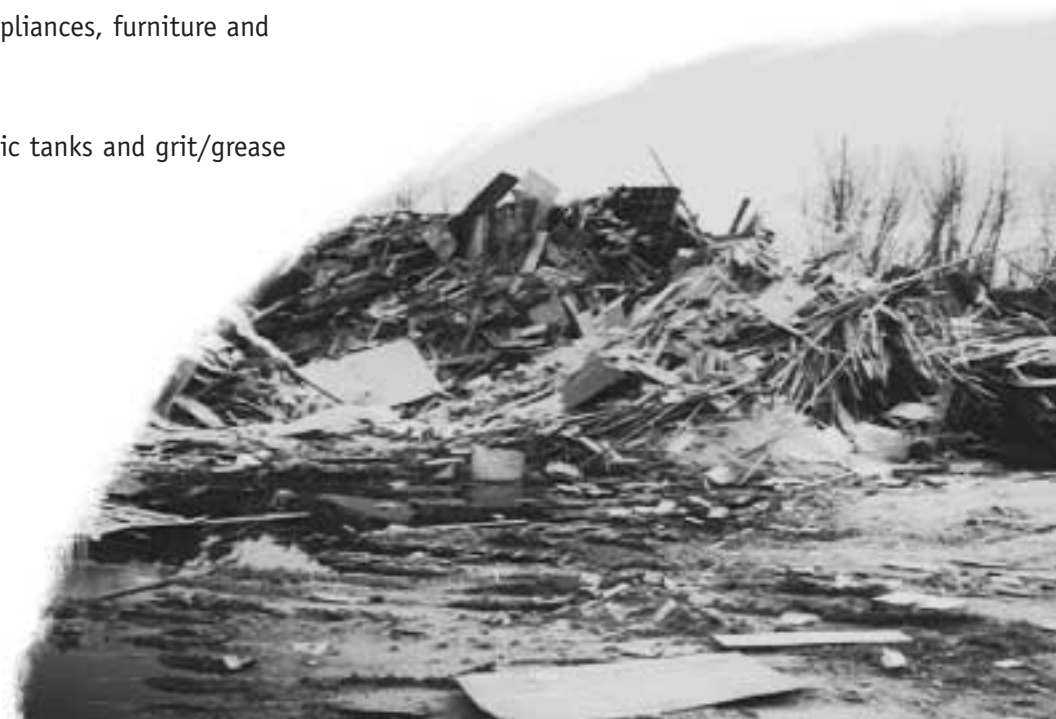
- Construction and demolition material
- Large items such as appliances, furniture and remodeling debris
- Liquid waste from septic tanks and grit/grease traps
- Brush

Reasons Dumping Occurs

- Hauler is maximizing revenue by eliminating the cost of legal disposal
- Hauler believes that the risk of being caught is negligible

Tips for Investigating a Case

- Identify the vehicle involved in hauling the material



Tips for Investigating a Case

- Look through material to find identifying information such as mail, receipts, bills
- Ask people living near the dumpsite for information and tell them to be on the lookout for future dumping
- Provide residents with disposable cameras to take photographs and forms to describe information like vehicle type, license plate number, etc.
- Use surveillance cameras in locations that serve as chronic dumpsites

Applicable Laws and Possible Penalties

Health and Safety Code §365.012

- Class C misdemeanor: Dumping less than five pounds
- Class B misdemeanor: Dumping between 5 and 500 pounds
- Class A misdemeanor: Dumping between 500 and 1,000 pounds
- State Jail Felony: Dumping more than 1,000 pounds

- For repeat offenders, penalties can be increased to the next higher level. Upon conviction, court can provide written notice that future convictions may result in forfeiture of vehicle used in committing the offense
- No culpable mental state is required, unless the crime is a state jail felony

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Characteristics of Violators

- Some are average citizens that lack needed collection and disposal options or are not aware of these options
- May be too lazy to take garbage to a landfill or citizens' collection station
- May have service for weekly garbage collection, but illegally dump larger items (furniture, used carpet, fencing) that won't be collected by the current hauler

How Dumping Typically Occurs

- On the way to work, will throw plastic bags out of vehicle into a ditch or creek
- Will drive down an isolated road and empty the contents from their vehicle

Typical Dumping Times

- Mornings, on the way to work
- Nights and weekends
- After or before major holidays (i.e. Thanksgiving, Christmas)
- Before, during or after moving (often around the 1st of the month)

- When dirt roads dry out after a long period of being wet from rain
- After a storm, due to fallen tree limbs and damaged roofs (shingles)

Dumping Locations

- Some sites are random locations while others are permanent/chronic dump sites
- Sides or dead ends of isolated, rural roads
- Creeks/ditches along isolated roads
- Dumpsters belonging to other customers in nearby towns or cities
- Utility easements

What Materials are Being Dumped

- Common household garbage
- Large items such as appliances, furniture, remodeling debris
- Brush, grass clippings, leaves
- Household hazardous waste like paint, used oil, pesticides

Reasons Dumping Occurs

- Lack access to convenient and affordable collection or disposal services
- Unaware of collection and disposal options
- Unwilling to take the time to drive to a landfill or citizens' collection station
- Service perceived as being too costly
- Willing to risk being caught
- Habit (the way it has always been done)



Tips for Investigating a Case

- Important to catch in the act
- Can sometimes find drug-related material in bags of trash, which may include discarded mail identifying the owner of the material

Applicable Laws and Possible Penalties

Health and Safety Code §365.012

- State Jail Felony: Dumping for a commercial purpose and the material weighs 200 pounds or more or has a volume of 200 cubic feet or more
- For cases involving lower volumes of material, they can be prosecuted as Class A, B or C misdemeanors
- For repeat offenders, penalties can be increased to the next higher level
- Upon conviction, court can provide written notice that future convictions may result in forfeiture of vehicle used in committing the offense

- No culpable mental state is required, unless the crime is a state jail felony

Texas Water Code Chapter 7: Enforcement

- Provides option to prosecute cases for dumping into “waters of the state,” which can include bodies of water and dry creek beds and ditches
- Penalties can be much higher than those in Health and Safety Code §365.012
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Other Applicable Laws

- Health & Safety Code: Chapter 481. Texas Controlled Substances Act
- Title 21 of the United States Code: Section 841 and 846 (Federal Law)



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**Stop Illegal Dumping
in its Tracks!**



Characteristics of Violators

- Producers of illegal drugs such as methamphetamines will illegally dump materials used in their drug making process
- Often linked with other criminal activities

How Dumping Typically Occurs

- Pour chemical byproducts into ditches or creeks or onto the ground
- Combine items like empty containers, gloves, and tubes with their household trash
- Store/hide unused raw material in rural areas when they are not actively using it

Typical Dumping Times

- Material can be dumped anytime

Dumping Locations

- Occurs in rural areas, where there is access to anhydrous fertilizer and drug operations are isolated
- Drug labs may occur in open areas (fields or woods), in sheds on their property or in abandoned trailers or sheds
- Some property owners allow other people to produce drugs on their property

What Materials are Being Dumped

- Chemical byproducts used in the production process
- Empty containers, gloves, tubes
- Unused raw material such as fertilizers

Reasons Dumping Occurs

- Risk of being caught is negligible
- Do not want to be in possession of paraphernalia linking them to drug operations
- Illegal dumping is just another example of the crimes they are committing



Applicable Laws and Possible Penalties

TNRCC Regulations in TAC 330 and 332

- Tires: Section 330 addresses the management of used or scrap tire, requiring a manifest system and standards for generators, transporters and processors
- Recycling: Section 330.150-159 establishes standards for management of facilities including recycling facilities
- Composting: Section 332 addresses the operation of composting facilities, requiring them to operate in compliance with laws such as the Texas Water Code, nuisance conditions and other state/federal law. Includes operational and administrative requirements for operating a facility

Health and Safety Code §365.012

- State Jail Felony: Dumping for a commercial purpose and the material weighs 200 pounds or more or has a volume of 200 cubic feet or more
- For cases involving lower volumes of material, they can be prosecuted as Class A, B or C misdemeanors
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- Allows law enforcement personnel to address illegal dumping problems on private property
- Defines due process to provide the person with the opportunity to abate the nuisance before the local government can take legal action

Health and Safety Code Chapter 343: Abatement of Public Nuisances

- Similar to Chapter 341, but is only enforceable in unincorporated areas
- Provides county governments with the power to abate nuisances themselves



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for use by law enforcement
personnel in the enforcement
of illegal dumping laws.**

**Stop Illegal Dumping
in its Tracks!**

Characteristics of Violators

- Small, independently owned companies
- Individuals operating a small business
- Regarded as sham operations

How Dumping Typically Occurs

- Appear to operate as a legitimate facility for processing recyclable or composting materials
- Property owners will allow materials to be dumped on their property or will dump materials themselves on the false basis of operating a solid waste processing facility
- Instead of actually processing and selling the material, it continues to accumulate on the property

Typical Dumping Times

- Material can be dumped anytime

Dumping Locations

- Rural properties
- Large lots or warehouses in urban areas

What Materials are Being Dumped

- Household trash, which may appear as recyclable materials mixed with plastic, glass, cans and paper
- Construction and demolition debris
- Yard and wood waste
- Tires

Reasons Dumping Occurs

- Make money on tipping fees from incoming loads
- Take advantage of lenient state laws for operating solid waste processing facilities

Tips for Investigating a Case

- Ask questions to determine whether the facility is operating within the TNRCC's requirements for such a facility; ask to see permits/registrations from the TNRCC
- Determine whether any violations through the Texas Water Code (illegal discharge) or nuisance conditions exist

- Request to see business records which could confirm whether the business is operating in a legitimate manner
- Observe whether on-site operations are consistent with legitimate businesses. For example, a composter should have an operating tub grinder on site
- For tire operations, request to see manifests that are required for the transport of tires
- Call the TNRCC Regional Office for assistance in cases involving large commercial dumping operations. Their phone number is (817) 469-6750



Tips for Investigating a Case

- Look through material to find identifying information such as mail, receipts, bills
- Ask people living near the dumpsite for information and tell them to be on the lookout for future dumping
- Provide residents with disposable cameras to take photographs and forms to describe information like vehicle type, license plate number, etc.
- Use surveillance cameras in locations that serve as chronic dumpsites

Applicable Laws and Possible Penalties

Health and Safety Code §365.012

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Characteristics of Violators

- Some are average citizens that lack needed collection and disposal options or are not aware of these options
- May be too lazy to take garbage to a landfill or citizens' collection station
- May be lower income residents who claim that legal disposal is too expensive
- May have service for weekly garbage collection, but illegally dump larger items (furniture, used carpet, fencing) that won't be collected by the current hauler

How Dumping Typically Occurs

- On the way to work, will throw plastic bags out of vehicle into a ditch or creek
- Will drive down an isolated road and empty the contents from their vehicle

Typical Dumping Times

- Mornings, on the way to work
- Nights and weekends
- After or before major holidays (i.e. Thanksgiving, Christmas)
- Before, during or after moving (often around the 1st of the month)

- When dirt roads dry out after a long period of being wet from rain
- After a storm, due to fallen tree limbs and damaged roofs (shingles)

Dumping Locations

- Some sites are random locations while others are permanent/chronic dump sites
- Sides or dead ends of isolated, rural roads
- Creeks/ditches along isolated roads
- Dumpsters belonging to other customers in nearby towns or cities
- Utility easements

What Materials are Being Dumped

- Common household garbage
- Large items such as appliances, furniture, remodeling debris
- Brush, grass clippings, leaves
- Household hazardous waste like paint, used oil, pesticides

Reasons Dumping Occurs

- Lack access to convenient and affordable collection or disposal services
- Unaware of collection and disposal options
- Unwilling to take the time to drive to a landfill or citizens' collection station
- Service perceived as being too costly
- Willing to risk being caught
- Habit (the way it has always been done)



Tips for Investigating a Case

- Identify the vehicle involved in hauling the material
- Obtain samples of construction material (such as bricks, shingles, tile) from job sites to develop an inventory of material that can be matched against future illegally dumped material; this can also be an effective prevention technique

Applicable Laws and Possible Penalties

Health and Safety Code §365.012

- State Jail Felony: Dumping for a commercial purpose and the material weighs 200 pounds or more or has a volume of 200 cubic feet or more
- For cases involving lower volumes of material, they can be prosecuted as Class A, B or C misdemeanors
- For repeat offenders, penalties can be increased to the next higher level
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This brochure is intended for use by law enforcement personnel in the enforcement of illegal dumping laws.

**Stop Illegal Dumping
in its Tracks!**



Characteristics of Violators

- Typically small businesses providing services such as roofing, home remodeling, fencing, and construction
- Some violators are employees of larger construction companies that are dumping material illegally to save time during the work day

How Dumping Typically Occurs

- At the end of the day, contractors will dispose of material in order to have an empty vehicle for the next day
- When the project has been completed, workers will dump material

Typical Dumping Times

- Material can be dumped anytime
- Will often be dumped at the end of the day or in the evening

Dumping Locations

- Some sites are random locations while others are permanent/chronic dump sites
- Contractors may have locations in rural areas where they repeatedly take material to, which can include illegal landfills or their own property
- Contractors may identify random locations near where they collected the material to be dumped

What Materials are Being Dumped

- Shingles
- Bricks
- Fencing
- Lime
- Fill material from pool excavation
- Wood (lumber, plywood, etc.)

Reasons Dumping Occurs

- Able to be more competitive on services since they do not incur disposal costs
- Contractor believes that the risk of being caught is negligible
- Not willing to take the time to drive to a legal landfill or transfer station



Tips for Investigating a Case

- In cases where dumping occurs near businesses that use the material being dumped, ask those local businesses how they manage the disposal of the type of material that was illegally dumped

Applicable Laws and Possible Penalties

Health and Safety Code §365.012

- State Jail Felony: Dumping for a commercial purpose and the material weighs 200 pounds or more or has a volume of 200 cubic feet or more
- For cases involving lower volumes of material, they can be prosecuted as Class A, B or C misdemeanors
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This brochure is intended for use by law enforcement personnel in the enforcement of illegal dumping laws.

**Stop Illegal Dumping
in its Tracks!**

Characteristics of Violators

- Small, independently owned companies typically involved in dumping materials
- Types of companies can include automotive repair shops (tires, used oil) and other companies that produce small amounts of chemical waste

How Dumping Typically Occurs

- Pour chemical byproducts into ditches or creeks or onto the ground
- Tires may be thrown from the back of a truck or trailer while it is moving
- Full drums or barrels may be abandoned in or near industrial areas

Typical Dumping Times

- Material can be dumped anytime

Dumping Locations

- Ditches behind store locations
- Parking lots and vacant lots in industrial or urban areas
- Isolated rural roads or dead-end streets that are located relatively close to urban or industrial areas

What Materials are Being Dumped

- Automotive waste (tires, used oil, anti-freeze)
- Chemicals such as solvents and hazardous waste, which can be dumped in 55 gallon drums

Reasons Dumping Occurs

- Risk of being caught is negligible
- Do not want to incur cost for legal disposal of materials, which can be expensive
- Unaware of how to legally dispose of material



Appendix C

APPENDIX C: ADDITIONAL RESOURCES AND REFERENCE INFORMATION

ADDITIONAL RESOURCES

This section describes additional resources that may help local governments address illegal dumping problems in their community. This section is organized into the five categories described in Section 4: Implementation Strategies. These five categories include:

- Political/Organizational
- Enforcement
- Collection and Disposal Options
- Public Awareness and Education
- Clean Up

Political/Organizational

Illegal Dumping Prevention Guidebook

This U.S. Environmental Protection Agency (U.S. EPA) publication provides general information about illegal dumping and guidance for developing a prevention program. This document is available from the U.S. EPA's website at <http://www.epa.gov/region5/dmpguide.htm>.

Enforcement

How to Establish and Operate an Environmental Enforcement Program

This manual serves as a complete guide to help local communities start an environmental enforcement program. The publication includes ideas on enforcement/prosecution, public education, training opportunities, and clean-up issues. This document was developed by for the Houston-Galveston Area Council (H-GAC) by Reed, Stowe and Yanke, LLC, and can be obtained by calling Ms. Cheryl Mergo at (713) 993-4520. The manual is available from the H-GAC's website at <http://www.hgac.cog.tx.us/resources/sw/illdump2.pdf>.

Local Control of Illegal Dumping

This publication is designed to help the local citizen, elected official, or law enforcement professional take a more effective approach to enforcing Texas illegal dumping laws. Although local governments are supported by the state in these efforts, the primary responsibility falls heavily on local elected officials, police, sheriff's officers, and prosecutors to control illegal dumping in their community. This is the "how to" manual each of these groups needs to do their part to reduce illegal dumping. The core of this book, which is both an extended essay on the topic and a valuable reference work, is a discussion of the four major Texas anti-dumping laws and the rules under which outdoor burning is regulated in the state. Texts of these four laws and burning regulations are

included in the appendix, eliminating the need to purchase other reference books. A limited number of copies of this publication are available from the NCTCOG, free of charge. To purchase the publication, contact the author, John Ockels at the following addresses or website:

Little Mineral Press
366 Pecan Drive
Pottsboro, TX 75076
Email: jockel@texoma.net
Website: www.dumpbook.com

Law Enforcement Response to Environmental Crime

This report, which was published by National Institute of Justice in 1995, explains how communities can create or enhance their responses to environmental offenses, including hazardous waste dumping and the disposal of construction and demolition debris, so that it is best suited to the community's specific needs. The publication is available from the National Institute's of Justice website at

<http://puborder.ncjrs.org/content/ItemDetails.asp?strItem=DD1513990H&intCounter=2>

Texas Natural Resource Conservation (TNRCC) Publications

The TNRCC has developed multiple publications designed to help local governments, businesses and citizens understand several of the state environmental laws. Several of these publications are related to illegal dumping issues. To obtain these documents, please telephone TNRCC's publication office at 512/239-0028 and request the needed publication. In addition, several of these publications are available on the agency's website at <http://www.tnrcc.state.tx.us/admin/topdoc/index.html>

- Outdoor Burning in Texas. RG-49. November 2000.
- Guidelines for the Classification and Coding of Industrial Hazardous Wastes. RG-22. April 2000.
- Industrial and Hazardous Waste: Rules and regulations for Small Quantity Generators. RG-234. October 1999
- Transporting Waste in Texas– A Guide to Regulation. RG-086. July 2000.

Collection and Disposal Options

How to Plan, Design and Finance Citizens' Collection Stations

This how to manual helps communities evaluate options for providing convenient and affordable garbage collection services through citizens' collection stations. To obtain this document, please telephone TNRCC's publication office at 512/239-0028 and request publication GI-249.

How to Conduct a Community MSW Services Survey

This how to manual helps communities determine what preferences residents have for garbage collection services and how much they would be willing to pay for such services. To obtain this document, please telephone TNRCC's publication office at 512/239-0028 and request publication GI-248.

Contracting for Solid Waste Services

This document is a guide to help local governments prepare contracts with private companies for solid waste services. To obtain this document, please contact the Houston-Galveston Area Council at 713/627-3200.

Public Awareness and Education Campaigns

Let's Work Together to Stop Illegal Dumping

This is a public education brochure on illegal dumping that any local community can use to provide information specific to their community. Communities can request up to 1,000 copies of the document and then print their own information about where to take items for disposal and recycling and how to report illegal dumping. This document is available in Spanish and English. To obtain the document, please telephone TNRCC's publication office at 512/239-0028 and request publication GI-243.

Clean Up Existing Dumps

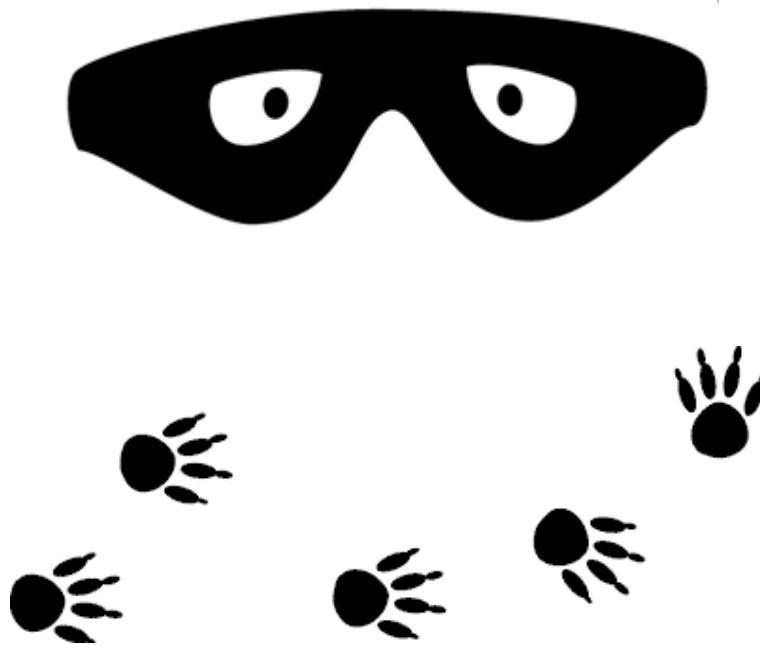
Texas Environmental Event Planning Guide

This TNRCC publication will help communities organize events that generate public interest in recycling, waste reduction, conservation, litter cleanup, and pollution prevention. To obtain the document, please telephone TNRCC's publication office at 512/239-0028 and request publication GI-157. This document is also available on the internet at <http://www.tnrcc.state.tx.us/admin/topdoc/gi/157.pdf>

Illegal Dumping Economic Assessment, Cost Estimating Model Version 1.2 user's Guide

Another product from the U.S. EPA is the Illegal Dumping Economic Assessment (IDEA) model. The IDEA model is a simple, useful tool to help users understand the total costs associated with illegal dumping and the economic impact on their community. For example, the City of Gary, Indiana, utilized the model to define the extent of the clean up activities necessary to mitigate the illegal dumping problem and propose a comprehensive prevention plan. IDEA model resources are available at <http://www.epa.gov/region5/illegaldumping/>

**EXAMPLES OF CAMERA-READY ARTWORK FROM THE NORTH
CENTRAL TEXAS COUNCIL OF GOVERNMENTS**



PUBLIC NUISANCE ABATEMENT PROCEDURES

FOR

PARKER COUNTY, TEXAS

IN ACCORDANCE WITH SECTION 343.022 OF THE TEXAS HEALTH & SAFETY CODE THE FOLLOWING PROCEDURES ARE HEREBY ADOPTED BY PARKER COUNTY COMMISSIONER'S COURT, TO WIT:

1. **THE PUBLIC NUISANCE ABATEMENT PROCEDURES FOR PARKER COUNTY, TEXAS** SHALL BE ADMINISTERED BY THE PARKER COUNTY FIRE MARSHAL.
2. AT ANYTIME THE PARKER COUNTY FIRE MARSHAL BELIEVES A PUBLIC NUISANCE EXISTS AS DEFINED BY THE TEXAS HEALTH & SAFETY CODE OR A COMPLAINT IS PRESENTED TO THE PARKER COUNTY FIRE MARSHAL BY A CONCERNED INDIVIDUAL, THE PARKER COUNTY FIRE MARSHAL SHALL PROVIDE WRITTEN NOTICE TO THE FOLLOWING:
 - A. THE OWNER, LESSEE, OCCUPANT, AGENT, OR PERSON IN CHARGE OF THE PREMISES; AND
 - B. THE PERSON RESPONSIBLE FOR CAUSING A PUBLIC NUISANCE ON THE PREMISES WHEN:
 1. THAT PERSON IS NOT THE OWNER, LESSEE, OCCUPANT, AGENT, OR PERSON IN CHARGE OF THE PREMISES; AND
 2. THE PERSON RESPONSIBLE CAN BE IDENTIFIED
3. THE NOTICE MUST STATE:
 - A. THE SPECIFIC CONDITIONS THAT CONSTITUTES THE NUISANCE;
 - B. THAT THE PERSON RECEIVING THE NOTICE SHALL ABATE THE NUISANCE BEFORE THE 31ST DAY AFTER THE DATE ON WHICH THE NOTICE IS SERVED;
 - C. THAT FAILURE TO ABATE THE NUISANCE MAY RESULT IN:
 1. ABATEMENT BY PARKER COUNTY;
 2. ASSESSMENT OF COSTS BY PARKER COUNTY TO THE PERSON RESPONSIBLE FOR CAUSING THE NUISANCE WHEN THAT PERSON CAN BE IDENTIFIED; AND,
 3. A LIEN AGAINST THE PROPERTY BY PARKER COUNTY ON WHICH THE NUISANCE EXISTS, IF THE PERSON RESPONSIBLE FOR CAUSING THE NUISANCE HAS AN INTEREST IN THE PROPERTY; AND,
 4. THAT THE PERSON RECEIVING NOTICE IS ENTITLED TO SUBMIT, BEFORE THE 31ST DAY AFTER THE DATE ON WHICH NOTICE IS SERVED, A WRITTEN REQUEST DELIVERED TO THE PARKER COUNTY JUDGE FOR A HEARING BEFORE THE PARKER COUNTY COMMISSIONER'S COURT.

4. THE NOTICE GIVEN BY THE PARKER COUNTY FIRE MARSHAL MUST BE MADE AS FOLLOWS:

- A. BY SERVICE IN PERSON OR BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED; OR,
- B. IF PERSONAL SERVICE CANNOT BE OBTAINED OR THE ADDRESS OF THE PERSON TO BE NOTIFIED IS UNKNOWN, BY POSTING A COPY OF THE NOTICE ON THE PREMISES ON WHICH THE NUISANCE EXIST AND BY PUBLISHING THE NOTICE IN A NEWSPAPER WITH GENERAL CIRCULATION IN THE COUNTY TWO (2) TIMES WITHIN TEN (10) CONSECUTIVE DAYS

5. UPON A TIMELY WRITTEN REQUEST DELIVERED TO THE PARKER COUNTY JUDGE BEFORE THE 31ST DAY AFTER DATE ON WHICH THE NOTICE IS SERVED, A HEARING SHALL BE SCHEDULED BEFORE THE PARKER COUNTY COMMISSIONER'S COURT UNLESS THE PARKER COUNTY COMMISSIONER'S COURT OTHERWISE DESIGNATES A BOARD, COMMISSION, OR OFFICIAL TO CONDUCT SUCH HEARING.

6. UPON A FINDING THAT A PUBLIC NUISANCE EXISTS AND HAS NOT BEEN TIMELY ABATED, PARKER COUNTY MAY:

- A. ASSESS THE COST OF ABATING THE NUISANCE, THE COST OF LEGAL NOTIFICATION BY PUBLICATION, AND AN ADMINISTRATIVE FEE OF NOT MORE THAN \$100 ON THE PERSON RECEIVING NOTICE UNDER SECTION 343.022 OF THE TEXAS HEALTH & SAFETY CODE; OR
- B. BY RESOLUTION OR ORDER, ASSESS THE COST OF ABATING THE NUISANCE, THE COST OF LEGAL NOTIFICATION, AND AN ADMINISTRATIVE FEE NOT MORE THAN \$100 AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTS.

7. PARKER COUNTY MAY NOT MAKE AN ASSESSMENT AGAINST PROPERTY UNLESS THE OWNER OR OWNER'S AGENT RECEIVES NOTICE OF THE NUISANCE IN ACCORDANCE WITH SECTION 343.022 OF THE TEXAS HEALTH & SAFETY CODE.

8. TO OBTAIN A LIEN AGAINST THE PROPERTY TO SECURE AN ASSESSMENT, THE PARKER COUNTY COMMISSIONER'S COURT MUST FILE A NOTICE THAT CONTAINS A STATEMENT OF COSTS, LEGAL DESCRIPTION OF THE PROPERTY SUFFICIENT TO IDENTIFY THE PROPERTY, AND THE NAME OF THE PROPERTY OWNER, IF KNOWN, WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

9. PARKER COUNTY'S LIEN TO SECURE AN ASSESSMENT ATTACHES WHEN THE NOTICE OF LIEN IS FILED AND IS INFERIOR TO PREVIOUSLY RECORDED BONA FIDE MORTGAGE LIEN ATTACHED TO THE REAL PROPERTY TO WHICH PARKER COUNTY'S LIEN ATTACHES, IF THE MORTGAGE WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED BEFORE THE DATE ON WHICH PARKER COUNTY FILES THE NOTICE OF LIEN WITH THE COUNTY CLERK.
10. PARKER COUNTY IS ENTITLED TO ACCURE INTEREST BEGINNING ON THE THIRTY FIRST (31ST) DAY AFTER THE DATE OF THE ASSESSMENT AGAINST THE PROPERTY AT A RATE OF TEN PERCENT (10%) A YEAR.
11. THE STATEMENT OF COSTS OR A CERTIFIED COPY OF THE STATEMENT OF COST IS PRIMA FACIE PROOF OF THE COST INCURED TO ABATE THE NUISANCE.
12. A PARKER COUNTY OFFICIAL, AGENT, OR EMPLOYEE CHARGED WITH THE ENFORCEMENT OF HEALTH, ENVIRONMENTAL, SAFETY, OR FIRE LAWS MAY ENTER ANY PREMISES IN THE UNINCORPORATED AREA OF THE COUNTY AT A REASONABLE TIME TO INSPECT, INVESTIGATE, OR ABATE A NUISANCE OR TO ENFORCE THESE PROCEDURES.
13. BEFORE ENTERING THE PREMISES, THE OFFICAL, AGENT, OR EMPLOYEE OF PARKER COUNTY MUST EXHIBIT PROPER IDENTIFICATION TO THE OCCUPANT, MANAGER, OR APPROPRIATE PERSON.
14. A COURT OF COMPETENT JURISDICTION IN PARKER COUNTY, TEXAS MAY ISSUE ANY ORDER NECESSARY TO ENFORCE THESE PROCEDURES AUTHORIZED PURSUANT TO CHAPTER 343 OF THE TEXAS HEALTH & SAFETY CODE.

THIS PROCEDURE OF ABATEMENT FOR PARKER COUNTY WAS ADOPTED AND ENTERED INTO THE RECORD OF COMMISSIONER'S COURT THIS 28TH DAY OF FEBRUARY, 2000.

**PARKER COUNTY FIRE MARSHAL
ENVIRONMENTAL DEPT.**

1810 BETHEL ROAD
WEATHERFORD, TEXAS
(817) 599-9731

NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN VIOLATION OF TEXAS HEALTH AND SAFETY CODE, YOU ARE REQUIRED TO COMPLY WITHIN 14 DAYS OF _____ OR A CITATION AND OR CHARGES WILL BE FILED WITH THE COURT.

TEXAS HEALTH AND SAFETY CODE #365.012

(a). A PERSON COMMITS AN OFFENSE IF THE PERSON DISPOSES OR ALLOWS OR PERMITS THE DISPOSAL OF LITTER OR OTHER SOLID WASTE AT A PLACE THAT IS NOT AN APPROVED SOLID WASTE SITE, INCLUDING A PLACE ON OR WITHIN 300 FEET OF A PUBLIC HIGHWAY, ON A RIGHT-OF-WAY, ON OTHER PUBLIC OR PRIVATE PROPERTY, OR INTO INLAND OR COASTAL WATER OF THE STATE.

(b). A PERSON COMMITS AN OFFENSE IF THE PERSON RECEIVES LITTER OR OTHER SOLID WASTE FOR DISPOSAL AT A PLACE THAT IS NOT AN APPROVED SOLID WASTE SITE. REGARDLESS OF WHETHER THE LITTER OR OTHER SOLID WASTE OR THE LAND ON WHICH THE LITTER OR OTHER SOLID WASTE IS DISPOSED IS OWNED OR CONTROLLED BY THE PERSON.

(c). A PERSON COMMITS AN OFFENSE IF THE PERSON TRANSPORTS LITTER OR OTHER SOLID WASTE TO A PLACE THAT IS NOT AN APPROVED SOLID WASTE SITE FOR DISPOSAL AT THE SITE.

____(d). AN OFFENSE UNDER THIS SECTION IS A CLASS C MISDEMEANOR IF THE LITTER OR SOLID WASTE TO WHICH THE OFFENSE APPLIES WEIGHS 15 POUNDS OR LESS OR HAS A VOLUME OF 13 GALLONS OR LESS.

____(e). AN OFFENSE UNDER THIS SECTION IS A CLASS B MISDEMEANOR IF THE LITTER OR SOLID WASTE TO WHICH THE OFFENSE APPLIES WEIGHS MORE THAN 15 POUNDS BUT LESS THAN 500 POUNDS OR HAS A VOLUME OF MORE THAN 13 GALLONS BUT LESS THAN 100 CUBIC FEET.

____(f). AN OFFENSE UNDER THIS SECTION IS A CLASS A MISDEMEANOR IF:

(1). THE LITTER OR OTHER SOLID WASTE TO WHICH THE OFFENSE APPLIES WEIGHS MORE THAN 500 POUNDS OR HAS A VOLUME OF 100 CUBIC FEET OR MORE; OR

(2). THE LITTER OR OTHER SOLID WASTE IS DISPOSED FOR COMMERCIAL PURPOSE AND WEIGHS MORE THAN 5 POUNDS OR HAS A VOLUME OF MORE THAN 13 GALLONS.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CONTACT THE PARKER COUNTY FIRE MARSHAL'S OFFICE AT:

(817) 599-9731

THIS NOTICE IS PREPARED IN COOPERATION WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, THROUGH GRANT FUNDING FROM THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION.

INVESTIGATOR:_____ DATE:_____ TIME:_____

WHAT CAN YOU DO WITH YOUR GARBAGE?

DISPOSE LEGALLY

Be responsible for your garbage. Dispose of it properly—find out what choices you have to get rid of your garbage legally. If your community does not offer legal options, talk to your local government officials.



REDUCE

Reduce the amount of garbage you produce by buying brands with less packaging. Buy products in bulk quantities or buy refills. When there is less packaging, there is less garbage.



REUSE

Instead of disposable products, buy things that can be washed and reused. Find other uses for things that you may be ready to throw away.



RECYCLE

Many communities now have recycling centers. If your community does not have one, help start a recycling center in your area. Call your community leaders to find out where your recycling center is and what kinds of recyclable items it accepts.

WHAT CAN YOU DO TO STOP ILLEGAL DUMPING?

Dispose of your garbage properly by taking your household waste to the following locations:

Recycle the following types of items at these locations:

Report illegal dumping by contacting:

This document was developed by the Border Solid Waste Planning Program at the Texas Natural Resource Conservation Commission.

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Printed on recycled paper using soy-based ink.

LET'S WORK TOGETHER TO STOP ILLEGAL DUMPING

ILLEGAL DUMPING IS A THREAT TO PUBLIC HEALTH AND SAFETY

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION • GI-243 (5/98)

WHAT IS ILLEGAL DUMPING?

*Have you ever thrown your household garbage into a vacant lot, along a road, or into a ditch? If you answer yes to this question, you've dumped your garbage illegally. In fact, there are only a **few places where it is legal** to dump your garbage:*

- *a legally authorized location (see the heading "What Can You Do to Stop Illegal Dumping?" for a specific location for your community); or*
- *the bins or Dumpsters of a garbage-collection system.*



ILLEGAL DUMPING IS EVERYBODY'S PROBLEM

ILLEGAL DUMPING IS DANGEROUS

Litter and illegally dumped garbage are *public health hazards*. Children playing around illegally dumped litter can get hurt by broken glass, exposed metal, and other dangerous materials. Rats, snakes, mosquitoes, bees, and other pests can live in the garbage and transmit disease to humans. Rotting food attracts flies and may contain germs that can make people sick. Harmful chemicals and other materials that are dumped can contaminate our water. *If you dump it, you'll drink it!*

Litter and illegal dumping are *public safety* problems. Dumping in drainage ditches can cause flooding. If the ditches are full of garbage or other material, water cannot flow properly.

ILLEGAL DUMPING IS EXPENSIVE

When county workers clean up litter and illegal dumps, it costs you money. Your tax dollars are spent to clean up somebody else's garbage and cannot be used for other, more urgent needs.

ILLEGAL DUMPING IS UGLY

When one person litters, or illegally dumps garbage, others follow. Garbage builds up until someone cleans it up, often at a cost passed down to you!



WARNING TO ILLEGAL DUMPERS

ILLEGAL DUMPING CAN COST YOU

It is illegal to dump garbage anywhere other than a legally authorized location (see the heading "What Can You Do to Stop Illegal Dumping?" for a specific location for your community). Dumping garbage in places like along a roadside, in a ditch, or in a vacant lot is against the law; punishments can include fines, jail time, and loss of the vehicle used by the violator.

It is illegal to let anyone dump garbage on your property, and you may have to pay for getting it cleaned up.

If you are transporting debris in a vehicle, cover it with a tarp. Items that fall out of the vehicle are litter, and you can be fined.

¿QUÉ PUEDE HACER CON LA BASURA?

TIRE LA BASURA LEGALMENTE

Sea responsable con su basura. Tire la basura correctamente—aprenda qué opciones tiene para deshacerse legalmente de la basura. Si su comunidad no ofrece opciones legales, hable con los funcionarios del gobierno local.



REDUZCA LA BASURA

Reduzca la cantidad de basura que genera comprando productos que contienen menos empaque. Compre productos en cantidades grandes o productos que se puedan volver a llenar. Cuando hay menos empaque, hay menos basura.



VUELVA A USAR

En vez de productos desechables, compre productos que se pueden lavar y usar otra vez. Busque otros usos para las cosas que tal vez piensa tirar a la basura.



RECICLE

Muchas comunidades ya tienen centros de reciclaje. Si su comunidad no tiene un centro de reciclaje, ayude a fundar uno. Comuníquese con los líderes de su comunidad para saber dónde está su centro de reciclaje y qué tipo de artículos acepta para el reciclaje.

¿QUÉ PUEDE HACER USTED PARA DEJAR DE TIRAR BASURA ILEGALMENTE?

Tire la basura correctamente llevando los desechos caseros a los siguientes lugares:

Recicle los siguientes artículos en estos lugares:

Denuncie cuando estén tirando basura ilegalmente a:

Este documento fue elaborado por el Programa de Desechos Sólidos de la Frontera, de la Comisión de Texas para la Conservación de los Recursos Naturales.

La Comisión de Texas para la Conservación de los Recursos Naturales (TNRCC) es un empleador que da oportunidades iguales y ofrece acción afirmativa. Esta institución no permite discriminación por raza, color, religión, nacionalidad, sexo, incapacidades, edad, orientación sexual o estado de veterano.



Impreso en papel reciclado usando tinta a base de soya.

TRABAJEMOS JUNTOS PARA DEJAR DE TIRAR BASURA ILEGALMENTE

**TIRAR BASURA ILEGALMENTE ES
UNA AMENAZA PARA LA SALUD Y
LA SEGURIDAD PÚBLICA**

¿QUÉ ES TIRAR BASURA ILEGALMENTE?

¿Ha tirado alguna vez la basura de la casa en un lote vacío, la calle o una zanja? Si respondió sí a esta pregunta, usted ha tirado la basura ilegalmente. De hecho, hay solamente **unos pocos sitios donde es legal** tirar la basura:

- un lugar legalmente autorizado (para identificar uno en su comunidad vea "Lo que usted puede hacer para dejar de tirar basura ilegalmente"), o
- los recipientes que usan un sistema de recolección de basura.



TIRAR BASURA ILEGALMENTE ES PROBLEMA DE TODOS

TIRAR BASURA ILEGALMENTE ES PELIGROSO

Los desperdicios y la basura tirada ilegalmente son un *peligro para la salud pública*. Los niños que juegan alrededor de la basura tirada ilegalmente pueden lesionarse con vidrio, metal expuesto y otros materiales peligrosos. Las ratas, las culebras, los zancudos, las abejas y otras plagas pueden vivir en la basura y contagiar enfermedades a los seres humanos. Los alimentos en estado de descomposición atraen las moscas y pueden contener gérmenes que enfermen a la gente. Los químicos peligrosos y otros materiales tirados pueden contaminar el agua. *¡Si lo contamina, tendrá que tomarlo!*

Tirar basura ilegalmente es un problema para la *salud pública*. Tirar basura en zanjas de desagüe puede causar inundaciones. Si las zanjas están llenas de basura u otro material, el agua no puede correr bien.

TIRAR BASURA ILEGALMENTE ES COSTOSO

Cuando los trabajadores del condado limpian la basura y los desperdicios tirados ilegalmente, le cuesta dinero. Los dólares que usted paga de impuestos se gastan limpiando la basura en vez de gastarse en otras necesidades más urgentes.

TIRAR BASURA ILEGALMENTE ES FEO

Cuando una persona tira basura ilegalmente, otras personas lo imitan. La basura se acumula hasta que alguien la limpia, con frecuencia con un costo que ¡usted paga!



ADVERTENCIA A LAS PERSONAS QUE TIRAN BASURA ILEGALMENTE

TIRAR BASURA ILEGALMENTE PUEDE COSTARLE DINERO

Es ilegal tirar basura en un lugar que no sea autorizado legalmente (para identificar uno en su comunidad vea "Lo que usted puede hacer para dejar de tirar basura ilegalmente"). Es ilegal tirar basura en lugares como en la calle, una zanja o un lote vacío; entre otros, los castigos pueden ser multas, encarcelamiento y pérdida del vehículo usado por el cual desobedeció la ley.

Es ilegal permitir que alguien tire basura en su terreno, y es posible que usted tenga que pagar por limpiarla.

Si usted está transportando basura en un vehículo, cúbrala con una lona. Los desperdicios que caen del vehículo son basura, y usted puede ser multado.