

Memorandum



DATE August 5, 2010

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

SUBJECT Illegal Dump Team Briefing

On Tuesday, August 10, 2010, you will be briefed on the Illegal Dump Team.
The briefing material is attached for your review.

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



Ryan S. Evans
First Assistant City Manager

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge Municipal Court
Forest E. Turner, Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Office
Helena Stevens-Thompson, Assistant to the City Manager

Illegal Dump Team

**Dallas Marshal's Office
Department of Court & Detention
Services**

**Briefing to the
Quality of Life Committee
August 10, 2010**



City of Dallas



What is Illegal Dumping?

TEXAS HEALTH AND SAFETY CODE: Sec 365.012

“ 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.”

“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”

“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”

History



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- **1994, the Illegal Dump Team was created under the Department of Code Compliance as a result of increased dumping violations:**
 - **6 civilian Code Inspectors**
 - **issued citations without criminal prosecution against offenders**
- **1996, 8 Sworn Deputy Marshals were added to the Department of Code Compliance**
- **2002, IDT Deputies were reassigned to the Department of Court and Detention Services:**
- **2010, IDT Team consists of:**
 - **1 Sergeant**
 - **3 Deputy Marshals**
 - **2 Investigators**
- **FY10-11 includes the addition of 2 IDT Deputy Marshals, funded by the Storm Drainage Management Fund**

What IDT Does

- **Illegal Dump Team:**
 - **Enforce Environmental Laws :**
 - Health and Safety Code (Illegal Dumping)
 - Texas Clean Air Act (Open Burning, Smoking Vehicles, Vehicle Idling)
 - Texas Water Code (Illegal Dumping of Hazardous Waste, Dumping of any Pollutants)
 - **Enforce City of Dallas Ordinances (Unsecured Load, Scrap Tire, and Motor Vehicle Idling Ordinances)**
 - **Monitor Chronic Dump Sites (Daily)**
 - **Conduct Surveillance at Dump Sites**
 - **Provide Community Education (Community Meetings, Fairs, etc)**

Internal/ External Department Partnerships



Works with various Internal Departments and External Agencies:

- DPD
 - Respond to 9-1-1 and 3-1-1 Dumping in Progress Calls
 - Forward case files to IDT Investigators for prosecution
- DFR Hazmat Response
 - Respond to Hazardous Spills or Improperly Disposed Hazardous Materials
- Code Compliance
 - Analyze illegally dumped material for trace evidence and summons the assistance of IDT staff for criminal prosecution
 - Weigh, transport and dispose of illegally dumped material
- DWU/ Storm Water Division
 - Request Assistance for Criminal Prosecution Against Violators of the Texas Water Code
 - Conduct Sample Collections for Hazardous Waste
 - Hire Contractors to Remove Hazardous Waste Material
- Texas Commission on Environmental Quality
 - Refer Criminal Cases to IDT for Criminal Investigation

Penalties



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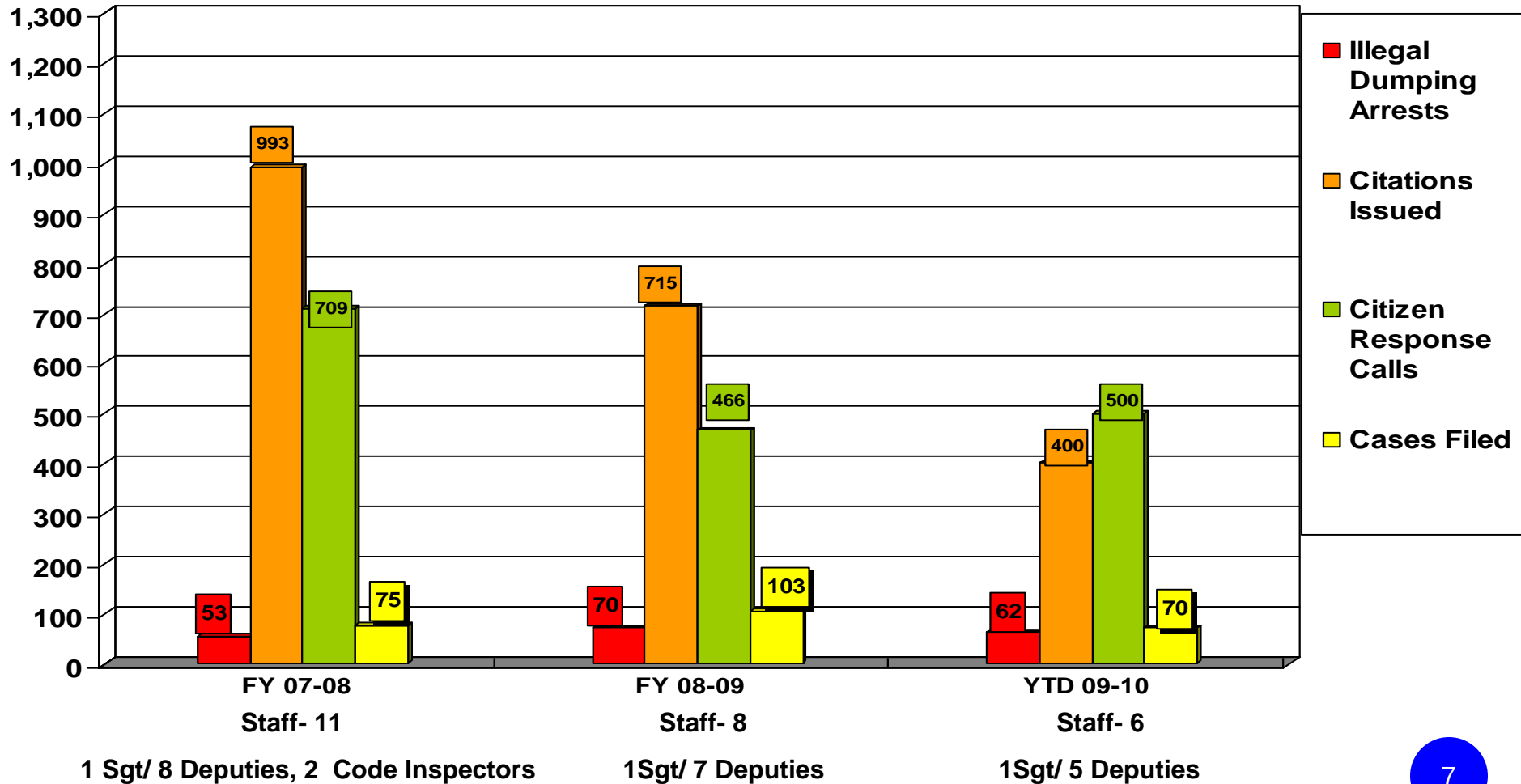
Penalties under the Texas Litter Abatement Act /Health & Safety Code, Chapter 365 – Illegal Dumping		
Class C Misdemeanor	5 lbs. or less, or a volume of 5 gallons or less	Fine up to \$500
Class B Misdemeanor	More than 5 lbs. but less than 500 lbs., or a volume of more than 5 gallons but less than 100 cubic feet	Fine up to \$2000 and/or 180 Days in Jail
Class A Misdemeanor	500 lbs. or more, but less than 1000 lbs., or a volume of 100 cubic feet or more, but less than 200 cubic feet	Fine up to \$4,000 and/or Up to 1 year in jail
State Jail Felony	1000 lbs. or more, has a volume of 200 cu. feet or more; or Dumping for economic purposes and weighing 200 lbs. or more, has a volume of 200 cubic feet or more; or Dumping a closed barrel or drum	Fine up to \$10,000 and/or 180 days to 2 years in jail

YTD Stats

(October 2009 thru July 2010)



City of Dallas



Illegal Dump Team Enforcement



The next slides were taken from cases where violators were convicted and required to pay restitution to the City of Dallas

Case #1 – Hazardous Waste Violation



- Site location is residential neighborhood/ public street
- Two violators left six 55 gallons drums of hazardous acid on a broken trailer
- This case was a referral from DPD and DFR Haz-Mat Response
- Violators were located through an invoice (trace evidence) as they were attempting to transport the chemicals from another State with the intent of extracting silver from the chemicals
- Violators were arrested, convicted received jail sentencing and required to pay restitution to the COD in the amount of 11,300.00. Six Thousand Dollars in restitution has been received to date

Case #2 – Hazardous Waste Violation



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- Site location is a residential neighborhood.
- Violator was hired by a realtor to dispose of 1,062 gallons of paint (Lead Base and Industrial Paint), previously donated to charity by the Six Flags Corporation
- In lieu of paying for proper remediation, violator dumped open contents of paint into a City of Dallas and DHA Dumpster
- IDT was able to locate suspects through identifying documentation from the lid of the paint cans
- Four violators were arrested and indicted; the hiring realtor was required to pay 43K for the abatement of the violation in lieu of prosecution

Case #3 – Illegal Dumping Violation



- **Site location is a vacant lot**
- **Violator was a hired contractor paid to dispose of debris from the demolition of a house in Highland Park (4700 Drexel)**
- **Violator identified through trace evidence**
- **Violator was arrested, convicted and required to pay restitution to the City of Dallas in the amount of \$840.01**

Case #4 – Illegal Dumping Violation



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- Site location is a vacant lot in a residential neighborhood
- Suspect captured through surveillance video dumping household debris, and identified by the vehicle license plate
- IDT Investigator located and obtained suspects statement. Suspect initially denied involvement until he was shown the video at which time suspect pleaded guilty
- Violator was arrested, convicted and required to pay restitution to the City of Dallas in the amount of \$272.01

Case #5 – Illegal Dumping Violation



- **Site location is a vacant house where illegal dumping occurred in front of witnesses. Three individuals working as scrappers dumped 25K lbs of debris**
- **Witness contacted Illegal Dump Team**
- **Trace evidence was found linking the 3 violators**
- **Violators were arrested, convicted and required to pay restitution to the City of Dallas in the amount of \$967.57**

Appendix

➤ Processes

➤ Terms

Trace Evidence

Unsecured Loads

Scrap Tires

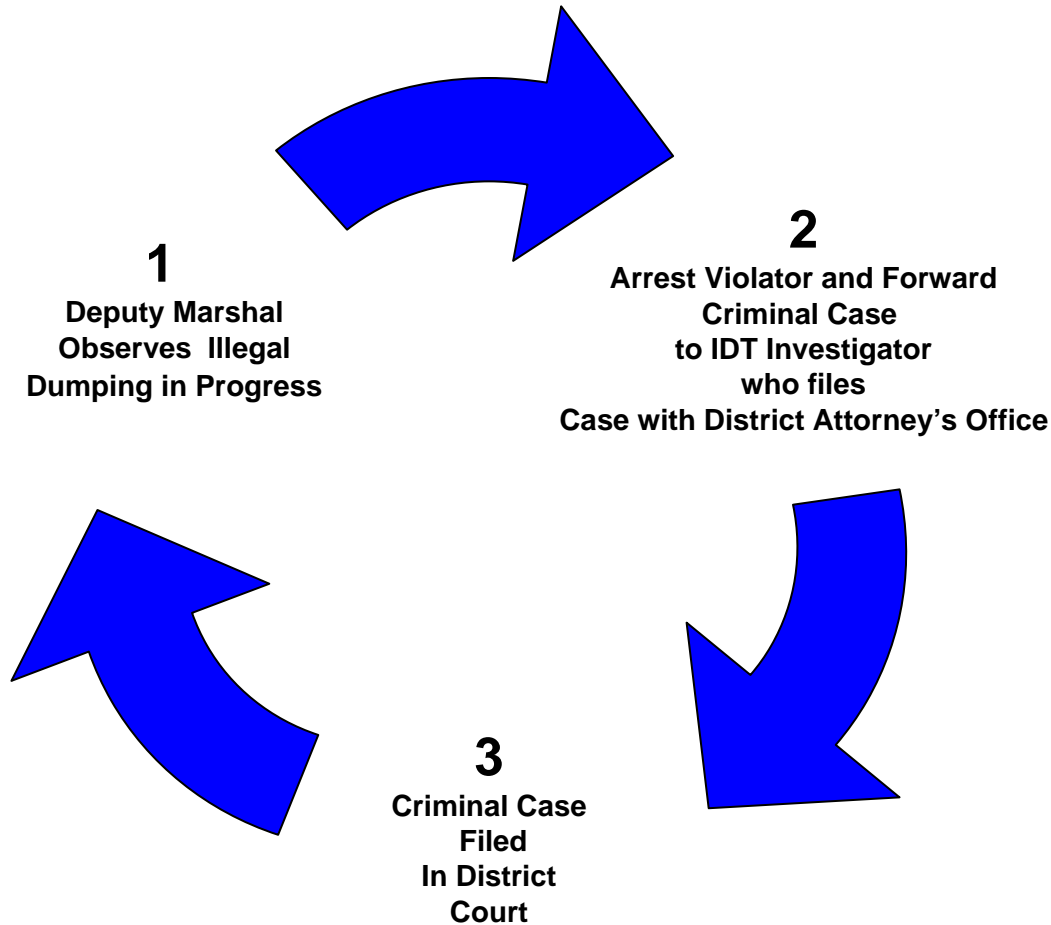
➤ Did you Know?

➤ Questions

Process for Illegal Dumping In Progress



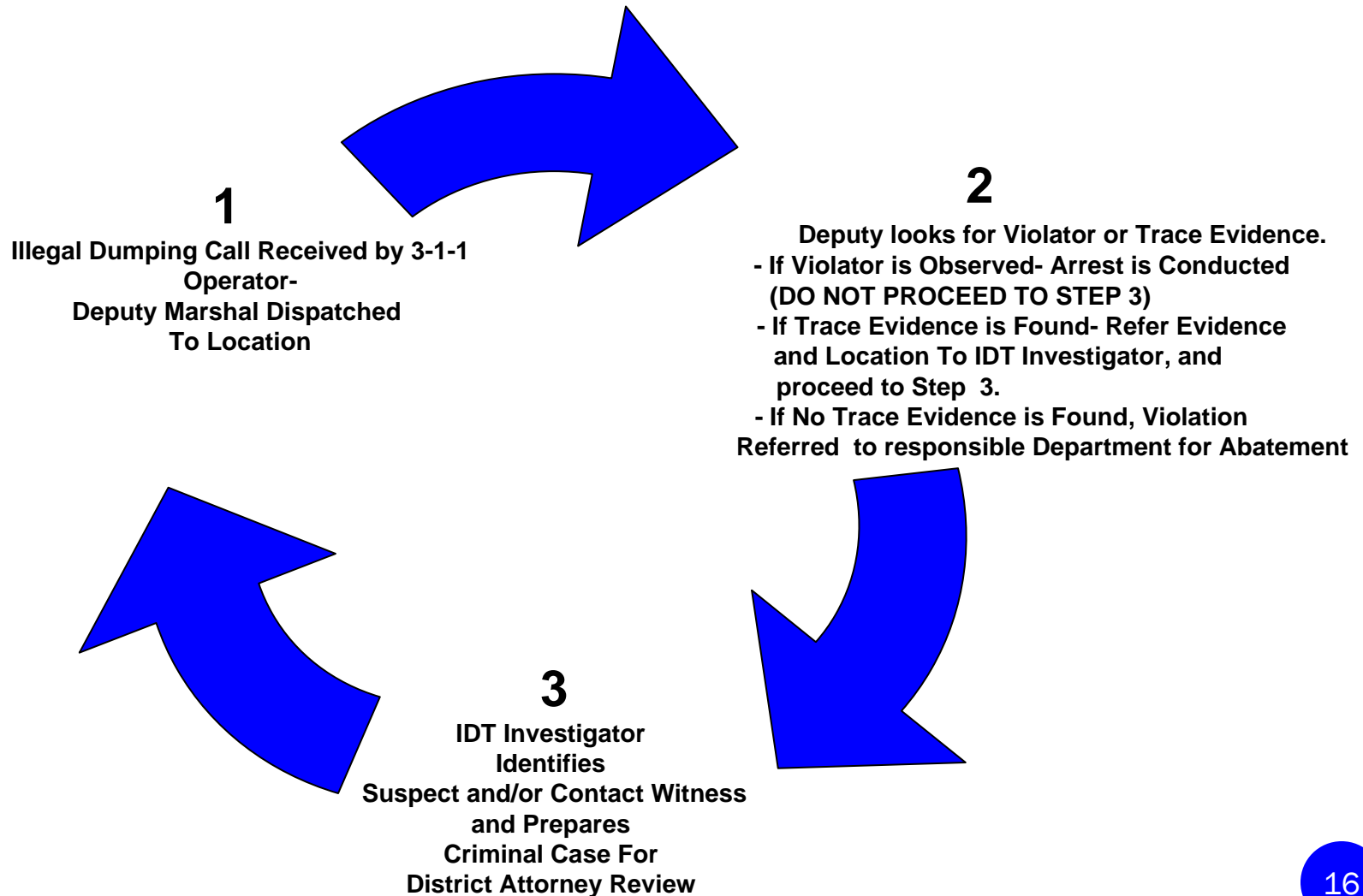
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Process for 3-1-1 Calls For Service



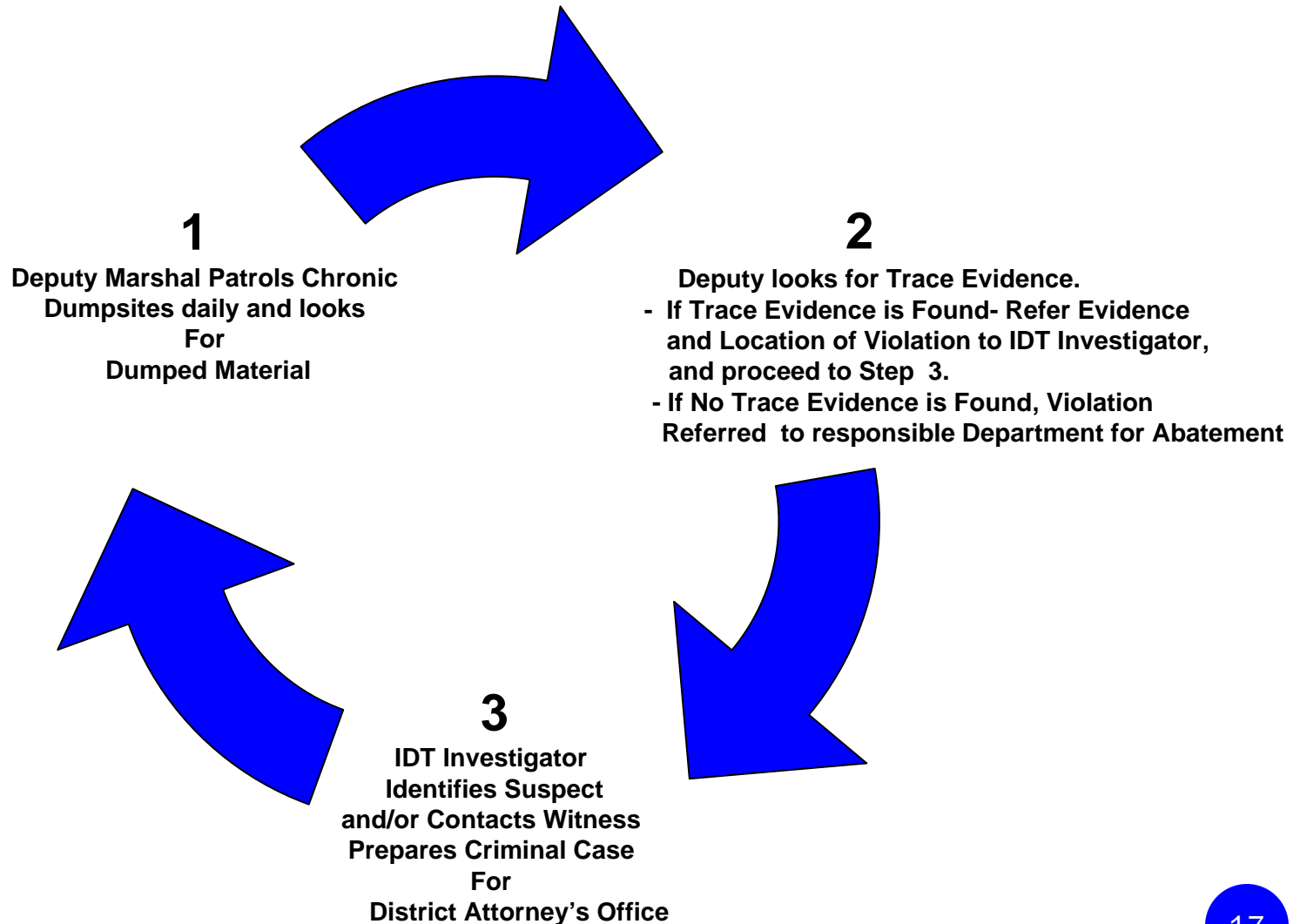
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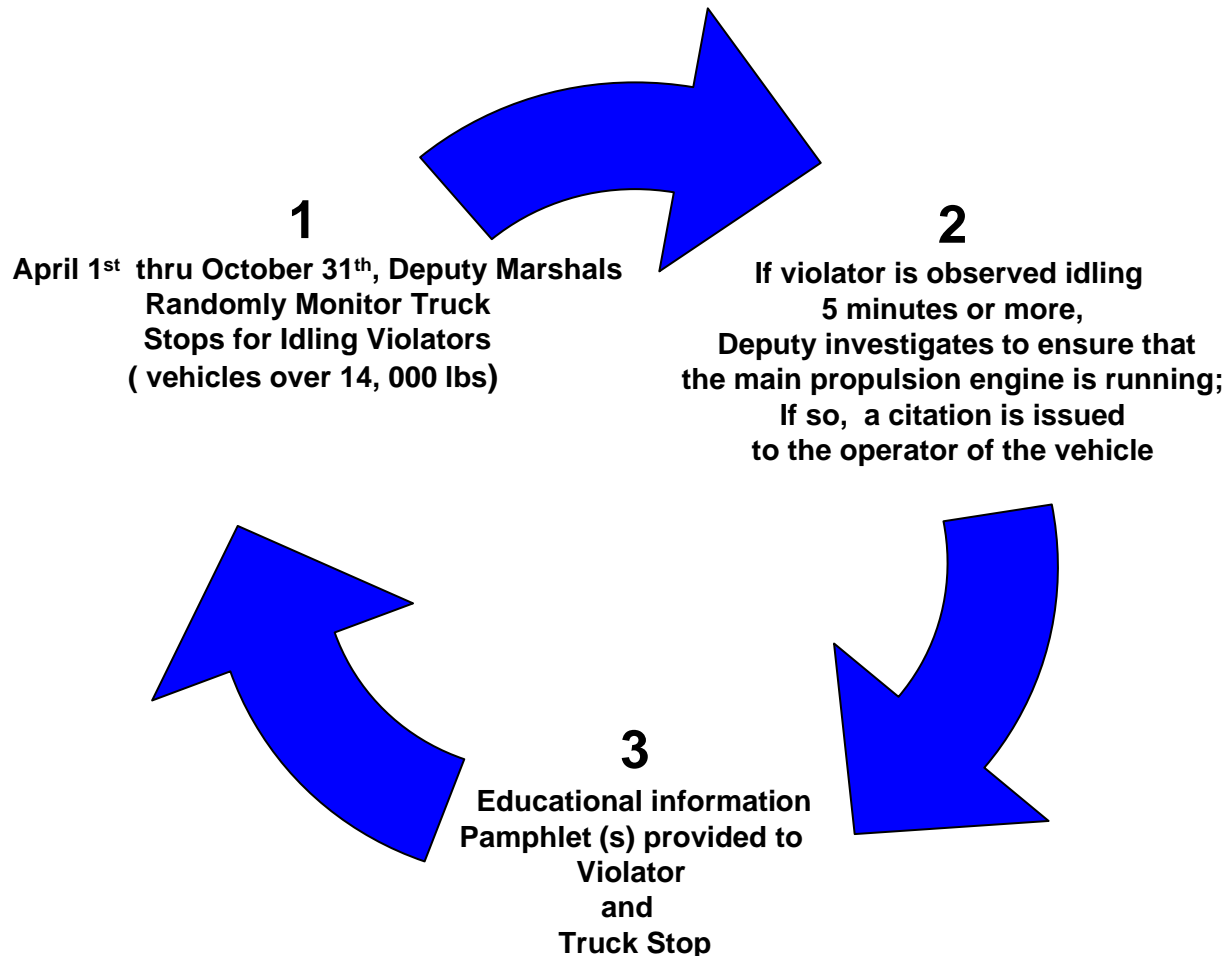
Process for Monitoring Dumpsites



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Process for Motor Vehicle Idling



Illegal Dump Terms

➤ Trace Evidence

- Any evidence that can identify the source of the debris and lead the officer to a suspect

➤ Unsecured Loads

- Transport of unsecured solid or liquid waste in a private or commercial vehicles without a tarp or cover (Load Not Secured)

➤ Scrap Tires

- Enforcement began in January of 2005 under Chapter 18 of the Dallas City Ordinance
- A vehicle transporting more than 6 scrap tires without a Scrap Tire Decal is considered to be in violation of the City Ordinance
- The Ordinance empowers Peace Officers to impound vehicles and /or issue citations when a Scrap Tire Decal is not displayed on a transport vehicle
- Chapter 18 is also enforced by the Department of Code Compliance SCRAP Tire Division

Scrap Tire Enforcement



- The City of Dallas Scrap Tire Ordinance gives Dallas Marshal Deputies and Dallas Police Officers authority to impound vehicles and/ or issue citations to transporters in violation of this ordinance. Fines can exceed \$2,000

Did you Know?



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- **Although difficult to profile a “typical” illegal dump offender, most include:**
 - Construction, demolition, remodeling, roofing, or landscaping contractors
 - Waste management companies or general hauling contractors
 - Operators of transfer stations or junkyards
 - Automobile repair or tire shops and scrap collectors

- **Offenders may also include everyday residents and “do-it-yourself” types**
 - May resort to illegal dumping for waste not collected by local waste haulers, such as bulky items, carpeting, or other household hazardous waste

Did you Know?



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- **Illegal Dumping Occurs More Frequently In :**
 - Public right-of-ways (streets, highways, and alleys)
 - Large parcels and isolated public or private property
 - City Parks
 - Flood Plains
 - Along rural road and railways
- **Illegal Dumping occurs more frequently at night, early morning and during warm months**

Did you Know?



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



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Illegal Dumping Hurts Everyone.



- ! Piles of trash are **UNSIGHTLY** and **DANGEROUS**
- ! Trash can **ATTRACT RATS** and illegally dumped tires can **BREED MOSQUITOES**
- ! Children can be **INJURED** by sharp objects while playing around these piles
- ! Toxic substances, like motor oil, **POLLUTE** our water sources
- ! Unsightly piles of trash can **LOWER** your **PROPERTY VALUES**



QUESTIONS