

BACKGROUND

In 2017 to help combat illegal dumping, the Board of Supervisors adopted Ordinance 2017-16 amending Chapter 418-2 of the County Ordinance Code and created a program to regulate the collection and transport of solid waste by nonfranchise haulers in the unincorporated areas of the County. The County's Health Services Department, Environmental Health Division (EHD) facilitates the non-franchise solid waste hauler program which requires haulers to obtain a permit, display permit decals, and pay regulatory fees to cover the cost of program implementation. However, currently under Chapter 418-2 only solid waste haulers who collect their loads in the unincorporated areas of the County are regulated under this program. The existing Chapter 418-2 regulates both the collection and transport of waste by haulers, as opposed to only transport, in the unincorporated areas allowing the EHD to collect regulatory fees to pay for the program and avoid running afoul of a provision of the California Vehicle Code prohibiting a permit fee from being charged for the privilege of using public roadways. Thus, programmatic and enforcement challenges exist allowing both permitted and non-permitted haulers to operate within the unincorporated areas because the location of collection is a requirement in Chapter 418-2 and the origin of a solid waste load is not readily nor in many cases easily ascertainable. The aforementioned programmatic and enforcement challenges are represented by low permit issuance data in the years since program inception as outlined in the table below:

Total Non-Franchise Solid Waste Hauler Permits Issued by Year						
2018	2019	2020	2021	2022	2023	2024
0	3	7	4	4	8	6

PROPOSED LEGISLATIVE CHANGES

Implementation and enforcement of the nonfranchise solid waste hauler program has been a core component of the County Illegal Dumping Initiative's Enforcement Strategy (Strategy #41) since the Initiative's inception. Throughout the years, the enforcement challenges that exist in Chapter 418-2 have been highlighted by several members of the Illegal Dumping Initiative including the EHD, Office of the Sheriff, and District Attorney's Office. In response and support of the request for increased enforceability of the nonfranchise hauler permit program, the Board sponsored California Assembly Bill 592 (AB 592) which was approved by the Legislature and signed by the Governor on September 22, 2023.

AB 592 added Section 21100.6 to the California Vehicle Code, an excerpt of which reads as follows:

- (a) *The Counties of Alameda, Contra Costa, and Solano may create a three-year pilot program to regulate the transport of solid waste by commercial nonfranchise solid waste haulers on public roads in unincorporated areas of the county and may adopt an ordinance, as described in subdivision (b), as part of the pilot program.*
- (b) *An ordinance adopted pursuant to this section may include, but is not limited to, provisions requiring commercial nonfranchise solid waste haulers to do any or all of the following:*

- (1) Obtain a permit to transport solid waste on public roads in unincorporated areas.
- (2) Display evidence of the permit described in paragraph (1) when transporting solid waste.
- (3) Notwithstanding Section 9400.8, pay a fee to cover the county's reasonable regulatory cost of enforcing the ordinance.

By allowing the County to adopt an ordinance to solely regulate the transport of solid waste on public roadways by commercial nonfranchise solid waste haulers, the addition of Chapter 418-3 to the County Ordinance Code allows the EHD and other partner agencies to regulate the mere transport of solid waste by commercial nonfranchise solid waste haulers and require a permit and payment of fees in order to operate on roads within the unincorporated area. This has the potential to greatly expand the reach of the existing program in the County by diminishing the programmatic and enforcement challenges that currently exist. If a non-franchise solid waste hauler must obtain and display evidence of a permit simply to transport solid waste on roadways of unincorporated areas of the County, the ambiguity surrounding which nonfranchise haulers may not be operating lawfully is removed. Additionally, amending Section 14-8.008 further expands the enforcement authority of the nonfranchise solid waste hauler program by granting the Office of the Sheriff (in addition to EHD) infraction citation authority related to violations of Chapter 418-3.

EDUCATION & OUTREACH

The EHD believes Chapter 418-3 has the potential to be a much simpler and easier-to-understand message for haulers throughout the County, essentially, "if you are a commercial nonfranchise solid waste hauler transporting waste on public roads anywhere in unincorporated Contra Costa County, you need a permit". Staff are currently working with Contra Costa Health Services, Community Education and Information to update the Non-Franchise Solid Waste Hauler brochure as well as create community messaging in anticipation of Board action on this item. Additionally, staff intend to inform local Joint Powers Authorities such as the Central Contra Costa Solid Waste Authority and the West Contra Costa Integrated Waste Management Authority about the potential updates to the nonfranchise solid waste hauler program for inclusion in upcoming customer newsletters. There is also a plan in place to send correspondence via the U.S. Mail and any available email addresses found to entities advertising commercial nonfranchise hauling services anywhere in the County.

ATTACHMENTS

Final Ordinance No. 2017-16

California Assembly Bill 592