

# ILLEGAL DUMPING

## Control Strategies for Local Governments

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# Introduction

- Background
  - Definitions
  - Waste Types/Dumper Types
  - Hazards
  - Contributing Factors
- Prevention
- State Statutes and Local Ordinances
- Next Steps



# Definition

- “Desert dumping”, “open dumping”, “midnight dumping”.
- To dump waste at an unpermitted location (NDEP permits disposal and transfer sites.)
- Misdemeanor under NRS 444.630; gross misdemeanor for 2<sup>nd</sup> offense.
- Common problem

To be distinguished from:  
Operating a disposal site without a permit



To be distinguished from: Yard art





# What wastes are dumped?

- Construction/demolition debris (C&D)
- Yard waste
- Bulky items – junk cars, appliances, carpeting, furniture, mattresses, tires
- Household waste
- Medical waste



# Who does it?

- Commercial businesses
  - Construction contractors
  - Landscape contractors
- Residents



# Why? - Contributing Factors

## ● Convenience

- Trash collection service not available?
- Landfills or transfer facilities too distant?
- Hours of operation too limited?
- Landfill bans?

## ● Costs

- Trash collection and disposal costs too high?
- Open dumping is free!

## ● Ignorance

- Are the locations and hours of disposal sites adequately publicized?



# Do We Care?

Does this problem deserve  
our attention and the  
allocation of scarce  
government resources?



# Public Health Issues

- Physical hazards
  - Nails, sharp edges, refrigerators
- Chemical hazards
  - Liquids, dust, asbestos
- Disease
  - Vectors - rodents, insects (mosquitoes breed in tires), scavengers
- Fire



# Environmental Quality Issues

- Illegal dumping can:
  - Release pollutants to water, soil and air
  - Cause nuisance odors
  - Degrade the beauty of the landscape
  - Lower property values
  - Deter commercial investment
  - Attract additional dumping



# Prevention

Successful programs founded on:

- Leadership & support by local officials
- Cooperation among authorities, organizations and industry
- Integrated approach
- Publicizing success



# Prevention

## Leadership, Support, Cooperation

- Leadership at the top
- Funding, equipment & labor
- Commitment to enforcement
- Cooperation among local governments, agencies and business
  - Illegal dumping task force



# Prevention

## Integrated Approach

Integrating several complementary strategies:

- Community outreach & involvement
- Targeted enforcement
- Site maintenance and controls
- Program measurement
- Track results and publicize successes



# Enforcement – Who's involved?

- City police, county sheriff's office, NDOW game wardens, designated code enforcement personnel
- City attorney & district attorney
- Justice courts
- Public land managers
- Solid waste management authority (NDEP)



# Enforcement Tools - NRS 444.630

- *Prohibited acts*
- *Criminal penalty*
- *Clean up of dump site*
- *Community service*
- *Proof of lawful disposal*
- *Revocation of business license*
- *Identification of violator*
- *Persons required to enforce provisions*



# Prohibited Acts - NRS 444.630

- 1. *A person who places, deposits or dumps, ... any sewage, sludge, ... or any solid waste, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property, is guilty of:*



# Criminal Penalties - NRS 444.630

- *(a) For a first offense ...a misdemeanor.*
- *(b) For a second offense ... a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 14 days but not more than 1 year.*
- *(c) For a third or subsequent offense... a gross misdemeanor and shall be punished by imprisonment in the county jail for 1 year.*

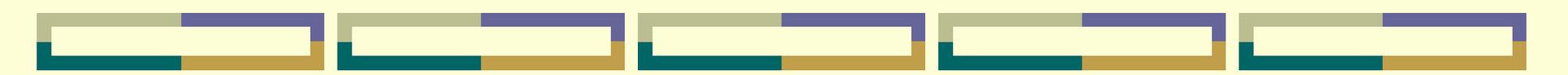
Note mandatory minimum sentences.



# Cleanup & Community Service – private individuals - NRS 444.630

*2. In addition to any criminal penalty imposed pursuant to subsection 1, any civil penalty imposed pursuant to NRS 444.635 and any administrative penalty imposed pursuant to NRS 444.629, a court shall sentence a person convicted of violating subsection 1:*

*(a) If the person is a natural person, to clean up the dump site and perform 10 hours of community service under the conditions prescribed in NRS 176.087.*



# Cleanup/Community Service - Businesses

## NRS 444.630

*(b) If the person is a business entity:*

*(1) For a first or second offense within the immediately preceding 2 years, to:*

*(I) Clean up the dump site; and*

*(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.*

*(2) For a third or subsequent offense within the immediately preceding 2 years, to...*

Note: Enforcement results in community cleanup services.



# Proof of Lawful Disposal - NRS 444.630

*3. If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:*

*(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and*

*(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.*

*The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).*

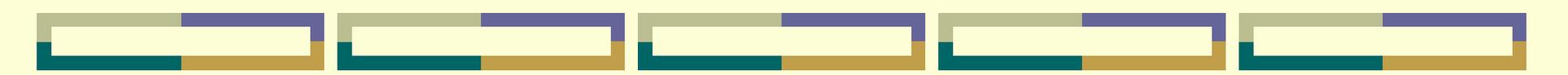


# Revocation of Business Licenses

## NRS 444.630

*4. In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:*

*(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this state...*



# Ownership of Solid Waste

## NRS 444.630

5. *...ownership of solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.*

Note: It may be inferred that mail found at the dump site was disposed by the addressee.



# Responsibility for Enforcement

## NRS 444.630

6. *All:*

- (a) Health officers and their deputies;*
- (b) Game wardens;*
- (c) Police officers of cities and towns;*
- (d) Sheriffs and their deputies;*
- (e) Other peace officers of the State of Nevada; and*
- (f) Other persons who are specifically designated by the local government to do so, shall, within their respective jurisdictions, enforce the provisions of this section.*

Note: State & local peace officers are responsible for enforcement, but a local government can specifically appoint illegal dumping enforcers.



# NRS 444.635 – Civil Penalties

*2. ... a court before whom a defendant is convicted of a violation of the provisions of ...NRS 444.630, shall order the defendant:*

*(a) For a first offense, to pay a civil penalty which is at least \$500 but not more than \$5,000...*

*...3. If so provided by the court, a penalty imposed pursuant to this section may be paid in installments.*

Note: Mandatory minimum penalties that increase for subsequent offenses. Courts may approve payment in installments.



# Receipt & deposit of civil penalties - NRS 444.635

*5. Each court which receives money pursuant to the provisions of this section shall forthwith remit the money to the division of environmental protection ...which shall deposit the money with the state treasurer for credit in a separate account in the state general fund ....*

Civil penalties are remitted to NDEP, but...



# Use of Penalty Money - NRS 444.635

*...Money so deposited must be:*

*(a) Used only to pay:*

*(1) Rewards pursuant to NRS 444.640;*

*(2) For education regarding the unlawful disposal of solid waste;*

*(3) For the cleaning up of dump sites; and*

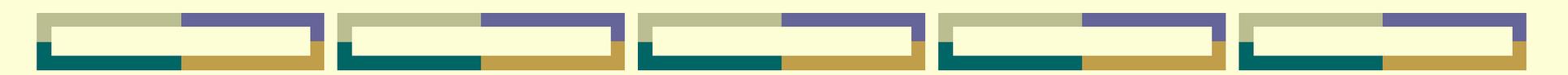
*(4) For the management of solid waste...*

*...penalty money can be returned to local governments to support anti-dumping programs or solid waste management systems.*



# NRS 444.640 - Reward for information

- 1. The solid waste management authority shall offer a reward of \$100 for information leading to the arrest and conviction of any person violating NRS 444.555 or 444.630. The reward must be paid upon his conviction and the payment in full of the penalty. The reward must be distributed equally among the persons who supplied the information which led to the arrest and conviction.*



# Other Enforcement Tools

## NRS 202.185

*Unlawful deposit of dead animal, dirt, garbage or rubbish on public highway.*

*2...unlawful to deposit...on any public highway within the State of Nevada, or within a distance of 1,000 feet from the center of any public highway, any dead animal, dirt, garbage or rubbish as defined in subsection 1.*

*3. Any person violating the provisions of this section shall be guilty of a misdemeanor.*



# Other Enforcement Tools

## City of Elko Code

- *Section 9-2-3 DEPOSIT UPON PUBLIC PLACE:*

*It shall be unlawful for any person to deposit upon the streets, alleys, public grounds or upon any vacant lot of the City, any garbage or debris of any nature, except at such times and places and under such regulations as the City Council of the City may from time to time permit or adopt. (Ord. 479, 12-10-1996) (AB11, 10-01-01)*



# Strategies

## Cleanup & Maintenance

- Assessment of problems areas
- Develop a site cleanup plan
- Work with landfill and trash haulers
- Opportunity to enlist public support & publicize successes
- Opportunity to coordinate with local businesses and citizen groups



# Strategies

## Community Outreach and Involvement

- Public education
- Identify local organizations
- Provide contacts to public
- Community events



# Strategies

## Targeted Enforcement

- Ordinances
- Enforcement & prosecution
  - Dedicate enforcement officers
  - Dedicate prosecutor
- Training
- Equipment
- Surveillance



# Strategies

## Tracking & Evaluation

- Necessary know if efforts are paying off, to publicize successes, continue program support
  - Cleanups conducted
  - Arrests, convictions, civil penalties
  - Complaints received
  - Problem sites



# A Few Resources

- Federal government
  - EPA assistance to tribes
  - USDA assistance to local governments through Nevada Rural Water Association
- State government
  - Contract funding for recycling and public education
  - Civil penalty account
- Business
  - Donations and assistance from concerned businesses
- Non-profit organizations



# NDEP Role

- Deposit of civil penalties, payment of rewards pursuant to NRS 444.630
- Technical assistance with:
  - Solid waste management planning
  - Connecting with other resources
- Funding assistance with public education and recycling
- Public information through NDEP website

# NDEP website on Illegal Dumping



State of Nevada  
Division of Environmental Protection  
Bureau of Waste Management



## Illegal Dumping

The Nevada Revised Statute [NRS 444.630](#) prohibits the dumping of any solid waste, including junk vehicles, garbage, rubbish, construction/demolition debris, yard debris or other refuse at any place other than at a facility designated for such purpose.

**PENALTIES** - Unauthorized dumping is a misdemeanor subject to criminal & civil penalties, community service sentences and revocation of business licenses.

**ENFORCEMENT** - Any health officer, game warden, police officer, sheriff's deputy, other peace officer or other person specifically designated by the local government may issue citations for violations of [NRS 444.630](#).

**REWARD** - The solid waste management authority shall offer a reward of \$100 for information leading to the conviction of any person violating [NRS 444.630](#). ([NRS 444.640](#))

**KEEP YOUR COMMUNITY CLEAN  
STOP ILLEGAL DUMPING!**

**Report violators to the local enforcement authority, local sheriff, or police department.** The local Sheriff and Police Department, U.S. Forest Service, Bureau of Land Management, and the local County health districts routinely conduct surveillance operations for illegal dumping activities.

### To report an illegal dumping in progress

- ▶ Clark County 702-759-0600 or use their [Online Reporting Form](#)
- ▶ Reno and unincorporated areas 775-334-2121
- ▶ Sparks 775-353-2231
- ▶ All other areas report illegal dumping to your local public safety dispatch.

### To provide information on the location of an illegal dumpsite, call:

- ▶ Clark County 702-759-0600 or use their [Online Reporting Form](#)
- ▶ Washoe County - District Health Department at 775-328-2434.
- ▶ All other areas report illegal dumpsites to your local public safety dispatch.

## Available Signs for Download

The signs are available in Acrobat .pdf format or in MSWord. The MSWord version will allow placement of your agency logo in the lower left hand corner. The 8.5x11 color sign is for placement on public bulletin boards and the 11x17 is for use in the field at the dump site.

- ▶ [Stop Illegal Dumping \(color 8.5 x 11\) \\*.pdf](#) 
- ▶ [Stop Illegal Dumping \(color 8.5 x 11\) \\*.doc\(MS Word\)](#) 
- ▶ [No Dumping \(11 x 17\) \\*.pdf](#) 
- ▶ [No Dumping \(11 x 17\) \\*.doc\(MS Word\)](#) 

## Illegal Dumping — Links

- ▶ [Applicable Statute NRS 444.630](#)
- ▶ [Solid Waste Facility Inventory](#)
- ▶ [County Maps of Solid Waste Facilities](#)
- ▶ [NDEP Illegal Dumping Slide Show Presentation](#)
- ▶ [Clark County Health District - Illegal Dumping](#)
- ▶ [Washoe County Health District - Illegal Dumping](#)

[Home Page - Waste Management](#)  
[Site Index -- Topic Index](#)  
[NDEP Home Page](#)



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# Signs available to download

## **STOP ILLEGAL DUMPING!**

Nevada Revised Statute 444.630 prohibits the dumping of any solid waste, including junk vehicles, garbage, rubbish, construction/demolition debris, yard debris or other refuse at any place other than at a facility designated for such purpose.

### **PENALTIES**

Unauthorized dumping is a misdemeanor subject to criminal & civil penalties, community service sentences and revocation of business licenses.

### **ENFORCEMENT**

Any health officer, game warden, police officer, sheriff's deputy, other peace officer or other person specifically designated by the local government may issue citations for violations of NRS 444.630.

### **REWARD**

The solid waste management authority shall offer a reward of \$100 for information leading to the conviction of any person violating NRS 444.630. (NRS 444.640)

## ***KEEP YOUR COMMUNITY CLEAN***

Report violators to the local enforcement authority:

**Agency:** \_\_\_\_\_

Insert Your  
Logo Here

**Phone:** \_\_\_\_\_

More Info: [www.ndep.nv.gov/bwm/illegaldumping.htm](http://www.ndep.nv.gov/bwm/illegaldumping.htm)



8.5 x 11 Sign

## **NO DUMPING**

Nevada Revised Statute 444.630 prohibits the dumping of any solid waste, including junk vehicles, garbage, rubbish, construction/demolition debris, yard debris or other refuse at any place other than at a facility designated for such purpose.

### **PENALTIES**

Unauthorized dumping is a misdemeanor subject to criminal & civil penalties, community service sentences and revocation of business licenses.

### **ENFORCEMENT**

Any health officer, game warden, police officer, sheriff's deputy, other peace officer or other person specifically designated by the local government may issue citations for violations of NRS 444.630.

### **REWARD**

The solid waste management authority shall offer a reward of \$100 for information leading to the conviction of any person violating NRS 444.630. (NRS 444.640)

## ***KEEP YOUR COMMUNITY CLEAN STOP ILLEGAL DUMPING!***

Report violators to the local enforcement authority:

**Agency:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

11 x 17 Sign



# First Step - Communication

- Public workshop?
- Public education campaign?
- Plan enforcement strategy?
- Elko Regional Anti-dumping Task Force?