



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
SACRAMENTO LEGISLATIVE OFFICE

GEORGE GASCÓN • District Attorney
JOSEPH F. INIGUEZ • Chief Deputy District Attorney

DANIEL FELIZZATTO • Legislative Advocate
TAMAR TOKAT • Legislative Advocate

June 6, 2024

The Honorable Scott Wilk
California State Senate
1021 O Street, Suite 7140
Sacramento, CA 95814

**SENATE BILL 1359 (WILK)
SUPPORT**

Dear Senator Wilk:

The Los Angeles County District Attorney's Office is pleased to support Senate Bill 1359.

SB 1359 amends California Penal Code section 374.3, which is often referred to as the "dumping statute" because it penalizes unlawful dumping of non-commercial and commercial waste in the state of California, to significantly help law enforcement and prosecutors reduce unlawful dumping.

Penal Code section 374.3 prohibits dumping of waste matter upon a public or private road, upon private property into which the public is admitted by easement or license, or upon private property without the consent of the owner, or upon a public park or other public property. SB 1359 would amend section 374.3 as follows: (1) Prohibit transporting waste for the purpose of unlawful dumping; (2) Prohibit dumping on private property with the consent of the owner if a permit required by a state or local agency was not obtained before the dumping; (3) Prohibit a property owner from receiving waste if a permit required by a state or local agency was not obtained; and (4) Expand authorized governmental agencies that can declare a property a public nuisance with unlawfully dumped waste to include governmental agencies with jurisdiction over a property instead of limiting authority to only Health and Fire/Forestry Department governmental agencies.

There has been a significant increase recently in the number of reported cases involving the dumping of commercial waste material into private yards, vacant lots, and remote areas of Los Angeles County with the consent of the landowner. Because this type of illegal dumping can be highly profitable, landowners grant access and permission to haulers of these types of waste onto their land without obtaining the necessary licenses and approvals from the regulatory agencies.

The amendments proposed by SB 1359 will help reduce the amount of illegal dumping in California and thereby help protect the environment.

June 6, 2024

Page Two

Among the most significant changes proposed by SB 409 is the addition of haulers of non-commercial and commercial waste transporting for the purpose of unlawful dumping to the statute so that transporting the waste to an unauthorized (unpermitted and/or unlicensed) site is unlawful. Currently, the trucker/hauler must dump their load of waste onto a property for law enforcement to cite them for unlawful dumping. This amendment allows law enforcement to stop a trucker to cite for transporting waste for the purpose of unlawful dumping before the unlawful dumping of a load takes place so that the environment is not damaged. Evidence that the trucker is transporting for the purpose of dumping is easily found in showing that the destination location where the trucker is transporting the load is not a permitted or licensed dump site when a permit or license is required by a state or local agency.

Existing law allows a property owner or agent to consent to the dumping of waste matter on his or her property. If the property owner or agent gives consent to receive the waste matter onto the property, the property owner or agent and the dumper cannot be cited or prosecuted for the unlawful dumping.

SB 1359 would close this loophole by requiring a property owner to obtain any required state or local licenses/permits before receiving the non-commercial or commercial waste matter. Failure to first obtain the necessary permits or licenses before receiving the waste matter would make any consent given by the property owner invalid and would subject the property owner to prosecution for unlawful dumping. This amendment is critical in preventing property owners from running unlawful solid waste dumpsites that are not permitted or licensed. Often property owners are making large profits by allowing unlawful dumping of waste on their properties. Typically, the truck hauler of waste pays the property owner cash to allow dumping so that the hauler does not have to pay more money at a permitted/licensed disposal site to dump the load of waste.

For these reasons our Office is proud to support Senate Bill 1359 (Wilk).

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,



GEORGE GASCÓN
District Attorney