



[Issue](#) | [Background](#) | [Findings](#) | [Conclusions](#) | [Recommendations](#) | [Responses](#) | [Attachments](#)

Pilfering of Curbside Recyclables: Should We Be Concerned?

Issue

Does the pilfering of curbside recyclables affect the garbage collection rates or the safety of the residents of San Mateo County?

Background

In June 2008, a letter appeared on the City of Menlo Park's (Menlo Park) website regarding curbside pilfering, which is the practice of taking items of value from recycling bins put out at curbside for pickup. (Attachment 1) The author of the email questioned whether there were any ordinances or laws prohibiting this practice and whether the resale of these recyclables by the pilferers affected residential garbage collection rates. The author was also concerned about safety in residential neighborhoods.

In October 2008, a neighborhood website hosted an email in which the writer stated in part:

"Last night saw FOUR separate crews [collecting recyclables] come through (that's right - 4) our neighborhood - it truly was ridiculous. The frequency has been on a steady rise for a couple months now."

"Although this is technically illegal activity, asking police to do something about this is futile. BUT, if the supply goes down, surely the visitors will eventually move on."
(Attachment 2)

Residents of San Mateo County (County) have observed pilfering, heard anecdotes, read published police reports of local pilfering, or have noticed that recyclables have been removed from their bins overnight.

Investigation

To conduct its investigation, the 2008-2009 San Mateo Civil Grand Jury interviewed officials from: San Mateo County District Attorney's office; Allied Waste Industries, Inc.; South Bay

Waste Management Association (SBWMA);¹ Coastside Scavenger Company; Menlo Park and Pacifica Police.

The Grand Jury also read numerous newspaper articles (Attachment 3) and studied relevant recycling laws. (Attachment 4)

There are a total of seven waste management service areas in San Mateo County of which two are included in this report.

Findings

The 2008-2009 San Mateo County Civil Grand Jury found the following:

1. South Bayside Waste Management Authority and Allied Waste
 - a. SBWMA is a joint powers authority with twelve member agencies (the cities of Belmont, Burlingame, East Palo Alto, Foster City, Menlo Park, Redwood City, San Carlos and San Mateo, the towns of Atherton and Hillsborough, the County of San Mateo, and the West Bay Sanitary District) formed to provide cost effective waste reduction, recycling, and solid waste programs to member agencies through franchised services and other recyclers.
 - b. Currently, Allied Waste is the waste management service franchised by SBWMA to collect waste for member cities.
 - c. According to state law, recyclables placed by the curbside can only be collected by agents duly authorized by cities and counties. Allied Waste is such an agent.
 - d. All revenues received by Allied Waste from the recyclables are transferred to SBWMA.
 - e. SBWMA ultimately distributes this revenue back to its members to offset garbage rates.
 - f. Neither Allied Waste nor SBWMA are affected financially, either positively or negatively, when pilfering occurs.
 - g. Neither Allied Waste nor SBWMA have taken action to reduce curbside pilfering.
 - h. SBWMA member rates are based on an expected share of revenue from recyclables and fees. If the revenue is reduced sufficiently, individual SBWMA members could be forced to increase fees to cover the revenue shortfall.

¹ The South Bay Waste Management Association is a Joint Powers Authority. A Joint Powers Authority is an institution in which two or more public entities or governments can operate collectively. See Finding 1a. p.2. of this report for a full description of SBWMA.

- i. Allied Waste claims that the amount of recyclables collected has been reduced by about 25% over the last four years.
 - j. Revenues from recyclables have, nevertheless, increased because resale prices for recyclable materials have dramatically increased.²
2. Coastside Scavenger
- a. Coastside Scavenger, a privately owned waste management service, is the duly authorized agent to collect waste in Pacifica. Coastside Scavenger differs from Allied Waste and SBWMA in the way it operates with regard to pilfering.
 - i. Coastside Scavenger depends, in part, on the sale of recyclables for its revenues, and believes it is being negatively impacted by curbside pilfering.
 - ii. Coastside Scavenger has reported incidents of pilfering to the police.

3. Reduction of Recyclables

Coastside Scavenger and Allied Waste were unable to quantify the percentage of the reduction in collected recyclables that is due to pilfering. Aside from pilfering, individuals, non-profits and businesses divert a portion of recyclables from the waste stream by selling directly to independent buy-back agents, who are agents that purchase materials directly from the general public.

4. Curbside Pilfering in Pacifica and Menlo Park

- a. Pacifica, like most cities in San Mateo County, does not have a special ordinance against curbside pilfering. However, Pacifica Police consider pilfering to be theft.
- b. Four reports of pilfering were received by the Pacifica Police in one month, from July 29 to August 29, 2008, with five suspects involved. Three of those four reports came from Coastside Scavenger. Two of the suspects were issued misdemeanor citations. One was arrested and booked for an outstanding warrant on other charges, as well as, the pilfering charge. The case involving two suspects was referred to the San Mateo County District Attorney for prosecution.
- c. Menlo Park, which is a member of SBWMA, has two ordinances that pertain to pilfering:
 - i. Municipal Code 7.04.040 gives the right to collect garbage exclusively to those having a contract with the City.
 - ii. Municipal Code 7.04.080 states that it is unlawful and an infraction for any person not having a contract to take curbside garbage or recyclables.

² http://www.signonsandiego.com/uniontrib/20080920/news_1n20scavenge.html

- d. Menlo Park issues citations to pilferers, as is done with parking tickets, without reporting the crime as a theft to the San Mateo District Attorney.
- e. The Menlo Park Police believe that issuing citations has been effective, but a local neighborhood-group posting disagrees. The posting, in part, reads:

“Although this is technically illegal activity, asking police to do something about this is futile.” (Attachment 2)
- f. From June to September 2008, two cases of pilfering were reported in Menlo Park.

5. Mitigation

- a. Two upcoming changes may affect curbside pilfering:
 - i. A new California law, AB 1778, will go into effect on January 1, 2009, and is designed to “deter the theft of recyclables by requiring recyclers to obtain identifying information of individuals who bring in more than \$50 worth of CRV recyclables and newspapers. It also requires that payments of \$50 or more be made by check.” (Attachment 4)
 - ii. Single stream recyclable collection is due to be implemented in January 2011 by SBWMA and Coastside Scavenger. This collection process may make pilfering more difficult because all recyclables will be co-mingled and collected in one large, lidded bin.
- b. Agencies interviewed suggested the following ideas for curtailing curbside pilfering.
 - i. A model anti-pilfering ordinance allowing pilferers to be cited and fined should be created and passed by all the cities and the County. Police would then have the flexibility to cite violators under either the new uniform ordinance or existing theft criminal codes.
 - ii. The imposed fines should be large enough to act as a deterrent.
 - iii. A public education campaign is needed to help residents understand the possible relationship of their garbage bills to pilfering and to encourage residents to report curbside pilfering to the police.

6. Curbside pilfering elsewhere:

The Grand Jury learned from newspaper articles and police websites that in other cities in California and the United States, curbside pilfering is widely reported as a problem. (Attachment 3)

Conclusions

The 2008-2009 San Mateo County Civil Grand Jury concludes that:

1. Curbside pilfering of recyclables can increase garbage collection rates.
2. Curbside pilfering could increase if prices for cardboard, glass and aluminum continue to increase or if the economy weakens.
3. Many cities in the County are adopting a single stream waste management system that may make pilfering more difficult. This system is projected to be initiated in January 2011.
4. SBWMA is responsible to its ten-member cities, the unincorporated areas of the County, and the West Bay Sanitary District for cost-effective service. SBWMA should be concerned about the pilfering issue and is in a position to take a leadership role in the reduction of curbside pilfering.
5. Coastside Scavenger, which is financially damaged by curbside pilfering, takes an active role in reporting pilferers. Allied Waste, which has no financial incentive to report pilfering, does not take an active role.
6. New contracts currently being negotiated by SBMWA with waste-service companies should provide a vested interest in the amount of recyclables that companies collect.
7. The problem of curbside pilfering is not a public-safety threat but does concern residents, as evidenced by emails in Attachments 1 and 2.

Recommendations

This report is being sent to all city council members in San Mateo County, the San Mateo County Board of Supervisors, and to the chiefs of all Police Departments in San Mateo County for their information only.

The County of San Mateo and each city shall determine if the curbside pilfering of recyclables is a problem for their residents and, if so, shall determine whether any or all of the following options would be appropriate to undertake:

1. Educating residents about the causal relationship of pilfering to garbage collection rates.
2. Adopting an ordinance against pilfering which:
 - i. Allows police to issue a citation, as is done with parking violations, without reporting the incident to the San Mateo County District Attorney as a theft.
 - ii. Includes effective financial consequences to pilferers, remembering that pilfering is a continuous enterprise.

- iii. Does not preclude the police, at their discretion, from forwarding pilfering cases to the District Attorney.
- 3. Negotiating contracts with waste management companies that encourage and reward their active participation in the reduction in curbside pilfering.
- 4. Requesting that existing waste management companies include in the mailings it sends to customers the following information:
 - i. Curbside pilfering of recyclables is illegal.
 - ii. If seen, curbside pilfering should be reported to the police.

No response is required to this report.

Attachment 1

From:

Sent: Friday, June 27, 2008 10:00 AM

To: John Boyle

Cc: city.council@menlopark.org

Subject: Curbside recycling theft

John,

I bring this issue to you attention as a member of the Menlo Park City Council.

Last night after I my garbage, green waste and recycling was moved to the curbside I noticed someone rummaging through the recycling. This individual was taking all the aluminum cans. I confronted him and told him to return the cans. He did so then moved down the street, San Mateo Drive. Thinking that there was an ordinance that criminalized this kind of behavior, I called the MP Police and made a report. The dispatcher said that they would send personnel and assumed this was the end of the issue. Later that evening (after dark) I returned to the curb and found that the individual must have returned because all of the aluminum cans, which had been replaced, were now gone.

Later when my wife returned I recounted the evening's event and her reaction gave me a different perspective. Her concern was not for the material that was taken, but was a concern over neighborhood safety and possibly having these individuals in our backyard (as commodity prices continue to increase). My sensitivity to these kind of thefts has increased this last year as a result of a project that I am working on in San Leandro (the conversion of a dormant Kelloggs factory) and the weekly thefts of copper electrical components (totaling \$80K or better).

I called Chad Wilson, general manager at Allied Waste, and had a lengthy discussion. He is well aware of the problem and said that their return on recycling has an impact on customer rates, greater theft, and higher rates. I asked him if procedures could be modified on recycling pick-ups so that it would not be necessary to put recycling at curbside the evening before pick-up (perhaps a later pick-up schedule). He seemed interested and said that he would bring the matter to the attention of management. He added that many communities do not have ordinances that make the unauthorized removal or theft of recycling a crime. In a brief call to the police dispatcher this morning I found out the Menlo Park is one of those communities. The dispatcher added that she believed that this was because the San Mateo County District Attorney did not want to prosecute for recycling theft.

I think that something needs to be done to make it more difficult to steal recycling (AW pick-up procedures), or some penalty or fine for those caught taking this material.

I think that you are aware of my aversion to needless municipal ordinances, but this is an issue that I think needs to be looked at not just because of the theft issue (and economic impact on AW rates) but because it brings a element into the neighborhood that does not belong there.

Attachment 2

WillowsNeighborhoodWatch@yahoogroups.com, Thu Oct 9, 2008 8:29 pm

Neighbors,

Due to the sharp increase in people coming through the neighborhood collecting recyclables, I would like to make a request of those who are able to *please put out your recyclables in the morning, rather than at night*.

Last night saw FOUR separate crews come through (that's right - 4) our neighborhood - it truly was ridiculous. The frequency has been on a steady rise for a couple months now.

Although this is technically illegal activity, asking police to do something about this is futile. BUT, if the supply goes down, surely the visitors will eventually move on. And at a time when we already have people treating the Willows as their #1 destination for robberies, thefts, shootings, etc. surely we do not need more unwanted visitors.

Please help if you can - *put out your recyclables in the morning*. It may be a small thing, but don't you think we need all the help we can get to stop the constant flow of theft in the neighborhood?

Attachment 3

Prevent Theft of Recyclables (police page),
<http://www.citymb.info/Index.aspx?page=1555>

Jail and Fines Proposed for Theft of Recyclables,
<http://www.nytimes.com/2008/05/25/nyregion/nyregionspecial2/25recyclewe.html?fta=y>

Theft of Recyclables an Ongoing Problem
http://www.cityofnapa.org/index.php?option=com_content&task=view&id=602&Itemid=3

Scavenging – and theft of recyclables – on rise,
http://www.signonsandiego.com/uniontrib/20080920/news_1n20scavenge.html

Theft of Curbside Recyclables Increasing, <http://www.enn.com/pollution/article/37676>

San Francisco Safe, Paragraph 4, http://www.sfsafe.org/3n_news.html

Legislation to Tackle Curbside Recycling and Newspaper Theft Clears Senate Floor,
<http://www.californiachronicle.com/articles/72089>

Attachment 4

<http://gov.ca.gov/press-release/10702/>

Governor Schwarzenegger Signs Legislation Combating Metal Theft

In response to the increasing rate of metal theft throughout California, Governor Arnold Schwarzenegger signed a package of bills providing law enforcement with new tools to combat metal thieves stealing scrap metals from fire hydrants, utilities, manhole covers, agricultural equipment, guardrails and much more.

"Not only are these crimes destroying property and causing millions of dollars in damages, they are endangering lives." Governor Schwarzenegger said. "We must put a stop to these growing crimes and this package of bills will provide law enforcement with the tools they need to put these thieves behind bars."

The market value of both copper and aluminum significantly increased from 2004 to 2005, driving a sharp increase in incidents of metal theft in California. According to the California Farming Bureau, over \$6 million worth of metal was reported stolen throughout the Central Valley in 2006 alone.

Metal theft has created serious impacts in all parts of the state: Central Valley farmers have lost crops due to irrigation pumps being stripped of wiring, a toxic chemical spill in San Pablo Bay was the result of a \$10 brass valve being stolen from a storage tank and a home burnt to the ground in the city of Hesperia because the fire department was not able to connect to the fire hydrant to put out the fire.

To provide law enforcement with better tools to investigate and prosecute metal theft, the Governor signed the following bills:

- [AB 844](#) by Assembly member Tom Berryhill (R-Modesto) puts an end to a pattern of quick cash for metal thieves by requiring recyclers to hold payment for three days, check a photo ID and take a thumbprint of anyone selling scrap metals. It also requires anyone convicted of metal theft to pay restitution for the materials stolen and for any collateral damage caused during the theft.
- [SB 691](#) by Senator Ron Calderon (D-Montebello) requires recyclers to take thumbprints of individuals selling copper, copper alloys, aluminum and stainless steel. Sellers must also show a government ID and proof of their current address. Recyclers who break the law face suspension or revocation of their business license and increased fines and jail time.
- [AB 1859](#) by Assembly member Anthony Adams (R-Hesperia) discourages the theft of fire hydrant fittings and fire department connections by creating a fine of not more than \$3,000 for any person who knowingly receives any part of a fire hydrant, including bronze or brass fittings and parts.

- [SB 447](#) by Senator Abel Maldonado (R-Santa Maria) assists local law enforcement officials in quickly investigating stolen metal and apprehending thieves by requiring scrap metal dealers and recyclers to report what materials are being scraped at their facilities and by whom on a daily basis. These rules already apply to pawn shop dealers.

The Governor also signed [AB 1778](#) by Assembly member Fiona Ma (D-San Francisco) to deter the theft of recyclables by requiring recyclers to obtain identifying information of individuals who bring in more than \$50 worth of CRV recyclables and newspapers. It also requires that payments of \$50 or more be made by check.