

Debris Removal and Disposal--Don't be a Victim!!

Following large fires like we are currently experiencing, there is a high demand for debris removal from lost homes or other structures. The cost of disposing of these items, including foundations and patios, can be expensive. While there will be specific locations for the deposition of this material granted to the fire victims (at a discount rate), following the Cedar fires there were many contractors that sought to circumvent the disposal requirements by placing debris on private properties. In most instances, the property owners that accepted the debris did so to help out a neighbor and/or to solve a possible erosion problem. In many instances, they accepted the material for no charge, believing they were helping the community.

Unfortunately, these activities are not allowed and in fact place significant liability on the accepting property owner. We had clients following the Cedar fires that were issued cleanup and removal orders from the County and/or Regional Water Quality Control Board as a result of accepting debris from other victims. In some instances, the debris had lead, asbestos, or other potentially hazardous substances mixed in with it. The cost of removal of the material was significant (tens of thousands of dollars) and the offending contractors refused to assist and in some cases disappeared entirely. Meanwhile the contractors get the full price of "proper disposal" of the debris from the insurance companies.

Don't let this happen to you. If a contractor approaches you requesting to deposit materials on your property, make sure that you get from them their contractor's license information, and a copy of the permits they have certifying the quality of the material to be deposited and their permits for depositing the material at the requested site. Since it is your property, your name should be on the permit. In most instances, the contractor will choose not to get such permits and seek another location. If they choose to get the permits, they will be expedited by the municipality and you can be adequately protected from future prosecution for illegal dumping on your property, while still helping out your community.

Ted Griswold
Partner, Procopio, Cory, Hargreaves & Savitch LLP
(619) 515-3277
tjg@procopio.com