

RECYCLING ENFORCEMENT

An Overview of Recycling Code Enforcement in Fairfax County

Department of Public Works and Environmental Services
Working for You!



A Fairfax County, VA, publication
January 2019



- Summarize the recycling requirements for Fairfax County
- Outline the relevant ordinance, and our enforcement infrastructure and policies
- Metrics from last year.
- Future outreach targets and other initiatives

Chapter 109.1 – The Solid Waste Management Code

FAIRFAX COUNTY
DEPARTMENT OF PUBLIC WORKS
AND
ENVIRONMENTAL SERVICES



SOLID WASTE MANAGEMENT PROGRAM
CHAPTER 109.1
&
RECYCLING PROGRAM
REQUIREMENTS

March 2015

Regulates the storage, collection, transportation and disposal of all solid waste.

Establishes recycling requirements for single family and town homes, multi-family residential properties and non-residential properties.

Requires permits and minimum service standards for private solid waste and recycling collection services.

Specifies enforcement consequences by type of violation, establishes authority to impose penalties and enter Consent Agreements.

New Chapter 109.1 Continued

- Any refuse container with a capacity of two cubic yards or greater, **MUST** be accompanied by one or more recycling containers *at the same general location*, with a capacity equal to or greater than 25% of the refuse container.
- Multifamily properties, such as apartment or condominium complexes, are required to recycle, in addition to Mixed Paper and cardboard, Plastic Bottles/Jugs and Metal Food Containers, regardless of when the property was built.
- All businesses operating in Fairfax County as a Solid Waste Broker must register annually with the SWMP. Brokers must provide their customers with (1) information on refuse and recycling requirements in Fairfax County and (2) a Statement of Service.
- No person or business can collect recyclable materials in Fairfax County as a commercial enterprise without first registering their organization and vehicles – companies with a CTO are exempt from this requirement.



Trash and Recyclables Collection



- Approximately 20 solid waste collection service providers are licensed to operate in Fairfax County.
- Residents also have the option to petition the Board of Supervisors to create a Sanitary District where residents receive weekly collection service from the county.

Enforcement Priorities



- Openly investigate EVERY allegation or complaint about recycling, and take enforcement action on EVERY violation.
- Enforce Recycling Program Requirements entailed in Chapter 109.1 of the County Code.
- Educate the community on acceptable items for recycling.

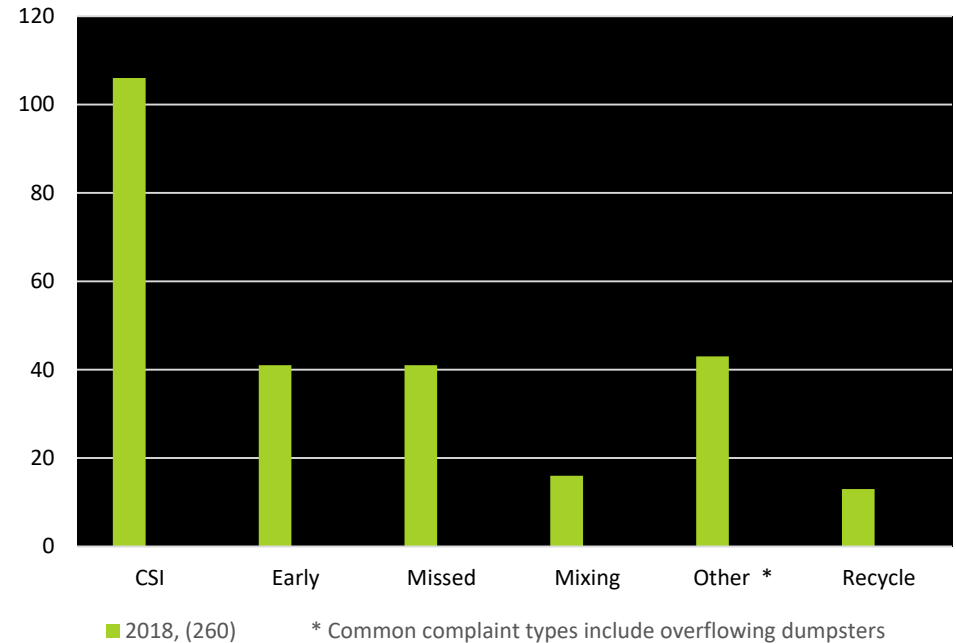
Enforcement Resources

- ✓ Three full time inspectors and a full time Enforcement Supervisor
- ✓ Policy of Enforcement Action As Last Resort
- ✓ Informal Actions – verbal warnings
- ✓ Formal written actions: First Notice Letter, Warning Letter, NOV
- ✓ Negotiations, use of Penalty Matrix, Consent Agreements
- ✓ Statements of Service, Disposal Agreements
- ✓ Litigation

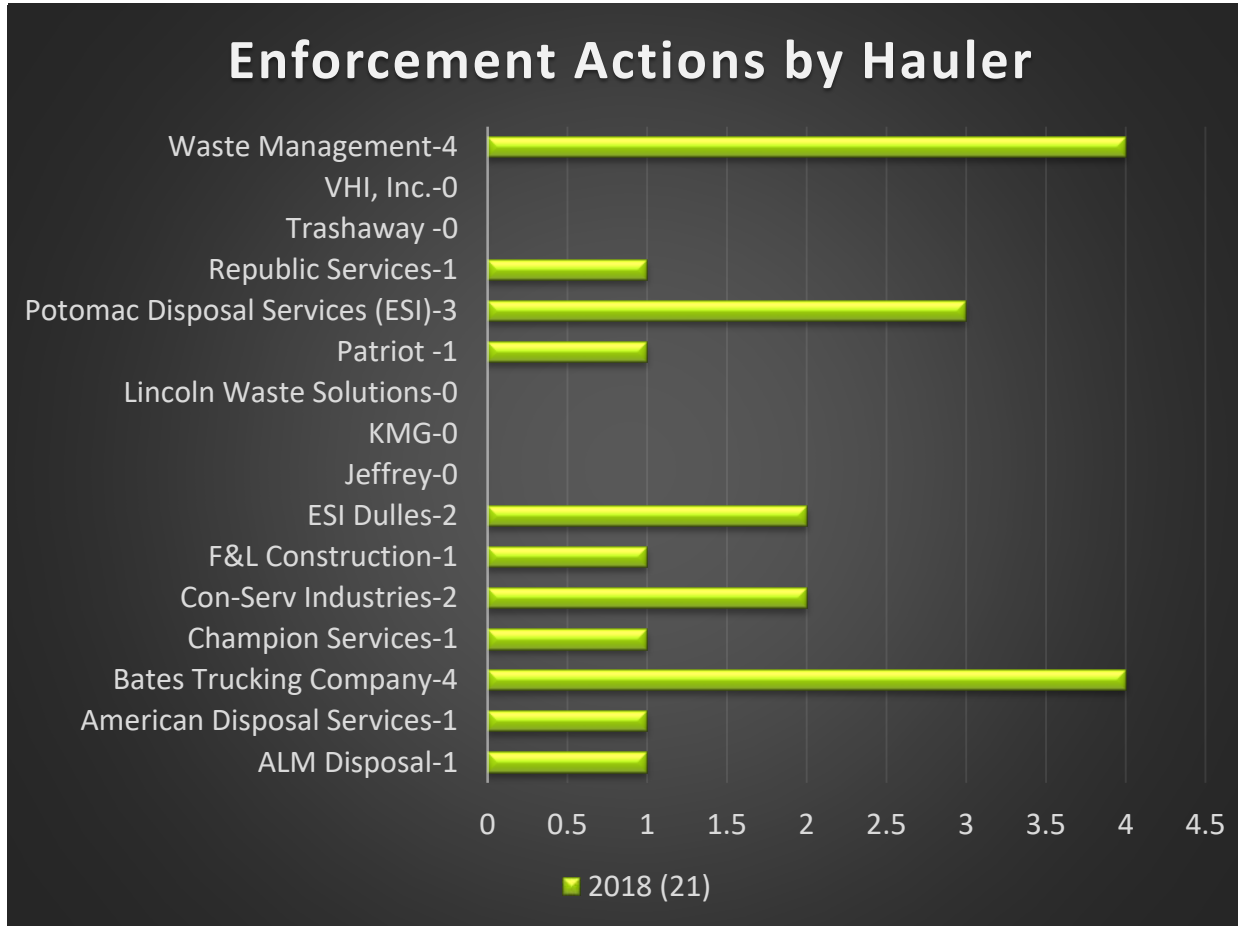
Enforcement Dashboard

- Monitors collector's performance
- Tracks complaints and problem type
- No. of Inspections by Inspector
- Enforcement Actions by Hauler

No. of Complaints by Problem Type



Enforcement Dashboard Cont.

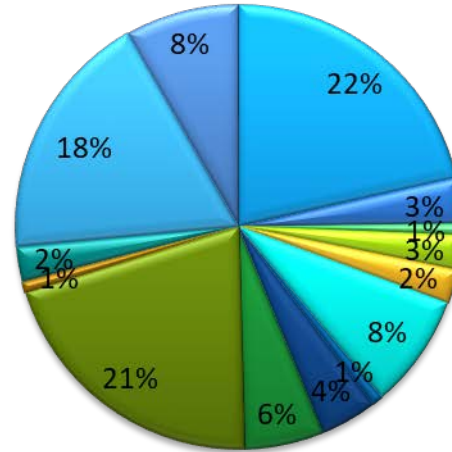


Enforcement Outputs

- 260 inspections – 18 written Enforcement Actions
- 106 interventions under Clean Streets Initiative
- Extended vacancies and new hires make inspector production stats unreliable at this time. Shoot for 200-400 inspections per year, depending on case complexity (*enforcement takes time!*).

No. of Complaints By Hauler

CY 2018 (121)



- American Disposal Svs, 26
- Bates, 4
- Champion Services, 1
- CSI Con-Serv Industries, 3
- KMG Hauling, 3
- McLean Trash Services, 10
- Nightingale Trucking, 1
- Patriot Disposal, 5
- PDS - ESI, 7
- Republic Service (AAA), 25
- Trash Away, 1
- VHI, Inc., 3
- Unknown, 22
- Waste Management, 10

Clean Street Initiative (CSI)

- ❑ Working in conjunction with Health Department
- ❑ Addresses complaints from residents about abandoned piles of trash and refuse in neighborhoods
- ❑ Property owner is notified that the refuse must be removed within 10 days or they will have to pay the County to do it
- ❑ If the pile is still there on Day 11, SWMP removes the refuse and bills the owner for removal of the material. If the property owner refuses to pay that bill, a lien is placed on the property.

CSI Complaints

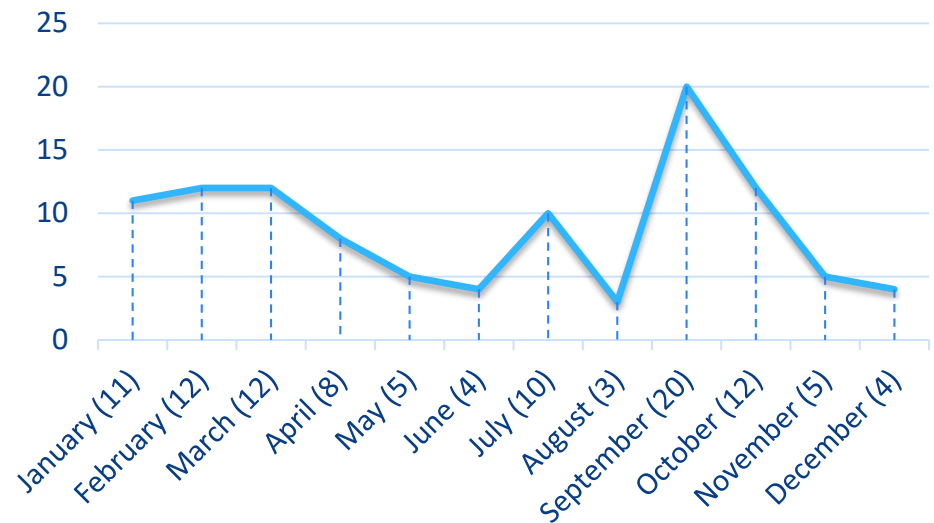
Observations

- Residents most often assume that bulk collection is included in curbside service
- In the Fall and after major storms, there is a surge in brush and yard debris left curbside

Challenges

- Many properties occupied by a tenant, not the property owner. The owner is often unaware of the issue until the bill from SWMP
- Trash and bulky items are sometimes abandoned at a residence from where they did not originate

No. of CSI Complaints Per Month



Other Pressures Affecting Compliance Stats

- National Sword! (changing cost basis/business models)
- 2018 revisions to DOT regs, limiting maximum drive times (drivers cannot work >12hrs/day more than 8 times in 28 days)
- Recent Federal actions on immigration rules - Temporary Protected Status (TPS) of foreign nationals is being significantly affected. Drivers are being lost to fears over loss of status
- In the last six months of 2018, five licensed collectors have been acquired or merged with larger corporate operations. Transition of customers and services is *always* bumpy.

Reaching out to the Regulated Community

- Customized materials to identify acceptable items.
- Outreach prioritized by target sectors – Property Managers of commercial office buildings, Construction & Demolition contractors.
- Responding to Collectors regarding complaints.
- Follow up site visits and technical assistance.
- Quarterly meetings held to provide information to the Collectors community.
- Referral to enforcement as a last resort.



For additional information, please contact

Solid Waste Management Program

703-324-5230

www.fairfaxcounty.gov/recycling

www.fairfaxcounty.gov/dpwes