

# COMPLIANCE & ENFORCEMENT

An Overview of Solid Waste Code Enforcement in Fairfax County

Department of Public Works and Environmental Services  
*Working for You!*



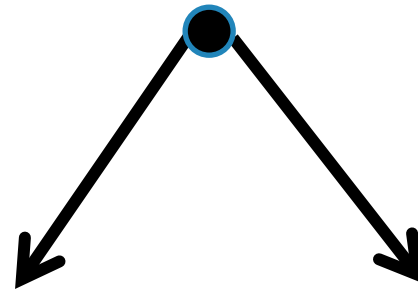
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- Outline our enforcement infrastructure and policies.
- Summarize resource and legal challenges.
- Highlight challenges with residents and commercial and property management.
- Discuss future programs and plans.



## Solid Waste Management Program (SWMP)



### Mission Statement

Our mission is to protect the public interest through solid waste management planning and regulatory oversight of the county's refuse ordinances. We provide efficient and effective collection, recycling and disposal of solid waste for our customers in an environmentally responsible manner.

Sustainability, Engineering,  
Environmental Compliance

Solid Waste Operations



# 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.

# Chapter 109.1

## Highlights

- MFDUs and non-residential facilities must provide a recycling system that is as obvious and convenient to tenants, customers, employees, etc. as the system being offered to manage refuse.
- Recycling locations must be clearly marked, with diagrams and photos as necessary to promote use by non-English speakers.
- Storage must be adequate for seven days, unless collection frequency is greater than weekly.
- Any spillage from storage containers must be cleaned up within 24 hours, and outside storage containers shall be checked daily for proper closure.

# Chapter 109.1

## Highlights (continued)

- Community Associations and Property Managers responsible for communicating service requirements between contract collector and members/residents/tenants. Usually some form of an annual Statement of Service (typically, a copy of what the collector provides to subscription customers).
- Solid waste brokers must register with the County; contracting with an unregistered broker is an offense.
- Any changes to any permit, registration, etc. must be communicated to the County within 30 days.

## Chapter 109.1 Highlights (continued)

- Explicit prohibition on “one-box” service, and on-call collection if less than weekly.
- Explicit prohibition on open-tops for refuse or recyclables, except for white good, scrap metal, and Christmas trees. Cardboard can be collected in open tops for recycling only, but only at construction/demolition sites).
- Explicit requirement for containers to be kept closed.
- Collector must keep the name and number on containers current (except for SFH).

# Enforcement Priorities

- Ensure that collectors that operate in Fairfax County comply with the requirements of Chapter 109.1.
- Investigate EVERY allegation or complaint related to agency mission and take action on EVERY violation found.
- Enforce Recycling Program Requirements and similar subsidiary requirements derived from Chapter 109.1.



# Enforcement Resources

- ✓ Three Investigators, An Enforcement Unit Supervisor, a Compliance Section Chief, and an Admin Asst. (all FTEs).
- ✓ Policy of Educate First - Enforcement As Last Resort.
- ✓ Progressive, Defined Enforcement Process (Enforcement Manual):
  - Informal Actions – verbal warnings
  - Formal written actions: First Notice Letter, Warning Letter, NOV
  - Negotiations, civil penalties, Consent Agreements
- ✓ Litigation

# Chapter 108.1 Noise Ordinance

In addition to Chapter 109.1, collectors must also comply with the Noise Ordinance, Chapter 108.1.

Section 108.1-4-1 (e) prohibits the “Outdoor collection of trash or recyclable materials in residential districts and/or within 100 yards of a residential dwelling between 9 p.m. and 6 a.m.”



# Recycling Requirements for Residential Properties

➤ Single-Family Homes & Townhomes (curbside collection):

- Mixed Paper and Cardboard
- Plastic Bottles/Jugs
- Metal Food Containers
- Yard Waste (grass, leaves, brush)



➤ Multi-Family (Apartments & Condos)

- Mixed Paper and Cardboard
- Plastic Bottles/Jugs
- Metal Food Containers

# Non-Residential Recycling

## ➤ Businesses, Schools, & Institutions

- Must recycle mixed paper and cardboard
- Commercial establishments producing large amounts of other recyclable materials may be required to recycle additional materials (PRM).



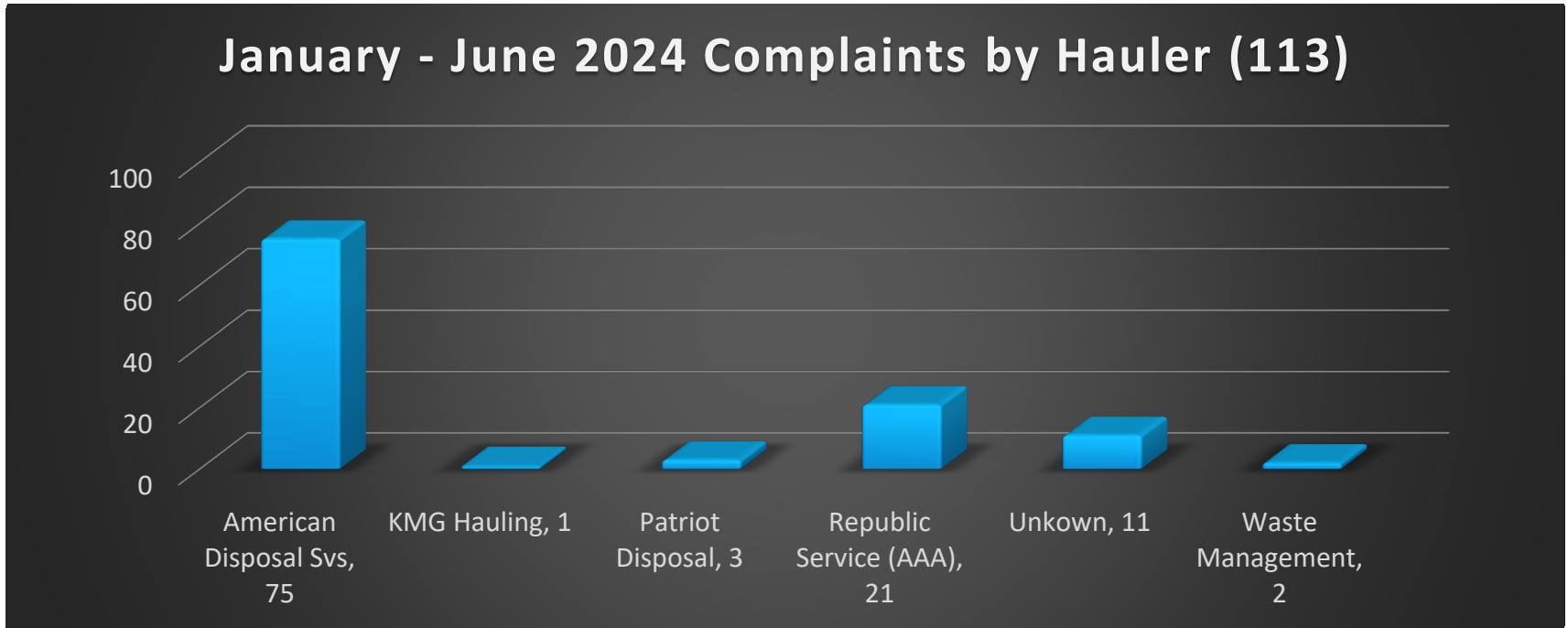
# Common Resident Complaints

- **Early Collections:** Collecting Trash or Recycling during prohibited hours within 100 yards of the nearest residence.
- **Mixing:** Collecting refuse and source-separated recyclables in the same vehicle is prohibited.
- **Missed Pickups:** Trash, Recycling or Yard Waste must be collected at least once per week.



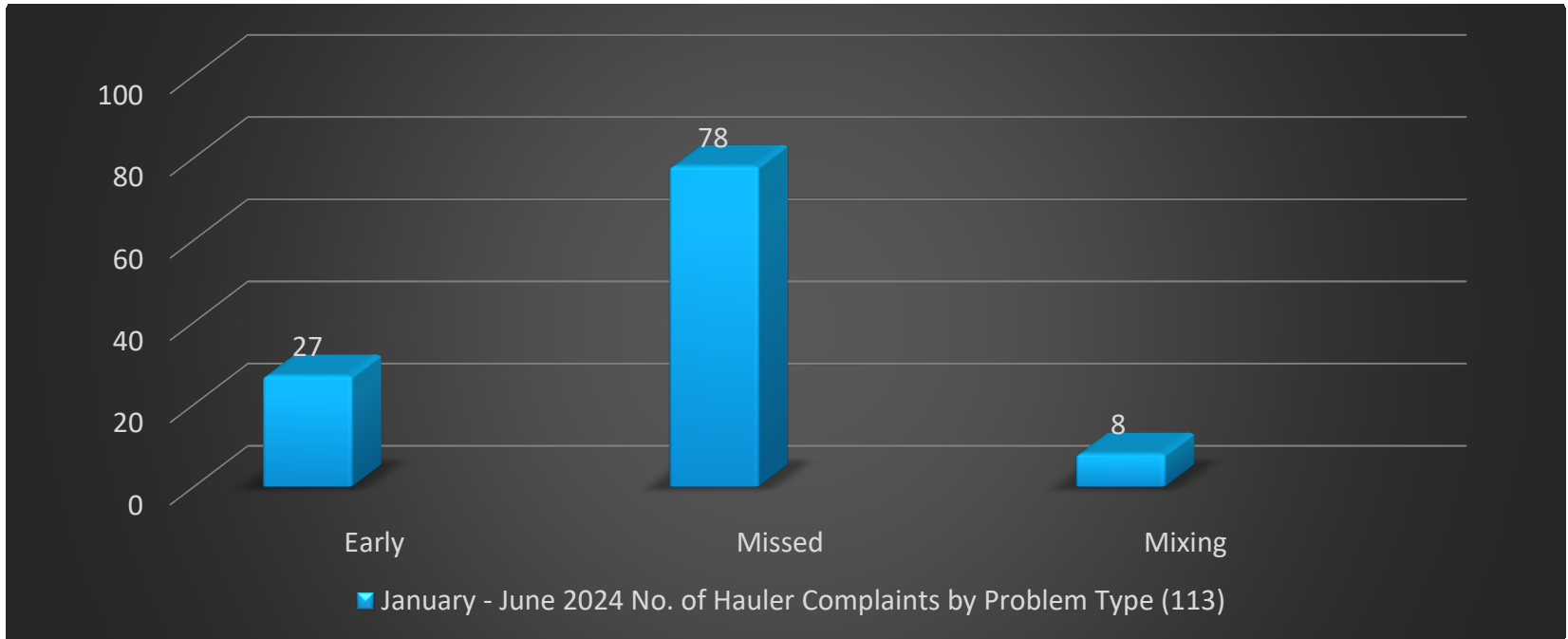
# Distribution of Complaints by Collector

- The biggest operators draw the most complaints.



# Complaints by Hauler Problem Type

- Most resident complaints are for missed collections



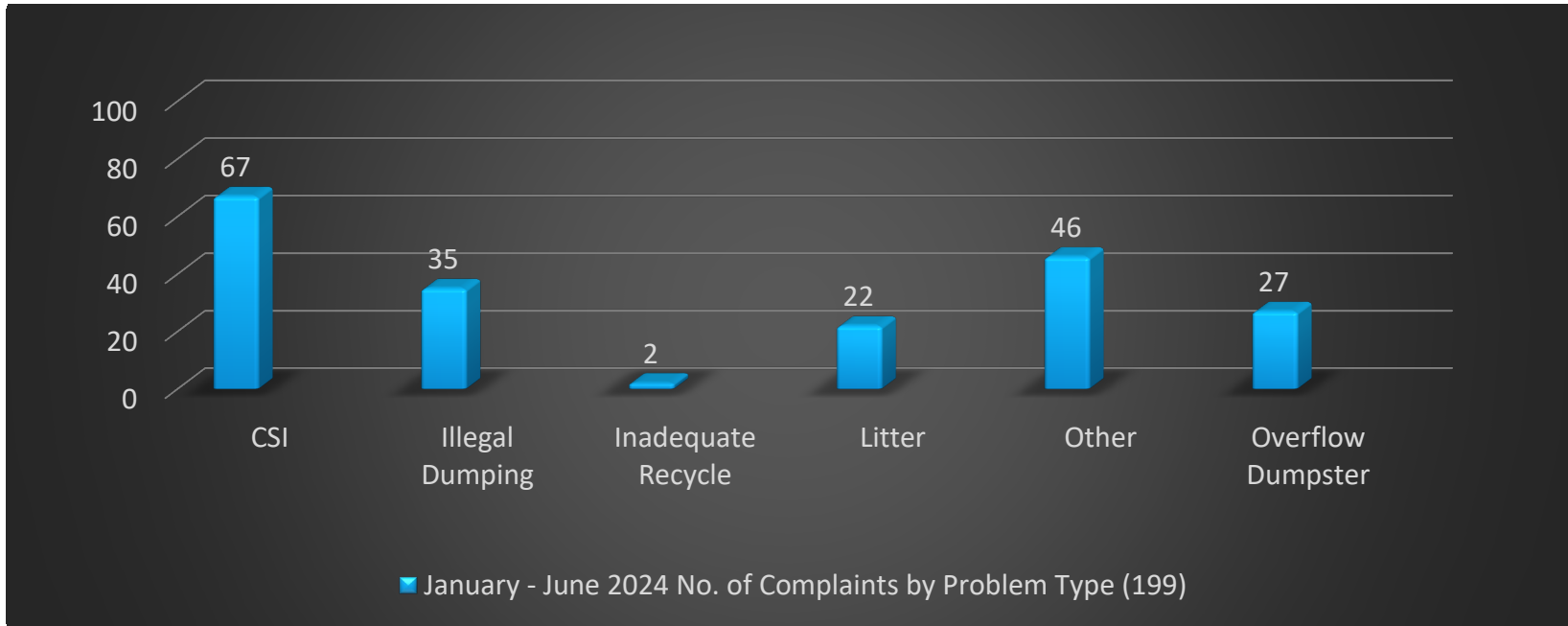
# Non-Hauler Complaints

- **CSI (Clean Streets Initiative):** Bulk, brush, or refuse that is within 25 feet of the curblineline and left unattended for more than 10 days.
- **Illegal Dumping: NOT A SWMP FUNCTION.** Reported to DCC or VDOT (if within 15 feet of the public ROW).
- **Inadequate Recycling:** Residential or commercial properties that do not provide residents, employees, or customers with access to recycling.
- **Litter: NOT A SWMP FUNCTION.** Often lumped in with illegal dumping complaints.
- **Overflowing Dumpsters:** Inadequate storage capacity for trash and recycling, poor maintenance by property management.





# Complaints by Problem Type



# Resource and Legal Challenges

- Three inspectors for 32K businesses and 400K households.
- Enforcement operations are funded exclusively from tipping fees.
- A single collector having operational problems can overwhelm the Branch.
- Outreach and education have similar resource challenges (only 4 FTEs)
  
- The litigation process is resource-intensive and time-consuming.
- The Office of the Commonwealth's Attorney unilaterally decides if cases can proceed.
- Virginia statute limits recycling violations to civil court.
- The Dillon Rule.
  
- The agency can't lobby or make campaign contributions – the regulated community can.
- Legislators have limited experience/understanding of solid waste management.



# Challenges from Residents and Business

- Process is largely complaint-driven – there are no scheduled or regular inspections.
- Equity challenges.
- Typically, ignorant of the law (or have an uninformed opinion about what it says).
- “I’m a taxpayer and the taxpayer is always right!”
- Greater propensity for hostility or aggressive pushback to civilian law enforcement.
- The current atmosphere of entitlement and anger.



# Future Plans

- Will largely be driven by a comprehensive overhaul of long-range Solid Waste Management Plan to meet a “90% diversion by 2040 goal” (Zero Waste).
- Significant increase in Branch size and mission over the next five years: 20 new FTEs needed for FY27-30.
- Proactive inspections of MFH and non-residential.
- Active enforcement of the PRM standard.



# Additional Information

**For additional information, please contact**

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