



County of Fairfax, Virginia

MEMORANDUM

DATE: February 10, 2022

TO: Environmental Committee
Board of Supervisors

FROM: John W. Kellas, Deputy Director
Department of Public Works and Environmental Services, Solid Waste
Management Program

SUBJECT: Residential Solid Waste Management Services

The Department of Public Works and Environmental Services Solid Waste Management Program (SWMP) has prepared this memorandum to aid in a high-level discussion at the February 15, 2022, Environmental Committee meeting. This memorandum covers how private haulers are regulated, how neighboring jurisdictions operate, and potential options for the future of residential solid waste management services.

Private Hauler Regulation

Private haulers are regulated in Fairfax County under Chapter 109.1 of County code, with further administrative details provided in the SWMP Permitting Manual. Each hauler must apply annually for a Certificate-to-Operate (CTO) permit. As part of the CTO, haulers must provide a list of vehicles and a pre-determined payment bond based on their billing history. Haulers with CTO permits are listed as a licensed collector on the County website. The CTO requires each hauler to adhere to County codes, including providing weekly trash and recycling, weekly yard waste collection from March 1 through December 24, and to follow safety regulations.

Current residential solid waste management services in Fairfax County vary depending on the type of residence and location (Table 1). Only 10% of all residential units in Fairfax County receive solid waste collection services from SWMP. The private sector services the remaining 90%, or approximately 381,000 residential units. All commercial customers in the County are serviced by the private sector, and there are approximately 20 private sector collection companies currently operating in the County.



Table 1. Current residential solid waste and recycling services in Fairfax County, with SWMP support roles.

Service Type	Provider	Description	SWMP Support Role
Subscription	Private	Single resident contracts directly with for-hire permitted waste collection company	Regulates service provider for compliance with County code and responds to complaints
HOA Contracted	Private	HOA contracts directly with for-hire permitted waste collection company	Regulates service provider for compliance with County code and responds to complaints
Sanitary District	Public	~10% of County (45,000 homes) in special districts as approved by the Board of Supervisors	Service provided by SWMP
Park Out	Private	Special drop off collection service in specific communities where curbside collection is limited. Currently only active in Great Falls.	Regulates service provider for compliance with County code and responds to complaints
Direct Haul	N/A	Resident self-hauls waste and recycling directly to I-66 Transfer Station or I-95 Landfill.	SWMP manages drop off centers for direct haul customers.

Complaint Response

Although some residents address service concerns directly with their private service provider, SWMP receives and investigates complaints from the public for private haulers failing to comply with County code (Figure 1). The number of customers serviced by each private hauler varies, but SWMP does not have information on how many customers are serviced by each private hauler.

SWMP also receives complaints from Sanitary Districts customers serviced by the SWMP. In 2021, SWMP received 2,446 complaints from customers about problems with County-provided service. SWMP also receives complaints from customers with private collection service. In 2021, SWMP received 568 complaints from customers with private collection service. Private haulers operate their own call centers, so SWMP primarily receives complaints from private hauler customers that were not resolved satisfactorily by their service provider. Thus, the number of complaints about private hauler companies are most likely a small fraction of the total. The most frequent complaint received from both private and County-serviced customers is missed collection.

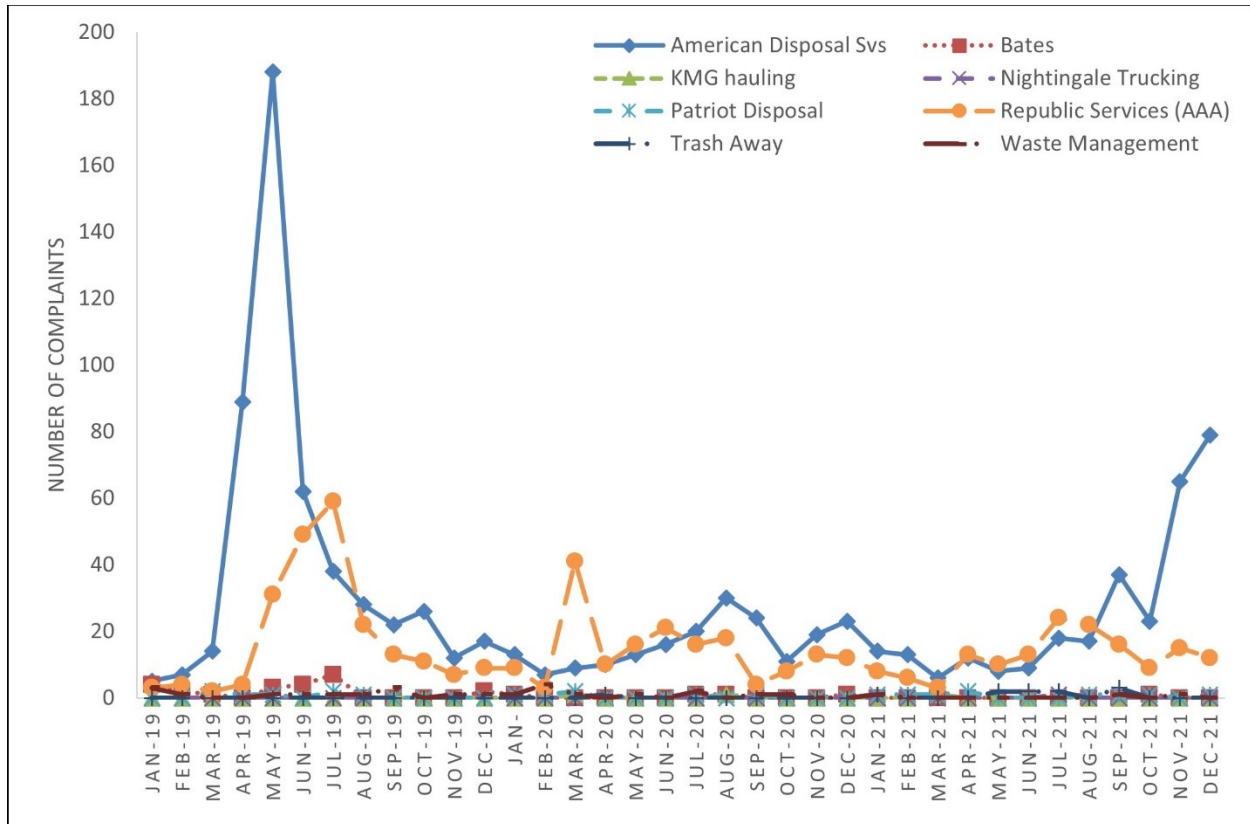


Figure 1. Complaints about private haulers received by SWMP from 2019 to 2021 by hauler.

In other jurisdictions within the region, collection services are provided by a mixture of public and private entities (Table 2). Non-residential collection service in all jurisdictions is performed by private haulers except for institutional segments (e.g., schools, parks, libraries). All jurisdictions require weekly collection of all materials. All jurisdictions offer drop-off service except for the City of Alexandria.

Table 2. Residential solid waste collection services in the region.

Jurisdiction	Refuse Collection Method / Disposal System Method	# Homes	Recycling Collections	Yard Waste Collections / Composting	Yard Waste Collection
City of Alexandria	Public / Private	20,000	Public (contract)	Public, curbside / Private composting	Year-round
Arlington County	Public (by contract) / Private	33,000	Public (contract)	Public, curbside (by contract) / Private composting	Year-round
Fairfax County	Blended Public and Private for collections and disposal	416, 000	Blended Public and Private	Blended, curbside / Private composting	Mar – Dec
Loudoun County	Private / Public	140,000	Private	Private, curbside / Public composting	Mar – Dec
Prince William County	Private / Public	159,000	Private	Private, curbside / Private composting	Mar – Dec

Potential Collection System Options

In Fairfax County, residents within Sanitary Districts approved by the Board of Supervisors may only be serviced by SWMP. Sanitary District customers represent approximately 10% of current County single-family residences. Outside of Sanitary Districts, residents choose a permitted private sector hauler from the competitive private sector market.

Residents outside of Sanitary Districts may petition the Board of Supervisors to create a new Sanitary District or enlarge an existing one to service their neighborhood. Petitions require 55% support from the residential property owners within the neighborhood, and approval by the Board of Supervisors. Just as residents may petition the Board of Supervisors to create or enlarge Sanitary Districts, residents may petition the Board of Supervisors to abolish, or de-create, Sanitary Districts and go back to private sector competitive services.

As noted in the Environmental Quality Advisory Committee 2021 Annual Report on the Environment, more consistency in collection services across the County could reduce air pollutant emissions and reduce some traffic by allowing for a single collector to service a specific area. Options for more consistency in solid waste collection services within the County include:

1. Expansion of Sanitary Districts with collection service provided by SWMP. This would require the approval of a majority of residents within the areas to be included in new or enlarged Sanitary Districts, and a major increase in the capacity of SWMP collection services.
2. Contracting out collection service within an existing Sanitary Districts to private haulers managed by SWMP.
3. Abolishment of existing Sanitary Districts. This would require approval by the Board of Supervisors, although the Board has broad discretion to abolish a district when the “..purposes for which the Sanitary District was created are impractical...” (Code of Virginia 21-117).
4. Franchising, where the County engages in a competitive process that assigns discrete areas to a single private-sector collector, which has additional regulatory constraints.

For franchising, Virginia has established standards for any community wishing to establish a franchised collection system. The Code of Virginia (Section 15.2-934) requires the County to make a written finding that one or more of the following conditions are true to displace private haulers and establish a franchised system:

- Privately owned refuse disposal services are not available;
- Use of privately-owned services has endangered public health;
- Privately owned companies are not cost efficient; or
- Displacement is necessary to provide service for two or more localities.

If one or more of the above conditions are met, the County must either give a five-year notice to every private company being displaced before collection services can be franchised, or pay the other displaced collectors serving the franchised area the equivalent of one year of receipts that the displaced collector would have earned had they been allowed to continue collecting in the designated area.

Franchising may have impacts on local, small haulers. Standardization of service across the County may have cost impacts from reduced competition. Expansion of service by any single entity may not improve reliability given the current chronic labor shortages and equipment supply delays.

Sustainability Considerations

SWMP works to ensure the best services for our residents and promote sustainable practices by providing outreach and education, compliance and enforcement services, and managing County facilities to be resilient and fully compliant with all regulatory obligations. As the County implements the County and Schools Operational Zero Waste Plan approved by the Board of Supervisors, the County will be able to learn best practices that can eventually be applied to a County-wide Zero Waste effort. SWMP envisions that the County-wide Zero Waste Plan will be part of our 2025 Solid Waste Management Plan Update that will include not only waste

management strategies, but also waste reduction and diversion strategies. SWMP will be working with the public and private sectors to develop the plan update.