

Draft Memo: Policy Required to Address Illegal Dump Sites

Dear EQAC,

Below is the DRAFT memo Policy Required to Address Illegal Dump Sites for consideration at the 12/11/2024 EQAC meeting. While this DRAFT is similar to the version sent to you last month. It has been updated to include comments from EQAC Members, DPWES, DCC, and VDOT.

Clyde Wilber



County of Fairfax, Virginia

MEMORANDUM

DATE: JANUARY ???

TO: Fairfax County Board of Supervisors

FROM: Larry Zaragoza,, Chair
Environmental Quality Advisory Council (EQAC)

SUBJECT: Policy Required to Address Illegal Dump Sites

The Environmental Quality Advisory Council (EQAC) held two meetings in 2024 where testimony was taken from Citizens and County Staff members from DCC, DPWES, FCPD, FCHD, and VDOT. The 2024 EQAC Annual Report on the Environment includes the following recommendations to the Board of Supervisors:

A collaborative effort including DCC, DPWES, and the Police is needed. One of these agencies should be assigned the responsibility to lead the effort and be accountable.

Citizen Testimony received by EQAC and supported by County Staff established that illegal dumping is a significant problem impacting specific locations along VDOT ROWs. Where dumping is present, it becomes an unintended invitation for more dumping. The Fairfax County Health Department has written that these locations are not only a nuisance, but also a threat to public health and county stream pollution. Dump sites have been identified in One Fairfax Areas.

Several of the agencies agreed with the citizens that their effort are ineffective. EQAC received testimony from County Staff that the problem would persist until there is a coordinated policy directed and approved by the Fairfax County Board of Supervisors to address the issue.

Additional points made at the EQAC meetings by members of the community include the following:

- VDOT removal of trees has in some cases provided for dumping and illegal parking
- FCPD is not enforcing illegal parking and dumping laws
- Contractors find the cost of the proper dispose of waste burdensome
- Some contractors and residents do not know how to properly dispose of waste
- Distinct cultures see the impacts of littering/dumping differently
- County waste disposal rates are too expensive

- County waste disposal locations are too far away
- Clean up of dump sites does not deter more dumping and the problem cannot be addressed by more clean up.

To assist the Board of Supervisors in the development of a policy, a list of policy points and actions have been developed for your consideration. These recommendations are shown below.

1. Dumping Policy Leadership

Currently no agency is responsible for addressing dumping. It is strongly recommended that the Board of Supervisors assign a leadership role for eliminating dumping. It is also important that specific roles be assigned within this effort. The lead agency should provide the Board of Supervisors with any specific budget recommendations for implementing the policies.

2. No Dumping Signs

Impacted citizens and County Staff have made it clear that the current signs are ineffective. Also, soon after a cleanup occurs, the dumping continues. While requests for better signs in the VDOT ROW have been made, the signs VDOT installs are recognized by local groups as ineffective. Recommendations:

- At locations where dumping has occurred, signs in English and Spanish should be permanently erected that indicate dumping is illegal and subject to fines of up to \$1,500 per occurrence. A phone number for reporting dumping should be included.
- After every cleanup of a dump site, a large Portable Traffic Message Board should be put in place for one month. These lighted signs should indicate that dumping is illegal and that \$1,500 fines will be imposed. A phone number for reporting dumping should be included.
- If VDOT is unable or unwilling to erect such signage, an agreement between VDOT and the County should be made to allow the County to erect effective signs in the VDOT ROW without further VDOT approval.

3. Contractor Outreach.

A significant part of the problem is that some contractors find it easier to dump construction debris on the side of the road, rather than dispose of the material properly.

Recommendations:

- LDS should issue a letter to industry indicating that all construction materials must be disposed of properly. The letter should include instruction on how to dispose of waste and that waste dumped in the county has a penalty of up to \$1,500 per occurrence.

- LDS should include in each permit, where construction debris is anticipated, a copy of the letter to industry and require a signature indicating the contractor will dispose of construction material properly.
4. Community Outreach
- Recommendations:
- Outreach using social media and public meetings to the known impacted community should be conducted to obtain their perspective on the problems and proposed solutions. Outreach should include citizens living near dump sites and other community stakeholders.
 - Countywide Community stakeholders should be made aware of the problem and informed about how to make reports to FCPD on illegal parking and dumping.
 - Targeted ground level outreach to small business owners, limited English proficiency citizens, and outreach specific to the impacted communities around dump sites.
5. Complaints
- DCC receives dumping complaints and works with DPWS and FCPD to address complaints. However, the existing process is unable to effectively address dumping issues in the VDOT ROW. Staff believes that additional tracking will not resolve the root causes of dumping. EQAC agrees that tracking alone will not address the root causes. However, tracking should assist in building citizen confidence and assure the Board of Supervisors dumping is being addressed. Recommendation:
- While maintaining the “No Wrong Door” approach which calls upon each agency contacted with a complaint to address the complaint without transferring the citizen to another agency. If the agency receiving the complaint cannot address the issue it should be passed on to agency who can. The original complainant should then be informed of where the complaint is now being dealt with,
 - Complaints that are not resolved should be included in an annual report to the Board of Supervisors with an explanation of why the problem persists.
6. Enforcement.
- Citizen Testimony received indicated that current enforcement is inadequate.
- Recommendations:
- When a complaint is received by the police or assigned to the police through the “No Wrong Door” approach, police should respond to complaints as soon as practical. As with other complaints received, FCPD should also report complaints to DCC for tracking and if necessary other agency assignment.
 - The FCPD should issue a memorandum to officers on enforcement policy for dump sites. This should include reporting observed dumping to DCC and responding to reported complaints where possible.

- Improper parking at known dump sites should be enforced with vehicles ticketed and where appropriate towed as soon as possible.
- Where dumping is a recurring problem, cameras should be put in place for a period of one month or more to monitor for dumping. Where the person observed dumping can be identified, an investigation should ensue and appropriate fines issues by the FCPD.

7. VDOT Formal Agreement Needed

VDOT manages issues with their ROW separately from the County. VDOT receives and responds to complaints and does not routinely inform Fairfax County of the complaints or the VDOT response. County staff believe that the current process for addressing private property dumping works well, however, without a formal agreement, they cannot work with VDOT effectively. A formal agreement between the County and VDOT should be developed that provides for the following:

- Coordination on complaints and clean up actions
- Utilize trees wherever possible to restrict areas available for illegal parking and dumping
- Where other actions fail, fencing to restrict access to know dumping areas.
- Posting signs as discussed above

Many of the recommendations provided above came out of County Staff and VDOT discussions. Where County Staff concludes additional Board authorization is not necessary, the above actions can be implemented without delay. Staff also recommended aligning dumping control with the Strategic Plan. EQAC supports this recommendation, however, the implementation of the recommendations should not be delayed by the Strategic Planning process.

The assistance of EQAC is offered to assist in writing a dumping policy. To do this, the Board may wish to assign responsibility to a single agency as soon as possible for EQAC to work.

cc: Bryan Hill, County Executive
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
EQAC

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