

# Overview and Current Status of Recycling Enforcement

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



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# What We'll Cover Today

- ☞ Introduction – recent shifts in priority, pending complimentary changes in Code, increased political will/interest
- ☞ Quick Review of Fairfax Program – how many people and what they do
- ☞ Quick review of regs and process – County Code and enforcement manual processes, enforcement philosophy
- ☞ Quick review of current priorities and outreach model/tools
- ☞ Principle challenges – “it’s the same old song...” apathy, markets, limited authority
- ☞ Next steps
- ☞ Q&A

# Introduction

***“Oh, the times, they are a-changin...”***  
***Robert Allen Zimmerman***

- ☞ A quick word on Solid Waste Program re-organization
  - Two new Divisions, one new Boss
  
- ☞ Recent shifts in priority
  - Reduction in net operating losses
  - Increase in recycling rate
  
- ☞ Pending changes in Chapter 109.1
  - Clarify, Unify, Simplify, Streamline (CUSS)
  - Subjects HOAs, property managers, and brokers to regulation
  - De-codifies permitting processes
  
- ☞ Board discussions of SWMP update and related choices shows desire for increasing recycling rates through increased outreach and enforcement.

# Outreach and Enforcement Resources

***“I don’t have much money but, boy, if I did....”***

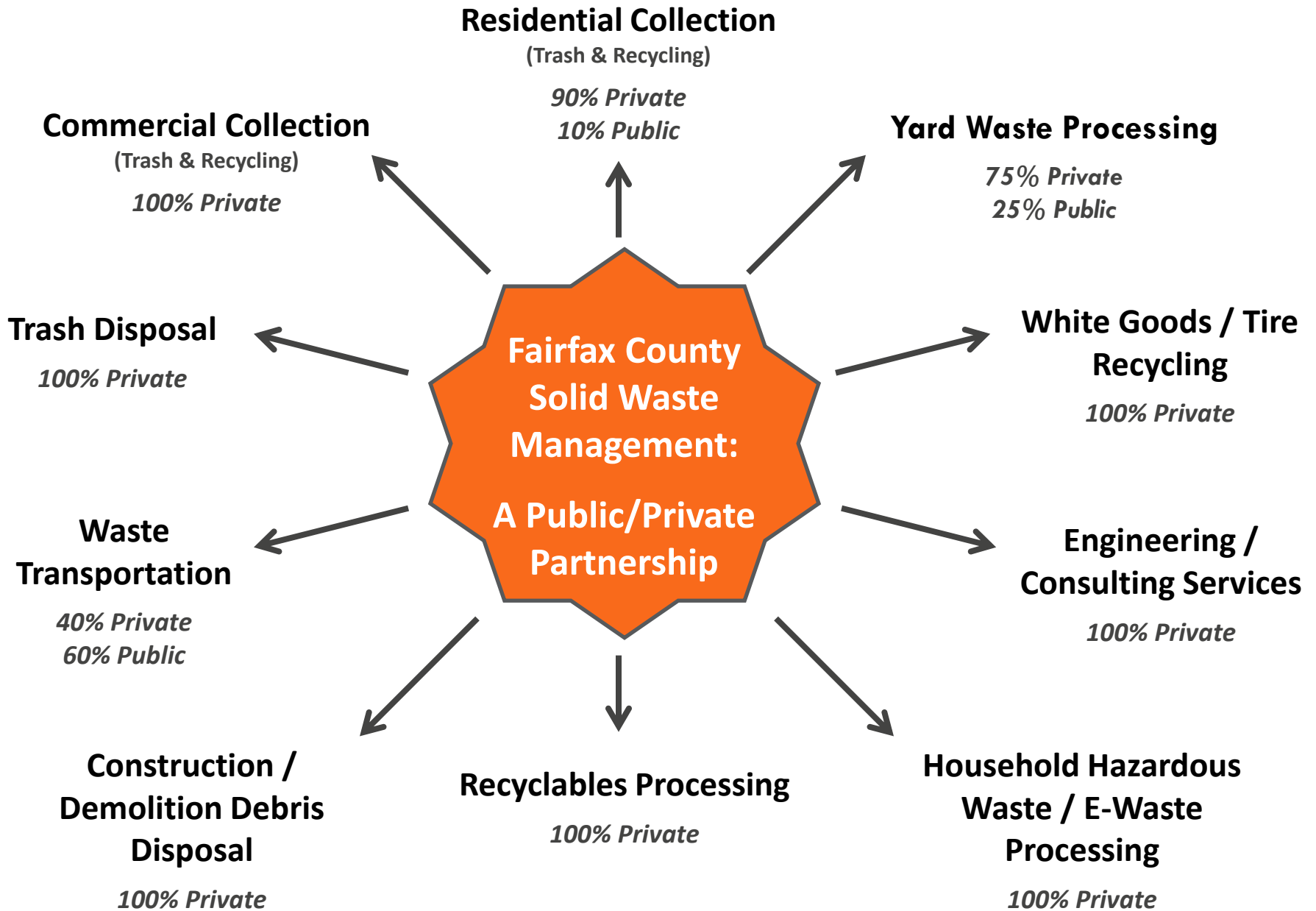
***Reginald Kenneth Dwight***

## **∞ Outreach Unit**

- Two positions for past several years
- Two vacant positions now to be filled
- Support budget of approx. \$75K

## **∞ Enforcement Unit**

- Two vacant positions now to be filled



# Regulations and Process

***“I fought the law, and the law won...”*, Sonny Curtis**

- ⌘ Chapter 109.1, latest revisions are imminent
  - Largely, requires MP/OCC + commingled, plus PRM
  - Construction sites must recycle OCC
  - Specificity and enforcement focuses on collections and property owners
  - 2015 revisions to establish unified recycling, and cover all waste managers
  
- ⌘ Waste Delivery/Disposal Agreement
  - Establishes a penalty rate and capability for “instant” fines
  
- ⌘ Traditional Enforcement Process
  - Progressive, follows “VW, NOE, WL, NOV” path
  - 12-month rolling “compliance window”
  - Historically, focused on collections, with recent activity targeting apartments and selected commercial
  
- ⌘ Resolutions/Remedies
  - Overwhelmingly non-adversarial; NOVs are rare, and resolved by Consent Agreement
  - CA’s seek to remove \$\$\$ benefit of non-compliance, and remedies typically germane to the infraction
  - Litigation in GDC, with infractions punished as a Class II Misdemeanor



# Current Priorities and Outreach Approach

***“Every move you make...I’ll be watching you...”, Gordon Sumner***

∞ No. 1 Goal – Reduce Operating Losses!

∞ Initial Focus on Four Areas:

- Waste exports;
- County institutions;
- Office Buildings; and
- CDD

∞ Historically, non-adversarial, voluntary; recent shift to traditional approach (compliance assistance, traditional enforcement as needed).

# Principle Challenges

***“Now, we’re back in the fight...”, Christine Ellen Hynde***

- ∞ Longstanding neglect of non-residential sectors
- ∞ Poor markets – currently, \$20 disposal vs. \$30 (net) recycling
- ∞ Limited legal support – Commonwealth vs. County
- ∞ Unclear statutory authority – Dillon rule issues



# Next Steps

***“I’m gonna be the man who’s working hard for you”, Charles Reid***

∞ As resources allow, monitor outcomes and report back:

- Enforcement stats
- Disposal tonnages
- Recycle rate
- System costs.

∞ Move on to construction and hospitality sectors

## Comments/Conversation