

# ILLEGAL DISPOSAL: Shared Roles & Responsibilities



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## □ Impacts from illegal disposal/dumping:

- Increasing volume at illegal disposal sites
- Town associated costs for clean-up (town crew, time, costs for disposal)
- Quality of life issues for neighboring residents – air, odors, dust, aesthetics
- Decreasing property values
- Pollution to waters of the state
- Vectors

# Definitions

- Solid Waste – CGS 22a-207 - unwanted discarded solid, liquid, semi-solid or contained gaseous material



# Dump, litter – CGS 22a-248

- To discard more than 1 cubic foot of litter at any one time
- Litter is any discarded substance or waste material



# Solid Waste Disposal Area:

Greater than 10 CY (10'x10'x3') Disposal equals placement of material with intent to leave or failure to remove within 45 days



# Illegal Disposal

- Citizen complaints
- Anonymous calls
- Employees / Competitors
- DEP / other Enforcement Agencies







2008/12/18



# Current Barriers to Timely Response

- Staff resources
- Large # of complaints
- Current on-going enforcement actions
- Complainant calls state first before the town
- Lack of preliminary efforts on town's part to investigate the complaint

# Current State Laws

DEP enlists the support of municipalities in investigation of complaints.

- CGS 22a-250 allows DEP or municipality to initiate investigation.
- CGS 22a-250(f) allows municipality to take enforcement action (cease & desist).
- CGS 22a-226 – authorizes municipal fines for violations for CGS 22a-250 and 22a-220.
- CGS 22a-250a – establishes procedures for local /state police seizure of vehicles.

# Vehicle Forfeiture Procedures

- If you are not a police officer:
  - Contact local police immediately.
  - Contact State police for violations on State property. DEP Conservation Officers can also enforce.
- For police:
  - Observe & document violation. DEP solid waste enforcement staff and/or town zoning officer can help evaluate violation.
  - Determine if an arrest is appropriate for violating solid waste statutes or for disposing hazardous waste without the required permit.

# Vehicle Forfeiture Procedures

- If there is a lawful arrest of the illegal dumper, decide whether to seize the vehicle under CGS 22a-250a
  - Question to ask is: Was the vehicle used to commit the violation of illegal dumping of waste.
  - Vehicle must be observed performing the violation or must have a witness who can positively identify the vehicle (license plate) and is willing to testify in court.
  - Time is of the essence – Service must be made within 10 days of seizure.

# Vehicle Forfeiture Procedures

- Complete entire form:
  - Need copy of title from vehicle owner or lien-holder.
  - Bring complaint to court and get a hearing date.
  - Serve the complaint on all people having an interest in the vehicle within 10 days of seizure.
  - Contact the Attorney General's Office and inform them of case or assistance in completing forms (860) 808-5250.
  - Contact DEP/solid waste enforcement staff as soon as possible (860) 424-3366.
  - Store vehicle according to usual police procedures.

Procedures will be posted on the DEB website

# Useful Complaint Info

- Photographs, video
- Time, date, and location
- Material being transported/disposed
  - Estimated amounts / waste types
- Vehicle description
  - License plate, V.I.N.
  - Vehicle type, make, model
  - Business name,
  - Phone, etc.



# DEP Follow-up

Possible inspection resulting in one or more of the following:

- Warning letter
- Field or office NOV
- Administrative order
- Consent order with penalties (\$25,000 max per day)
- Referral to Office of the Attorney General
- Referral to Office of the Chief State's Attorney

# Case Study

- Recent illegal dumping in Plymouth, CT
  - Attempt made to bury roll-off of asphalt roofing shingles.
  - Attempt thwarted by quick action of neighboring witness and quick police intervention.





# Web Site Improvements

- To be added to the DEP website:
  - State laws regarding illegal dumping
  - Recommended procedures for reducing illegal dumping at town level
  - Improving /updating town ordinances
  - Reporting procedures for Municipal & State
  - Vehicle forfeiture procedures
  - Sample enforcement letters
  - Case studies and links



# Proposed Illegal Disposal Survey

## Purpose:

- Provide information to the State to assist in improving website.
- Identify towns and cities that are using 22a-250 to reduce illegal disposal.
- Provide website links.

# Waste Engineering & Enforcement Division & Other DEP Contacts

- Robert Isner, Director: (860) 424-3264
- Frank Gagliardo, Supervising Env. Analyst:  
(860) 424-3130
- Solid Waste Help Line: (860) 424-3366
- Hazardous Waste (COMPASS): 1-888-424-  
4193
- DEP Website: <http://ct.gov/dep>
- Emergency Spill Reporting 24-hour # :  
(860) 424-3338

