

LOCAL SOLID WASTE ENFORCEMENT OFFICERS: DUTIES AND PROCEDURES



**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT PROGRAMS**

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Local Solid Waste Enforcement Officers: Duties and Procedures

The Mississippi Department of Environmental Quality (MDEQ) currently assists many communities by providing funding for local solid waste enforcement officers, through the solid waste assistance grants program. Numerous local governments across the state have received grants from MDEQ to provide for partial funding for these local officers. MDEQ believes that efforts by local governments to investigate and resolve solid waste complaints are likely to be the most successful manner in which to address many local solid waste management and disposal issues. The benefits of local law enforcement regarding illegal dumping and improper solid waste management conditions include the following:

- Local enforcement personnel can typically react to criminal acts such as illegal dumping more quickly than state or federal environmental agencies.
- Local enforcement programs can be proactive in their approach to enforcement of illegal dumping crimes.
- Local enforcement personnel already have relationships with county prosecutors, circuit attorneys and judges.
- Local enforcement personnel are very familiar with the geographic and environmental characteristics of the area.
- Local enforcement programs can be developed to meet the specific needs of the local community.

The purpose of this document is to provide local solid waste enforcement officers with guidance on the implementation of these local solid waste enforcement programs. The guidance included in this document is not intended to replace or conflict with current procedures of local government agencies or departments.

I. Duties of the Local Solid Waste Enforcement Officer

The local solid waste enforcement officer is the front line of defense in combating illegal

dumping and other forms of improper management of solid wastes. If the local solid waste enforcement program is going to be effective in the battle against illegal dumping, it is essential that the enforcement officer position be staffed with a qualified person. The local enforcement officer is often the primary person the general public will come into contact with when dealing with an illegal dumping matter. Therefore, it is important that he/she have proper training on Mississippi's environmental enforcement laws; be a good communicator to the general public on the proper methods of managing solid wastes; and be a good investigator when searching for information on the identification of persons involved in illegal dumping. In addition to qualifications, the officer must also be "positioned" within the local government in such a way that his/her impact is maximized. The position of a local solid waste enforcement officer may vary from community to community. Officers are currently employed by local sheriff's departments, police departments, zoning or code enforcement departments, solid waste management and public works departments, and various other local agencies.

Regardless of the type of agency, MDEQ requests that officers that are supported by MDEQ's Local Government Solid Waste Assistance Grant funds generally should assume the following responsibilities and job functions:

- A. The local solid waste enforcement officer should be responsible for efforts to eliminate illegal solid waste dumping in his/her jurisdiction. These efforts should include identifying existing dumps and new dumps as such dumps are created, and working to ensure that such dumps are properly cleaned up and closed by the appropriate responsible parties. The officer will utilize existing solid waste laws and ordinances in the enforcement and prevention of solid waste dumping.
- B. The local solid waste enforcement officer should establish procedures for receiving, processing, investigating, and ultimately resolving solid waste complaints received in his/her jurisdiction as included in this document. Such procedures should allow for persons filing complaints with the local government or with MDEQ to remain anonymous if desired. The officer should promptly

investigate solid waste complaints received from members of the public. The officer should also investigate local solid waste complaints which may be directed to the enforcement officer by MDEQ.

C. The local solid waste enforcement officer should maintain a working knowledge and understanding of the state's solid waste laws and regulations, of all local laws and ordinances applicable to solid waste management conditions, and of the provisions of the approved local solid waste management plan. The laws and regulations include but are not limited to, the following:

- the Mississippi Solid Waste Law (Section 17-17-1, et seq. of the Mississippi Code Annotated)
- the Mississippi Felony Dumping Law (Section 97-15-30 of the Mississippi Code Annotated)
- the Mississippi Nonhazardous Solid Waste Management Regulations
- the Mississippi Waste Tire Management and Waste Tire Transportation Regulations
- Local ordinances or laws involving dumping of solid wastes, land use or zoning issues, and other matters such as flood control

D. The local solid waste enforcement officer should maintain an understanding of the local solid waste management systems for the county and each municipality, including the following:

- Garbage and recyclable material collection services and the frequencies of collection
- Yard waste and bulky waste or white goods collection programs
- Solid waste management and disposal facilities and the days and hours of operation for these facilities
- Special waste management programs (e.g. waste tires, medical wastes, electronic wastes, pesticide container collection programs, household

hazardous waste programs, etc.)

- Recycling and pollution prevention programs, facilities, and organizations

- E. The local solid waste enforcement officer should develop a local public education and outreach program. The program should contain features about the local solid waste management and recycling programs available in the area, the penalties for illegal dumping or other violations of state law and other related environmental issues regarding solid waste management and disposal. The program should also contain provisions and procedures for interacting and dealing with local media outlets.
- F. The local solid waste enforcement officer should develop a working relationship with other local departments or agencies of government or the community such as the Solid Waste Department, the Sheriff's office, the Municipal Police Department(s), the Zoning or Code Enforcement Department, the Building Permits Division, the local Health Department, civic organizations and local environmental groups and with the appropriate MDEQ Regional offices in Oxford, Pearl, or Biloxi. (See the Appendices for listing of counties by MDEQ regions). The enforcement officer should coordinate program and enforcement efforts with the other departments and organizations as appropriate.
- G. The local solid waste enforcement officer may participate in the development and implementation of special events or programs to manage solid wastes where such programs are designed to prevent the unauthorized dumping of solid wastes and are not considered part of the normal garbage collection services for the local jurisdiction. Such special events or programs may include community clean-up events, special waste collection events (such as household hazardous wastes, electronic wastes and others), recycling promotion events, and other activities not prohibited in Part II of this duties and procedures document.

II. Restrictions on Local Solid Waste Enforcement Officers Funded by MDEQ

The Mississippi Code restricts solid waste assistance grant funds from being utilized by local governments to conduct certain activities. Consequently, the duties and work efforts of local solid waste enforcement officers that receive grant support from MDEQ should generally not include the following activities:

- A. The enforcement officer's duties do not include the collection of fees from local citizens for residential garbage collection.
- B. The enforcement officer's duties do not include taking actions against delinquent garbage fee payers for failure to pay fees. The officer can initiate actions against such persons for unauthorized dumping or improper disposal of solid waste, if such is appropriate.
- C. The enforcement officer's duties do not include supervision or work in the routine collection of garbage or in the management of the operations of a solid waste disposal facility.
- D. The enforcement officer's duties are not to primarily collect or supervise the collection of litter. While there will be some associated efforts in litter prevention and clean-up, these tasks should not be the officer's primary work duties.

III. General Procedures for Receiving Solid Waste Complaints

- A. Receiving Complaints from the General Public
 - 1. The local solid waste enforcement officer should develop procedures for receiving and investigating solid waste complaints received in his/her jurisdiction. Such procedures should allow for persons filing complaints

directly with the officer or local government agencies to remain anonymous, if desired.

2. The officer should designate a telephone number for use by the members of the public that wish to file solid waste related complaints. The officer may also provide other means of contact such as a U.S. mailing address or email address. The telephone number or other means of public contact should be advertised as part of the officer's local community education and outreach program.
3. The officer and all local personnel receiving complaints should utilize a standard complaint receipt form in order to insure that standardized information is received on each complaint. A sample complaint receipt form can be found in the appendices of this document. The officer may alter or modify the complaint form to meet his/her community's specific needs. However, a copy of the complaint form as well as any written correspondence regarding the complaint should be kept on file by the officer.
4. Should the officer receive a complaint that would be more appropriately investigated by the MDEQ (See B.1 on the next page), the officer should forward the complaint to the appropriate MDEQ Regional office. (A map of MDEQ regions is enclosed in the appendices). Contact numbers for those regional offices are as follows:

NRO (Oxford) — Michael Canerdy – Office Director

Phone: 662-234-3733

NRO Fax: 662-234-3749

CRO (Pearl) — Mike Taylor – Office Director

Phone: 601-961-5656

CRO Fax: 601-961-5619

SRO (Biloxi) — Nick Gatian – Office Director

Phone: 228-432-1056

SRO Fax: 228-432-5553

In case of an emergency environmental condition, the local officer should contact the Emergency Response Branch of MDEQ at (601) 961-5171 or the Mississippi Emergency Management Agency at (601) 352-9100 or 1-800-222-6362.

B. Receiving Complaints Directed to the Officer from MDEQ

MDEQ receives hundreds of solid waste complaints each year from across the State of Mississippi on a variety of solid waste matters. While the agency attempts to respond to and resolve all of the complaints for which we have jurisdiction, we believe that many, if not most, of the complaints would be more effectively investigated and resolved on a local level. Consequently, in counties or cities where MDEQ supports a local officer with grant funding, MDEQ will forward most solid waste complaints that it receives, to that local officer.

1. The Regional offices of the MDEQ will forward to the local solid waste enforcement officer each solid waste complaint received in that officer's jurisdiction, as determined appropriate by MDEQ. The Department will screen these complaints and will not send complaints to the officer that would be more appropriately addressed by our agency, although MDEQ may involve the officer in those local investigations also. Complaints that will continue to be handled by MDEQ will include the following:

- complaints about a facility that MDEQ permitted or that MDEQ actively regulates (such as a manufacturing plant or a landfill or

rubbish site);

- complaints that MDEQ has been actively investigating and by virtue of the conditions of the complaint should continue to investigate;
- complaints that will require the environmental expertise of one of the MDEQ regional field officers;
- complaints for which we know the local officer will not be able to access the property;
- complaints that are repeat complaints where the officer may have had limited or no success in resolving the matter;
- complaints that are of a highly visible or contentious nature, that may involve substantial public controversy; and
- complaints against the local government entity which employs the local solid waste enforcement officer.

2. The MDEQ Regional Offices will forward the complaints to the officer either by fax or email as soon as possible but generally within 24 hours of our Department receiving the complaint. The officer may designate the manner in which he/she wishes to receive the complaint (either by fax or email). The Department requests that the officer complete the complaint notification form and return it to MDEQ. This form will provide us with information as to how the officer prefers that complaint matters be transferred to him/her for investigation. It is our desire that the complaint information be provided to the officer as expeditiously as possible. Generally, the Department will not ask that an officer report back to

MDEQ on the resolution of the complaint, except for the supporting information filed with any grant request for payment (RFP). The complaint form will indicate whether MDEQ desires that the officer submit a report back to our office.

IV. Procedures for Investigating Solid Waste Management Complaints or Issues

- A. Upon the officer's receipt of a complaint, MDEQ requests that the officer attempt to investigate the complaint as soon as possible but at a minimum within 3 days of the initial receipt by MDEQ or the officer. If the complaint involves a matter that requires immediate attention, MDEQ will attempt to indicate this to the officer in the information provided on the complaint notice.
- B. In certain instances, the property owner, resident or responsible party may deny the enforcement officer access to the property to conduct the complaint investigation or the owner may not be available to grant access. In those circumstances, the officer should attempt to confirm the details of the complaint by accessing adjacent properties where the property owner may be agreeable to the officer's investigation. This may certainly be possible if the adjacent property owner is also the person who filed the complaint.

If the officer is unable to properly investigate the complaint, the officer has certain options for proceeding. (1). The officer may contact the appropriate MDEQ Regional office (a map of MDEQ's regions is enclosed in the appendices) and advise that office that he/she is unable to access the property to conduct a complaint investigation. The officer will be instructed to promptly fax a copy of the original complaint to the regional office with a written statement indicating he/she was denied access by the property owner; or (2). The officer may attempt to obtain access legally through the local court system, for appropriate law enforcement officials to conduct the complaint investigation on the property. In order to pursue this option, the officer should contact the County Attorney or City

Attorney to seek a search warrant. The officer also can contact the District Attorney or the Attorney General for assistance. The officer must be able to demonstrate probable cause to obtain the search warrant.

C. For those sites that the officer is able to obtain entry or sufficiently close access to evaluate the details of the complaint, the officer should make a written report indicating, at a minimum, the following information:

1. The location of wastes or materials of concern at the site and some indication as to whether the details of the complaint can be confirmed. The officer may want to make a schematic or site drawing to depict site conditions;
2. The persons present at the complaint site and the details of the officer's conversation or interview with them;
3. The type of wastes dumped or placed at the site and any apparent hazards visually identified with the wastes (e.g. asbestos, chemicals, explosive materials, medical wastes);
4. The condition of the wastes that are dumped or placed at the site (stockpiled, burned, neatly stacked, leaking containers, etc);
5. The apparent cause or reason for the dumping, placement, storage, or burning of the wastes at the site;
6. The person(s) responsible (if known) for causing the wastes to be placed at the site;
7. The owner of the property, if different from the responsible party. An officer may have to visit the local tax assessment office and review

property ownership maps to determine who the property owner is in some instances;

8. The best apparent manner for which the complaint should be resolved and for the site to be cleaned up and closed. State law indicates that removal or on site burial are acceptable methods of closure of an unauthorized dump site. In most instances, removal and proper disposal of the wastes is the preferred method for clean-up and closure of the illegal dump site. However, in some instances, on-site burial may be the best method to obtain closure of the site, especially if the site is a random public dump; if the position or location of the wastes makes removal too cumbersome or costly; and if the nature of the wastes and the site is such that on site burial would not cause a public health hazard or an environmental problem (e.g. yard debris, limbs, concrete, other inert materials); and
9. The officer may need to take pictures (preferably digital electronic) of the complaint site to establish a record of the visit but also for use in conducting a follow-up inspection at the site.

This report may be made on the attached complaint investigation report or similar form or on other forms or letterhead of your agency. Generally, the officer should keep these records on file and will not send reports of resolution back to the MDEQ Regional office. In some limited circumstances, the local officer may have to provide this report back to MDEQ if determined necessary. Otherwise, the reports will only be provided to MDEQ for demonstration of work efforts in a Grant Request for Payment (RFP) submittal. The goal is to attempt to have enforcement officers resolving and managing complaint matters locally.

- D. If possible, the officer should attempt to resolve the matter on-site with the responsible party. The officer should advise the party of the requirements under the Mississippi solid waste laws and regulations; should discuss with the party the

corrective actions necessary to remove the waste or close the unauthorized dumpsite; should discuss a schedule for accomplishing that corrective action; and should discuss a date at which time the officer will return for a follow-up inspection. The officer should also discuss with the responsible party the potential repercussions from their actions or from their failure to take the appropriate corrective actions.

- E. For many of the complaints that the local officer attempts to handle and resolve, the officer will need to provide written notice to the responsible parties of the violations that have been noted and of the actions necessary by the person to clean up and close the dump or otherwise resolve the complaint. This written notice may occur to follow-up on discussions described in Part D above or may be the initial contact with the responsible party. Copies of sample notification letters for certain complaint types have been enclosed in the Appendices for your reference or use.
- F. If the unauthorized dumping matter is not corrected by the responsible party, or if the complaint is of a deliberate or flagrant nature, the officer may evaluate the options for initiating enforcement actions against the responsible party. These enforcement options could include the following:
- Citation under State and local litter laws;
 - Citation under a local illegal dumping ordinance;
 - Citation under a local zoning ordinance;
 - Referral to MDEQ for possible civil enforcement actions;
 - Referral to the District Attorney or the Attorney General's office under the State Felony Dumping Laws; or
 - Referral to U.S. Environmental Protection Agency's criminal enforcement division

There certainly may be other enforcement options not discussed here that are available, based on the type of incident, the local agencies involved or additional local laws governing these matters.

V. Local Public Education and Outreach Programs

The solid waste enforcement officer should develop a local public education and outreach program to advise and inform the public of solid waste laws and of solid waste services in the local area. The officer should consider a variety of outlets for public education and outreach. These include the following:

- Development and distribution of brochures which describe local waste services or which discourage illegal dumping. These brochures can be inserted into electric bills, water bills or other mail outs to the public or can be distributed at public events or meetings.
- Visits to local schools and civic organizations to discuss solid waste management issues in the local area.
- Partnerships with local or state organizations such as Keep America Beautiful, 4-H Clubs, Beautification groups, and other civic groups.
- Use of radio, television, and other news media to announce special events, programs, services, or to communicate laws or successful program activities.
- Use of the electronic media including website development or email communications to key organizations or people.

A packet of resource information for each enforcement officer's use and reference in future solid waste matters has been assembled and provided with this document. The information included will hopefully provide the officer with guidance and reference points in local solid waste enforcement and educational efforts.

APPENDICES

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

REGIONAL OFFICES

NORTH REGIONAL OFFICE - (Oxford)

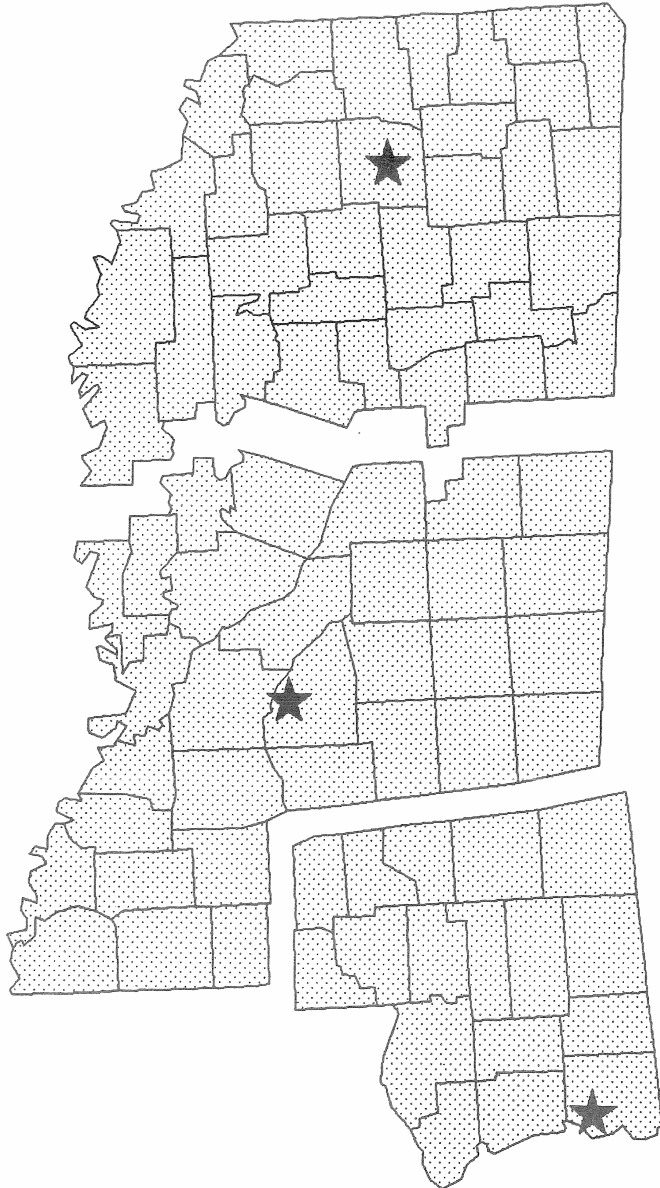
Alcorn	Desoto	Montgomery	Tippah
Benton	Grenada	Oktibbeha	Tishomingo
Bolivar	Itawamba	Panola	Tunica
Calhoun	Lafayette	Pontotoc	Union
Carroll	Lee	Prentiss	Washington
Chickasaw	Leflore	Quitman	Webster
Choctaw	Lowndes	Sunflower	Yalobusha
Clay	Marshall	Tallahatchie	
Coahoma	Monroe	Tate	

CENTRAL REGIONAL OFFICE - (Pearl)

Adams	Holmes	Lincoln	Sharkey
Amite	Humphreys	Madison	Simpson
Attala	Issaquena	Neshoba	Smith
Claiborne	Jasper	Newton	Warren
Clarke	Jefferson	Noxubee	Wilkinson
Copiah	Kemper	Pike	Winston
Franklin	Lauderdale	Rankin	Yazoo
Hinds	Leake	Scott	

SOUTH REGIONAL OFFICE - (Biloxi)

Covington	Harrison	Lawrence	Walthall
Forrest	Jackson	Marion	Wayne
George	Jeff Davis	Pearl River	
Greene	Jones	Perry	
Hancock	Lamar	Stone	



Date

(1 – Address)

Re: (2 -Complaint Reference)

Dear (3) :

Recently, the (Agency/Dept) investigated a complaint regarding the unauthorized dumping of wastes on property apparently owned by (4) located on (5) in (6) County. The wastes noted at this unauthorized dump included (7- waste types).

This letter is to inform you that unauthorized dumping is prohibited by Section 17-17-17 of the Solid Waste Law of Mississippi, which states: "The formation of unauthorized dumps is hereby declared to be a public nuisance per se, menacing public health and unlawful ... Existing dumps shall be eliminated by removal or on-site burial" (Mississippi Code of 1972, Annotated).

This dump presents a threat to the health of the local citizens and to the environment of the community. Therefore, we request that you initiate clean-up and closure of this unauthorized dump. Closure involves removal and transport of the wastes to an authorized disposal facility, or on-site burial of the wastes with at least two feet of earthen cover material. In addition, "No Dumping" signs should be erected to inform the public, and access to the site should be controlled.

Thank you for your assistance in this matter. A follow-up inspection will be made in approximately thirty (30) days to ensure compliance. Should you have any questions or comments, you can contact this office at (phone number).

Sincerely,

(Name)

County Solid Waste
Enforcement Officer

cc:

Letter1-LSWEOfficer_duties&proc

Date

(1 - Address)

Re: (2 - Complaint Reference)

Dear (3- Name):

Recently, the (Agency/Dept) investigated a complaint regarding the unauthorized dumping of wastes on property apparently owned by (4) located on (5) in (6) County. The wastes noted at this unauthorized dump included (7- waste types).

This letter is to inform you that unauthorized dumping is prohibited by Section 17-17-17 of the Solid Waste Law of Mississippi, which states: "The formation of unauthorized dumps is hereby declared to be a public nuisance per se, menacing public health and unlawful ... Existing dumps shall be eliminated by removal or on-site burial" (Mississippi Code of 1972, Annotated).

Although you may not be aware of nor condone the unlawful dumping of wastes at this site, it is important for you to know, as the landowner, that you may be held responsible for any environmental damage that this unauthorized dump may cause. We are requesting that you either have the wastes buried on-site with at least two feet of earthen cover material or remove the wastes to an authorized disposal site. An authorized disposal site where these wastes may be disposed is located at (site address). In addition, "No Dumping" signs should be erected to inform the public, and access to the site should be controlled/limited.

A follow-up inspection will be made in approximately thirty (30) days to ensure compliance. Should you have any questions or comments, you can contact my office at (phone number).

Sincerely,

(Name)
_____ County Solid Waste
Enforcement Officer

cc:

Letter2_LWSEofficer_duties&proc

Date

(1-Address)

Re: (2-Complaint Reference)

Dear (3-Name):

Pursuant to our telephone conversation on (4-date) the following letter will serve as documentation of our discussion of the above referenced complaint. The location of the complaint was on property owned by (5) located in (6) County. The wastes noted at this unauthorized dump included (7).

It is our understanding that you intend to (8 – actions). We appreciate your prompt response to clean up and close this unauthorized dump.

A follow-up inspection will be made in approximately thirty (30) days to ensure compliance. Should you have any questions or comments, you may contact this office at (phone number).

Sincerely,

(Name)

County Solid Waste
Enforcement Officer

cc:

Letter3_LSWEOfficer_duties&proc

Date

(1 – Address)

Re: (2- Complaint Reference)

Dear (3):

On (4- Date), the (5- Agency/Department) investigated a complaint regarding the unauthorized dumping of solid wastes on property located at (6) in (7) County. The investigation revealed solid wastes at the site that contained your name and address.

This letter is to inform you that unauthorized dumping is prohibited by Section 17-17-17 of the Solid Waste Law of Mississippi, which states: "The formation of unauthorized dumps is hereby declared to be a public nuisance per se, menacing public health and unlawful, and any person who forms an unauthorized dump shall be punished" (Mississippi Code of 1972, Annotated).

Please ensure that in the future your wastes are properly disposed at an authorized disposal facility. Further illegal dumping by you at this or any other unauthorized site could result in enforcement action against you by this Office. If you need information on where to dispose of your wastes or should you have any questions or comments, you can contact this office at (phone number).

Sincerely,

(Name)

County Solid Waste
Enforcement Officer

cc:

SOLID WASTE COMPLAINT RECEIPT FORM

Date

Time

Name of Complainant: _____ Phone: _____

Address of Complainant: _____

Street or P. O. Box City Zip Code

COMPLAINT

Alleged Responsible Party: _____ Phone _____

Address: _____

Street or P.O. Box City County Zip Code

Directions: _____

Nature of Complaint: _____

Complaint Taken By: _____

Complaint Number: _____

SOLID WASTE COMPLAINT INVESTIGATION REPORT FORM

Date: _____ Time: _____ Original: _____ Follow-Up _____

Complaint Site: _____

Address: _____

_____ Section _____ Township _____ Range _____

Waste/Conditions Noted at the Site: _____

Responsible Party: _____

Address: _____ Phone: _____

Landowner: _____ Source of Waste _____ Other _____

Other Persons Involved with the Site: _____

Discussion with Party On-Site: _____

Other Comments: _____

_____ Map, drawing photographs attached

_____ Supplemental information attached

Investigator _____

Complaint Number _____