

Getting the most out of enforcement



Illegal Dumping

Illegal dumping, also known as "midnight" dumping, is the term used to describe disposing of waste in unauthorized areas. It is an environmental crime. Depending on the circumstances, charges can range from misdemeanor to felony and the fines can be quite heavy.

Trends show illegal dumping is rising in North Carolina. Rising disposal costs and an increase in building are contributing factors. Illegal dumps are not just ugly, they also impact human health, damage the environment and can discourage economic development.

Key Actions Considered Illegal Dumping

According to the NC DEQ and state guidelines, illegal dumping includes:

- **Dumping at non-permitted sites:** Leaving waste on vacant lots, rural roadsides, ditches, or wooded areas.
- **Unpermitted burying or burning:** Burying solid waste or burning non-vegetative materials without a proper permit.
- **Using waste as unauthorized fill:** Laying down debris or materials to grade land without proper environmental approval.
- **Disposing in water:** Releasing trash, appliances, or chemicals into streams, lakes, or coastal waters.
- **Unsecured loads:** Transporting waste in a way that causes materials to scatter on



Littering



Under North Carolina law (General Statute § 14-399), **littering** is defined as intentionally or recklessly throwing, scattering, spilling, placing, or otherwise disposing of any litter upon any public or private property not owned by you, or in the state's waters (including highways, parks, beaches, and rivers).

- **Intentional Littering**
- **Unintentional Littering**





Why is solid waste enforcement important?

- Improper disposal of waste is illegal!
- Citizen demand
- Enhances perceptions of the community
- Protects public health and the environment

How an enforcement program benefits your Community

Environmental education & outreach







How an enforcement program benefits your Facilities

Secure Load Enforcement



How an enforcement program benefits your Community









Reduces litter

How an enforcement program benefits your Community





STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Keep NC Beautiful
All Ways Green

KEEP North Carolina CLEAN

NC Big Sweep
Keep North Carolina Clean

Supports clean-up activities

S W A E O

How an enforcement program benefits your Facilities



Assist with special events,



direct customers, regulate traffic flow

How an enforcement program benefits your Facilities





Spot check incoming loads

WHAT IS SOLID WASTE ENFORCEMENT?

A coordinated approach to lasting compliance



Regulatory authority



Education & partnerships



Responsible waste solutions

Solid Waste Enforcement is more than issuing violations. It is a coordinated approach combining regulatory authority, education, community partnerships, and responsible disposal solutions to achieve compliance, protect public health, and improve environmental conditions.

G.S. 130A-290(38) Defines Solid Waste Management….

"Solid waste management" means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.

Chapter 130A further provides for the Division to enforce the rules covering establishment, location, operation, maintenance, use and discontinuance of solid waste management sites, both active and inactive.

The rules adopted pursuant to Chapter 130A do not encompass dump sites where multiple parties have dumped refuse without the permission, operation, or control of the land owner or site operator.

In these cases DWM lacks enforcement authority under Solid Waste Rules.

County Enforcement Authority

NCGS -Chapter 153A.

Counties

Article 1

G.S. 153A-132.1 authorizes counties to address indiscriminate dumping by adopting ordinances governing depositing or dumping of any trash, debris, litter, garbage, etc.

G.S. 153A-140 provides for abatement of public health nuisances, giving counties the right to remove, abate, or remedy anything dangerous to public health.

G.S. 14-399 covers the prohibition of littering and makes it a misdemeanor to place refuse, garbage, trash, etc. on private property of another without permission.

County Enforcement Authority

Chapter 130A.

Public Health

Article 1

G.S. 130A-17. Right of entry.

(a) The Secretary and a local health director shall have the right of entry upon the premises of any place where entry is necessary to enforce the provisions of this Chapter or the rules adopted by the Commission or a local board of health. If consent for entry is not obtained, an administrative search and inspection warrant shall be obtained pursuant to G.S. 15-27.2. However, if an imminent hazard exists, no warrant is required for entry upon the premises.

(b) The Secretary of Environmental Quality and a local health director shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9 and 10 of this Chapter.

County Enforcement Authority

G.S. 130A-18. Injunction.

(a) If a person shall violate any provision of this Chapter, the rules adopted by the Commission or rules adopted by a local board of health, or a condition or term of a permit or order issued under this Chapter, the Secretary or a local health director may institute an action for injunctive relief, irrespective of all other remedies at law, in the superior court of the county where the violation occurred or where a defendant resides.

(b) The Secretary of Environmental Quality and a local health director shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9 and 10 of this Chapter.

County Enforcement Authority

G.S. 130A-19. Abatement of public health nuisance.

(a) If the Secretary or a local health director determines that a public health nuisance exists, the Secretary or a local health director may issue an order of abatement directing the owner, lessee, operator or other person in control of the property to take any action necessary to abate the public health nuisance. If the person refuses to comply with the order, the Secretary or the local health director may institute an action in the superior court of the county where the public health nuisance exists to enforce the order. The action shall be calendared for trial within 60 days after service of the complaint upon the defendant. The court may order the owner to abate the nuisance or direct the Secretary or the local health director to abate the nuisance. If the Secretary or the local health director is ordered to abate the nuisance, the Department or the local health department shall have a lien on the property for the costs of the abatement of the nuisance in the nature of a mechanic's and materialmen's lien as provided in Chapter 44A of the General Statutes and the lien may be enforced as provided therein.

(b) The Secretary of Environmental Quality and a local health director shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9 and 10 of this Chapter.

City and Town Enforcement Authority

Chapter 160A.

Cities and Towns

Article 8

Delegation and Exercise of the General Police Power.

G.S. 160A-174. General ordinance-making power.

(a) A city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances.

G.S. 160A-193. Abatement of public health nuisances.

(a) A city shall have authority to summarily remove, abate, or remedy everything in the city limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety. Pursuant to this section, the governing board of a city may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety. The expense of the action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.

(b) The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection shall not apply if the person in default can show that the nuisance was created solely by the actions of another.

(c) The authority granted by this section does not authorize the application of a city ordinance banning or otherwise limiting outdoor burning to persons living within one mile of the city, unless the city provides those persons with either (i) trash and yard waste collection services or (ii) access to solid waste dropoff sites on the same basis as city residents.


LITTER
ENFORCEMENT CORRIDOR
INCREASED PENALTIES
NEXT 15 MILES
#ASK
TROOPER
BRENT

Litter Laws

Under North Carolina's anti-littering law. individuals may be fined and face community service for intentionally and unintentionally littering.

Intentional littering in the amount of 15 pounds or less is a Class 3 misdemeanor punishable by a fine of $250 to $1,000 and up to 24 hours of community service.

Unintentional littering in the amount of 15 pounds or less is an infraction punishable by a fine of up to $100 and up to 12 hours of community service.

Related

www

Littering Law (G.S. 14-399)

Webpage

Initiatives & Policies

Adopt-A-Highway

Climate Change & Clean Transportation

Litter Management

Litter Laws

Litter Sweep

Swat-A-Litterbug

Annual Litter Report

News

Resources

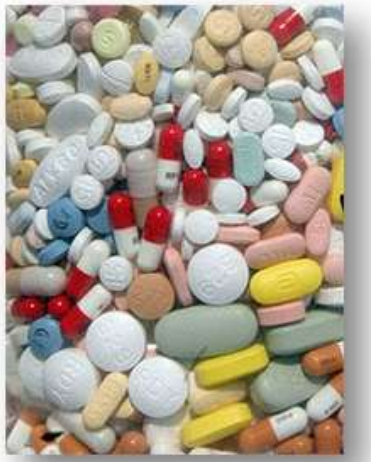
Divisions

Diversion and Environmental Crimes

The Diversion and Environmental Crimes Unit enforces the SBI original jurisdiction in drug investigations and environmental crimes. The unit also assists local law enforcement, federal agencies and agencies from other states.

Environmental investigations involve violations of state and federal environmental laws and regulations such as the Clean Water Act, Oil Pollution and Hazardous Substances, Medical Waste and the Clean Air Act. These are often crimes of profit committed by someone who wants to gain an economic advantage for a business. For example, criminals dump hazardous waste without disposing of it properly, discharge untreated waste into streams, or lie about or fake documents such as environmental tests.

Drug Diversion Investigations



DECU investigates the diversion of prescription drugs by licensed healthcare professionals and others involved in the healthcare registrant field. Investigations frequently involve the dilution, substitution or theft of medication from hospitals, pharmacies and medical facilities. DECU conducts investigations of large scale or multi-jurisdictional prescription fraud cases. We also investigate suspicious deaths which occur in healthcare facilities.

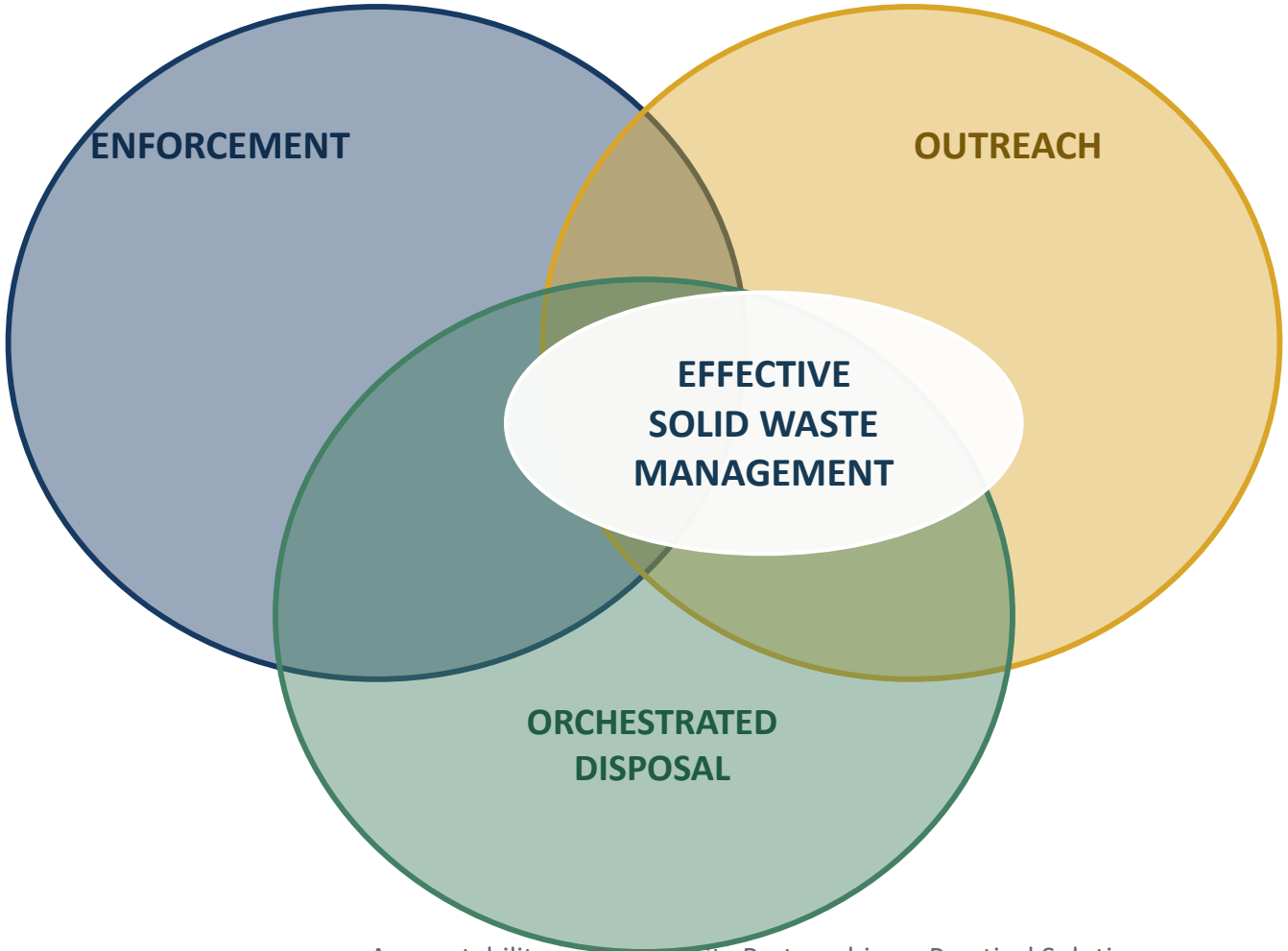
Operation Medicine Drop

Collection and proper disposal of old prescriptions and over-the-counter drugs helps prevent accidental poisonings and drug abuse. The SBI helps sponsor annual statewide Operation Medicine Drop events to help North Carolinians safely dispose of old medications. The SBI also provides resources and support so local law enforcement agencies can host local take-back events throughout the year to protect their communities.

Learn more about Operation Medicine Drop from Safe Kids North Carolina.

THREE PILLARS OF EFFECTIVE SOLID WASTE MANAGEMENT

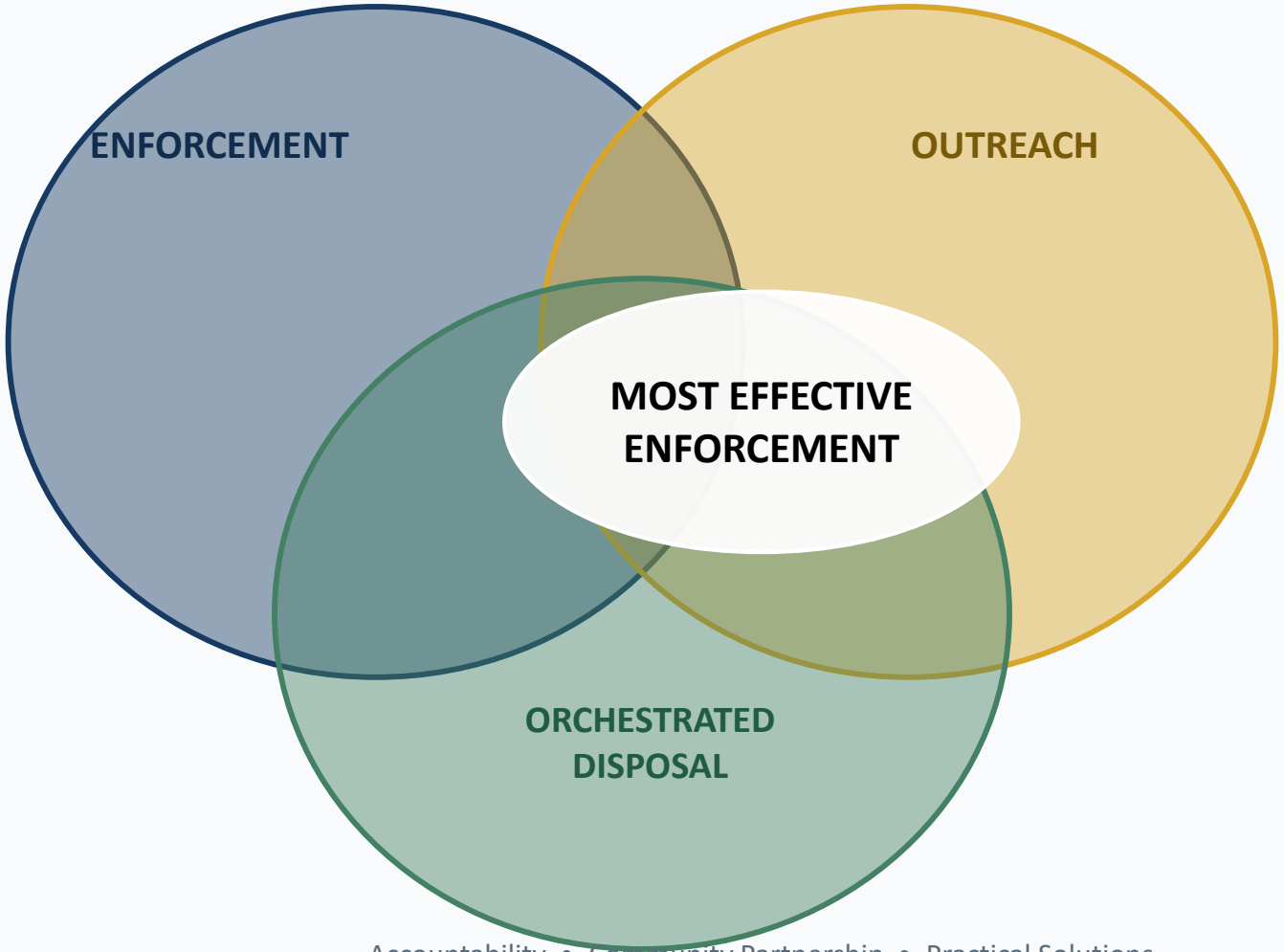
A coordinated approach to cleaner, safer communities



Accountability • Community Partnership • Practical Solutions

THREE PILLARS OF EFFECTIVE SOLID WASTE MANAGEMENT

A coordinated approach to cleaner, safer communities



Accountability • Community Partnership • Practical Solutions


ALL HANDS
ON DECK

STAKEHOLDERS IN SOLID WASTE MANAGEMENT

Collaboration across regulation, enforcement, operations, and the community

NCDEQ Solid Waste Section

Local Law Enforcement

Environmental Health & Codes Enforcement

Solid Waste Divisions

Coordinated Action

Outreach Coordinators

Community Leaders

General Public

Civic Groups

Aligned Organizations

Shared goal: cleaner communities • consistent compliance • responsible disposal



Outreach

- Public Communications
- Environmental Education- Civic Groups, Schools, Faith Groups
- Parks and Libraries
- Law Enforcement
- Social Media



Goal - Create Awareness – Engauge Community – Build Coalition of Active Participants

=Behavior Change


TARP IT
OR TICKET
SECURE YOUR LOAD
OR PAY THE COST.
FINE UP TO
$1,092


LITTERING
IS ILLEGAL




CLEAN ENERGY
CLEAN ENERGY
ECO
ECO


WARNING
ILLEGAL DUMPING
PROHIBITED
VIOLATORS WILL BE PROSECUTED
FINES & JAIL TIME
ENFORCEMENT BY COUNTY & STATE LAW





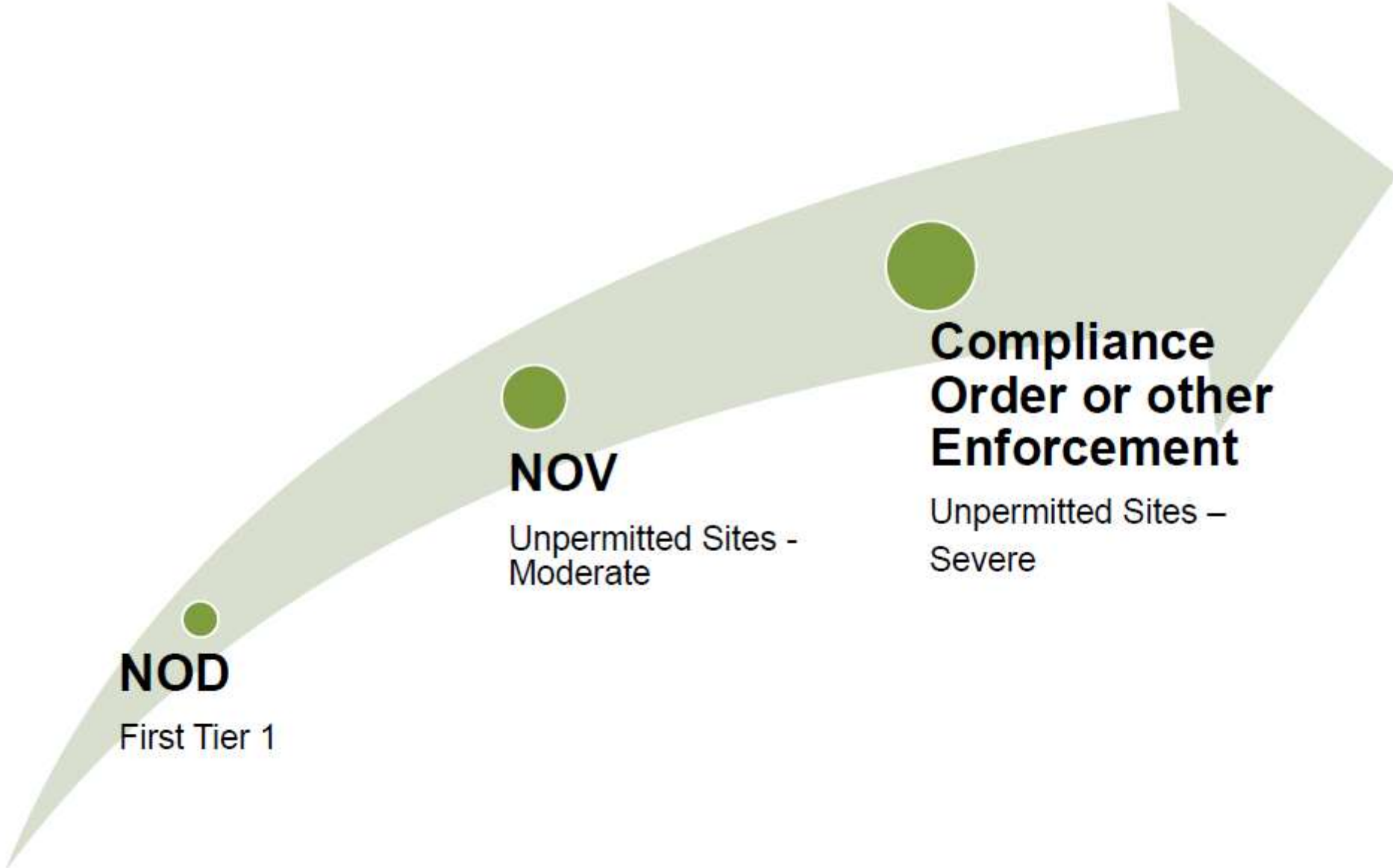




DEQ Enforcement Process – Tiered Enforcement

- Regulatory Reform Act of 2011 that became law on July 25, 2011
- The Act directed the "Secretary of Environment and Natural Resources to develop a uniform policy for notification of deficiencies and violations for all of the regulatory programs within the Department of Environment and Natural Resources (DENR)."
- The Act further specifies that the different types of notification be based on the potential or actual level of harm to public health, the environment, and the natural resources of the state.

DEQ Enforcement Process – Tiered Enforcement



DEQ Enforcement Process – Notice of Open Dump

G.S. 130A-301.1(f)

When an open dump is not cleaned up through tiered enforcement, the last option is to record a Notice of Open Dump to provide notice to future landowners that waste is present at the site.



Mail to
Division of Solid Waste Management
Solid Waste Section
585 Waughtown Street
Winston Salem, NC 27107

BK0929PG1033

12.00

FILED
95 JAN -4 AM 9:35
RONALD W. CALLICUTT
REGISTER OF DEEDS
DAVIDSON COUNTY, N.C.

CLOSURE NOTICE

STATE OF NORTH CAROLINA
COUNTY OF Davidson

BEFORE THE DIVISION OF
SOLID WASTE MANAGEMENT
DEPARTMENT OF ENVIRONMENT,
HEALTH AND NATURAL RESOURCES

RECEIVED
JAN
DWS-WSRO

IN RE:

PROPERTY OF
Joe G. Moore

LOCATED IN
Thomasville

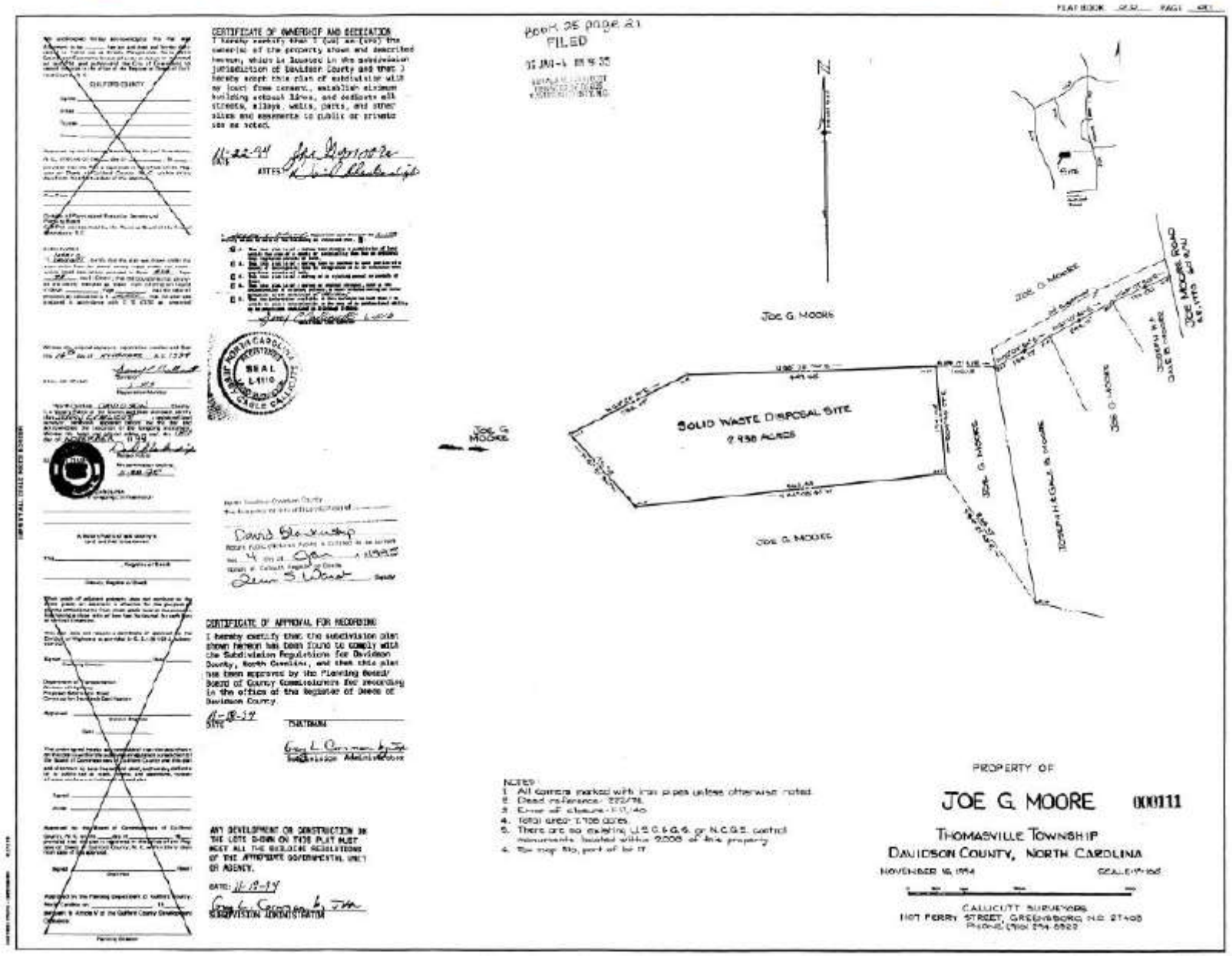
NOTICE OF CLOSED UNPERMITTED
SOLID WASTE DISPOSAL SITE

NOTICE IS HEREBY GIVEN THAT SOLID WASTE HAS BEEN BURIED ON THE HEREINAFTER DESCRIBED PROPERTY OF

Joe G. Moore
Rt. 6, Box 2058
Thomasville, N.C. 27360

AT THE LOCATION DESCRIBED UPON THE ATTACHED MAP PREPARED BY Jerry Cagle Callicutt, REGISTERED LAND SURVEYOR, AND RECORDED IN MAP BOOK 35, PAGE 21.

DEQ Enforcement Process – Notice of Open Dump



Out of necessity indiscriminate dumping and littering will have to be addressed by each county.

Clear authority is given to counties, cities, and towns to develop ordinances for the management of solid wastes.

Where both the local governments and the Division of Waste Management have jurisdiction enforcement efforts should be coordinated for the most efficient response. Actions need to parallel one-another rather than conflict.

It is expected that the local governments will not rely on the state to handle all solid waste issues within their jurisdiction.

Benefits of a Local Government enforcement program:

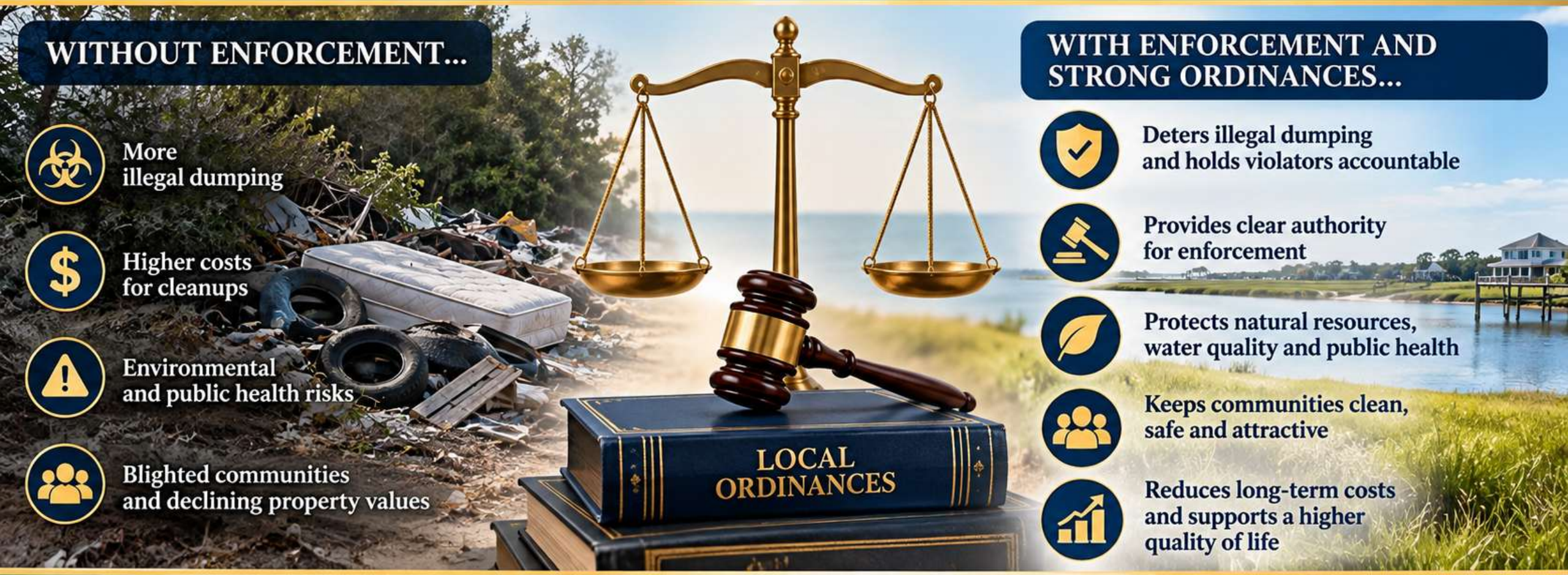
- Fast response.
- Knowledge of area, responsible parties, sources of wastes, etc.
- Speedier process if set up to be.

DWM enforcement process:

- May not be able to get to site as quickly.
- May get higher penalties.
- May lead to recordation of a site vs. cleanup - Notice of Open Dump.
- Support to local programs when needed.

WHY SOLID WASTE ENFORCEMENT MATTERS

AND THE VALUE OF STRONG LOCAL ORDINANCES



WITHOUT ENFORCEMENT...

- More illegal dumping
- Higher costs for cleanups
- Environmental and public health risks
- Blighted communities and declining property values

WITH ENFORCEMENT AND STRONG ORDINANCES...

- Deters illegal dumping and holds violators accountable
- Provides clear authority for enforcement
- Protects natural resources, water quality and public health
- Keeps communities clean, safe and attractive
- Reduces long-term costs and supports a higher quality of life

STRONG ORDINANCES + CONSISTENT ENFORCEMENT = CLEANER, SAFER AND HEALTHIER COMMUNITIES

HOW TO LEVERAGE YOUR INFLUENCE

Build relationships • Align priorities • Inspire shared ownership

LAW ENFORCEMENT

Coordinate investigations, clarify roles, and establish referral pathways.

CODES ENFORCEMENT

Share information, align ordinances, and coordinate corrective action.

OUTREACH AGENCIES

Equip partners with education, resources, and consistent messaging.

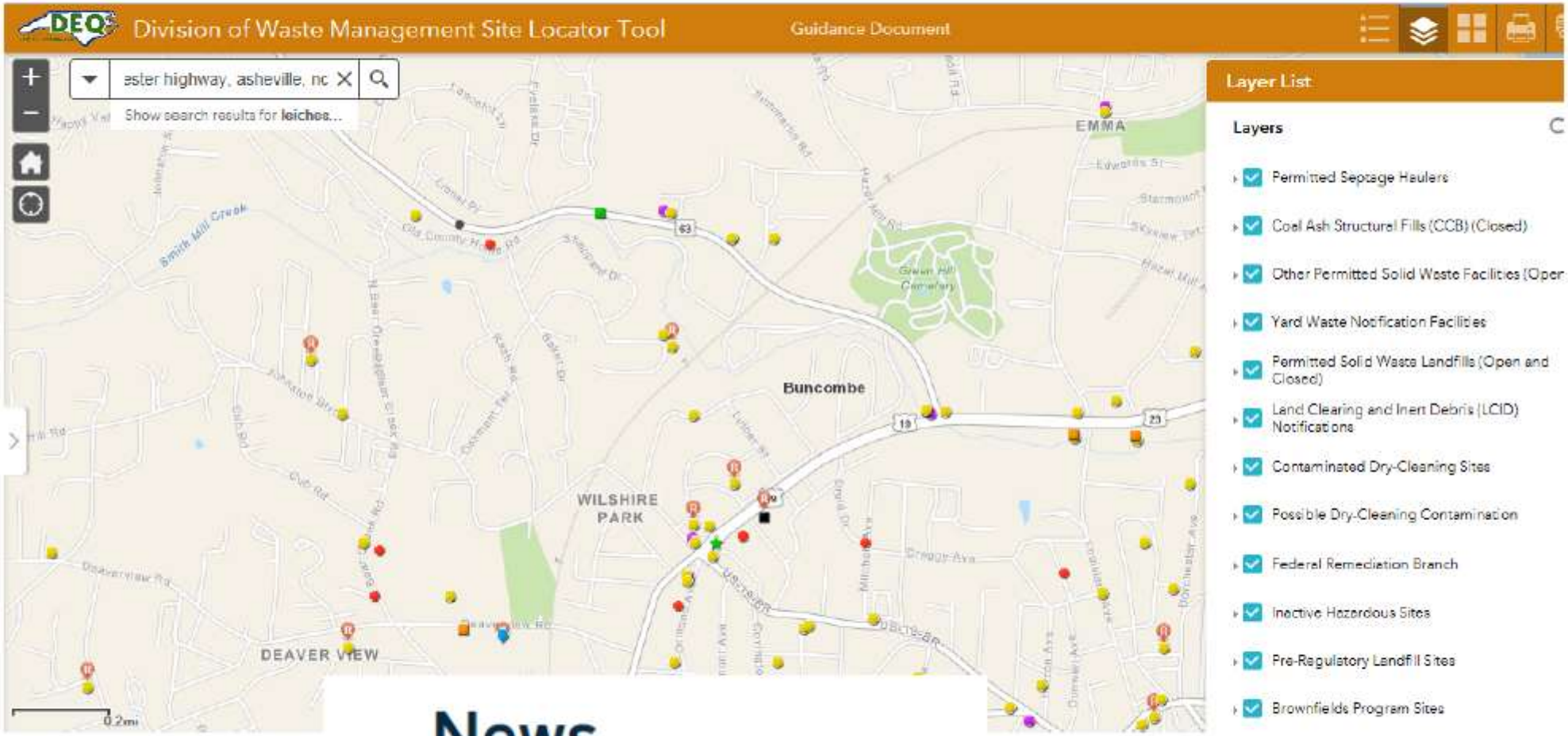
THE COMMUNITY

Engage residents and civic leaders to report issues and champion solutions.

INFLUENCE → PARTNERSHIPS → ACTION → RESULTS

Start with a shared problem. Make a specific ask. Recognize every partner's contribution.

Division of Waste Management Site Locator Tool



News

- New DWM Site Locator Tool



https://www.newbernnc.gov/residents/keep_new_bern_clean.php

North Carolina Solid Waste Enforcement Officers Association

NCSWEOA.ORG

- Environmental Enforcement Officers
- Code Enforcement Personnel
- Sworn Law Enforcement Officers
- Environmental Health Professionals

- Solid Waste Professionals
- Zoning/Planning Staff
- SBI Environmental Crimes Unit
- Compliance Officers/Regulators

- **Thank You**

NCSWANA!

Caleb Sinclair, Director of Solid Waste, Union County Government

Caleb.Sinclair@unioncountync.gov

