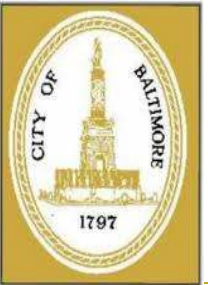


<b>FROM</b>	<b>NAME &amp; TITLE</b>	Matthew W. Garbark, Acting Director	CITY of BALTIMORE  <i>MEMO</i>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Public Works 600 Abel Wolman Municipal Building		
	<b>SUBJECT</b>	City Council Resolution 21-0049		

April 13, 2021

**TO:**

Health, Environment, and Technology Committee

I am herein reporting on City Council Bill 21-0049 introduced by Council Members Cohen, Burnett, Dorsey, Middleton, Bullock, Ramos, and Torrence.

The purpose of the Bill is to modify the applicable environmental control citation and civil citation fines for violating Title 7, Subtitle 6 of the Baltimore City Health Code; and to require that the Health Commissioner submit an annual report detailing certain information regarding the City's prohibited disposal laws.

Title 7 {Waste Control} of the Baltimore City Health Code covers solid waste collection, transporting of waste, landfills, hydraulic fracturing, prohibited disposal, and littering. In § 7-102(c) the Health Commissioner is directed to regulate "...the collection, transportation, and disposition of waste by commercial haulers and other persons in the City" because of the serious health and environmental consequences of improperly managed waste materials. Violations of these sections may be subject to environmental or civil citations or misdemeanors, with corresponding penalties for each separate offense. It is also worth noting that under § 6-603.1(b) of the Health Code the Health Commissioner may suspend or refuse to renew the license of a food service facility for certain offenses, which, in addition to Title 7 of the Health Code, include certain violations of Article 23 {Sanitation} and Article 24 {Water} of the Baltimore City Code, and the general requirements of the Property Maintenance Code (Building, Fire, and Related Codes).

City Council Bill 21-0049 focuses on Subtitle 6 of Title 7 (Prohibited disposal), which requires that waste be properly contained and disposed of at an appropriate facility, prohibits dumping of waste on public or private property, and allows for the seizure of vehicles used for illegal waste disposal. The legislation proposes to make the following changes and additions:


- The Bill would increase the illegal dumping fines imposed under environmental or civil citations. Article 1 Subtitle 40 of the Baltimore City Code lists the violations and corresponding fines that may receive environmental citations that can be adjudicated by the Environmental Control Board. Parallel civil citations and fines are listed in Article 1

Subtitle 41 of the Code. Currently there are two levels of fines listed in Subtitles 40 and 41 for illegal dumping violations: a \$500 fine for illegally dumped waste that is less than 25 pounds in weight and less than 10 cubic feet in volume within a 24 hour period; and a \$1,000 fine for illegally dumped waste that is more than 25 pounds in weight and more than 10 cubic feet in volume within a 24 hour period. City Council Bill 21-0049 would delete the two tiers of fines and apply one fine of \$1,000 for any amount of illegally dumped material. The maximum criminal penalties and number of days subject to imprisonment listed in the Health Code for these offenses would remain unchanged.

- The Bill would add a new § 7-635 to the Health Code requiring the Health Commissioner to report annually to the Mayor and City Council (for the previous calendar year) on: the number of vehicles seized and forfeited; any grant awards for reports of violations; the number of violations issued, disaggregated by zip code; and any legislative or administrative recommendations for better compliance and enforcement.

As noted in the Department of Public Works' FY 2020 Illegal Dumping Report to the Maryland General Assembly, Solid Waste crews responded to 57,008 Service Requests (SRs) that constituted the illegal dumping of waste.<sup>1</sup> The illegal dumping reported in these SRs range in magnitude from a mattress or bags of household trash discarded in an alley, to tires and construction debris filling a vacant lot. Enactment of City Council Bill 21-0049 would make these types of reported SR violations subject to the proposed environmental/civil citation \$1,000 fine if a culpable party were identified. Depending on how SRs are reported, they do not necessarily lead to an investigation; only "illegal dumping" SRs result in an investigation.

While it is important to have meaningful consequences for actions that put communities and public health at risk, the Department strongly believes that significant investment in community education, promotion of community-based programs to encourage cleanliness and pride (e.g. BMore Beautiful), and changing from a waste disposal to a waste diversion and recovery mindset, will have longer lasting impacts. As to the specifics of City Council Bill 21-0049, the Department of Public Works defers to the opinions of the Departments of Law, Health, and Housing and Community Development on this legislative proposal.

 for Matthew W Garbark  
Matthew W. Garbark  
Acting Director

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<sup>1</sup> The 57,008 SRs are made up of the following: 423 cleaning requests referred to DPW by HCD Special Investigations Unit; 2,666 dumping adjacent to corner cans; 2 waterway cleanings; 339 dumping adjacent to park cans; 10,095 cleaning requests; 13,043 dirty street requests; 20,811 dirty alley requests; and 9,629 illegal dumping requests from DHCD.