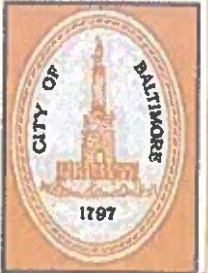


<b>FROM</b>	<b>NAME &amp; TITLE</b>	Jason W. Mitchell, Director	CITY of BALTIMORE  <i>MEMO</i>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Public Works 600 Abel Wolman Municipal Building		
	<b>SUBJECT</b>	City Council Bill 21-0102		

February 15, 2022

**TO:**

Economic and Community Development Committee

I am herein reporting on City Council Bill 21-0102 introduced by Council Members Torrence, Bullock, Cohen, Porter, Middleton, Burnett, and Ramos.

The purpose of the Bill is to require certain holders of permits issued by the Department of Housing and Community Development to submit a disposal plan with the permit application; require permit holders to submit proof of disposal to the Department within a certain period of time after the permit work has concluded; establish a certain citation amount; and generally relating to requiring permit holders to dispose of waste and refuse in a proper and legal manner.

The Economic and Community Development Committee held a hearing on City Council Bill 21-0102 on December 14, 2021 to discuss the reports and recommendations made by the referred agencies of Finance, Law, the Board of Municipal and Zoning Appeals (BMZA), and the Department of Housing and Community Development (DHCD). The Department of Public Works was not referred the Bill. Law approved the Bill for form and legal sufficiency; BMZA took no position on the Bill; Finance opposed the Bill based on its fiscal analysis, and deferred to DHCD regarding its impact on permitting and effectiveness; and DHCD proposed a series of amendments that would limit the types of permits subject to the Bill's provisions, require the proof of disposal prior to final issuance of the Use and Occupancy permit, increase the Environmental Control Board's fine from \$250 to \$1,000, and add an effective date of 90 days after its enactment. After Committee members discussed concerns and asked questions, the Committee Chair recessed the hearing and requested that the Department of Public Works provide a written report on the Bill to the Committee, prior to the reconvened hearing.

The term "illegal dumping" is applied to dirty streets and alleys, vacant lots, corner cans, DHCD investigated and reported sites, and other Solid Waste services. An estimated 10,000 tons of waste is illegally dumped every year, leading to many negative impacts on the environment and the health of communities; it is a costly endeavor to adequately address illegal dumping. In FY21 there were 61,032 closed service requests across eight categories related to the following illegal dumping Service Requests (SRs): Illegal Dumping, Dirty Alley, Dirty Street, Cleaning, Park

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Cans, Waterway Cleaning, Public Trash Can, and SIU Clean Up. The Department spent approximately \$21,975,020 on right-of-way cleaning services, which includes street and alley cleaning, mechanical street sweeping, marine operations, graffiti removal, and cleaning of business districts.

The Bureau of Solid Waste responds to SRs as quickly as resources allow, and proactively cleans sites when possible. It is important for DHCD to have the opportunity to perform a full investigation of an illegal dump site before referring to Solid Waste for cleaning. As noted in the FY2021 Illegal Dumping Report, however, very few sites yield evidence sufficient for DHCD to cite a culpable party for an illegal dumping offense. The majority of sites are referred to DPW for cleaning and no consequences are meted out to deter future dumping. Illegally dumped construction and demolition debris can be some of the most challenging and time-consuming cleaning and debris removal locations. Large illegal dumps require mechanized equipment to manage and safely remove heavy debris and access can be difficult if material is dumped in a narrow alley, a fenced yard, in a forested area, or down an embankment.

City Council Bill 21-0102 would address the issue of proper disposal of construction and demolition debris up front, by making a debris disposal plan and proof of proper disposal part of the City's permit process. Confirmation that debris is properly disposed, recycled, or repurposed would be no different than making sure that structural or electrical or plumbing work is done according to approved plans. Comments received during the Bill hearing implied that companies that apply for permits would not be illegally dumping debris, but that requiring a disposal plan and proof of disposal would discourage companies from filing for permits. DPW does not view the requirement to identify a location to bring debris generated by construction activity and to produce a disposal ticket for that debris as too high a standard for a company to meet. For example, companies that hire subcontractors to manage their debris removal and require proof of appropriate disposal are following good business practices to assure that the disposal services they paid and are responsible for were handled appropriately.

The Department has reviewed the proposed amendments offered by DHCD and has the following comments:

- Limiting the provisions of the Bill to permits that would be expected to produce significant debris is a reasonable approach for a new permit provision, and would reduce the estimated cost to the DHCD budget, as calculated by the Department of Finance. The Department supports this proposed amendment. While we understand that an expected increase in cost to DHCD would not be covered by a corresponding increase in revenues, the intent of this legislation is to use the permit process to discourage illegal dumping of this debris as a cost avoidance measure. Cleaning illegal dumping sites continues to be a large expenditure for Solid Waste; therefore, any reduction of illegally dumped

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construction and demolition debris would not only benefit Solid Waste's budget and crew deployments, but also impacted City communities.

- Delaying implementation of the Bill's provisions from 30 to 90 days after its enactment is a reasonable period to allow for appropriate messaging and preparation for potential permit applicants. The Department supports this amendment.
- Increasing the violation of this permit requirement from \$250 to \$1,000 would make this violation a significant deterrent and not, as DHCD noted in their Bill response, a cost of doing business. This amendment would also be in line with the recently enacted Ordinance 21-034 (formerly City Council Bill 21-0049) sponsored by Councilman Cohen. The Department supports this amendment.

The Department of Public Works appreciates the opportunity to provide comments on the legislation, and supports passage of City Council Bill 21-0102 as proposed to be amended by DHCD.

  
Jason W. Mitchell Feb 15, 2022 11:09:57

Jason W. Mitchell  
Director

JWM:MMC