

# ILLEGAL BURNING & DUMPING

“When you burn outside, I burn inside.”

---- CVSWMMD illegal burning educational program slogan

## **CVSWMD PHILOSOPHY ON DETERRING ILLEGAL DUMPING AND BURNING**

Is your neighbor who burns paper in their wood stove a criminal that should be fined or taken to court? Is the family down the road who is struggling to meet financial obligations and is burning or dumping their trash to save the cost of disposal going to be “set along the right path” by getting a ticket? If Uncle Joe has burned trash since he was a youngster, will the arrival of the Sheriff at his doorstep get him to stop? The answer to all of these questions is “Probably not.”

These behaviors result from the personal belief that it is OK to act in this way. The only way to create sustainable behavior change is to alter that underlying belief. Penalizing people (as through enforcement) is one way of attempting to affect this change. But the question in regards to this approach is, “Is it *effective*?” The CVSWMMD would suggest that the answer to this question is also “Probably not.”

Most of the CVSWMMD’s work is targeted towards convincing residents and businesses to adopt a new behavior or turn a behavior into a habit. This is a proactive, positive approach that encourages people to “change for the common good” or take up action “for the betterment of all.” It is preventative action to save our resources, reduce the likelihood of environmental degradation, and protect human health.

Some recommend that the issue of illegal disposal of waste materials on land or by burning should be approached via the adoption of a local ordinance or enforcement of the state statute that prohibits these behaviors. But people cannot be forced to make a decision, at least not one that results in sustainable behavior. So the concept of **enforcement** seems to run counter to its very purpose in this instance – to permanently stop the undesirable activity.

Change must be freely chosen by each individual. To accomplish change without force, it becomes our job to understand the beliefs and motivations behind the existing behavior and the impediments that may undermine change. We can then create a plan that counters these factors.

We are not saying that enforcement doesn't have a role in any solid waste management program. The CVSWMD recognizes that there are circumstances in which punitive measures become a means of influencing behavior after other reasonable approaches have been attempted.

During the term of this Plan, the CVSWMD will continue to approach illegal dumping and burning primarily through efforts and programming designed to motivate individuals to permanently change their behavior. We will turn to enforcement when all other measures have failed or when the nature of the situation is blatant, overwhelming and/or repetitive.

But the District cannot succeed in this endeavor alone. New endeavors will be established that encourage and engage our member communities in establishing a partnership focused on eliminating the conditions that allow illegal dumping and burning to continue. Together, we can establish a regional climate of intolerance for these dangerous, unhealthy practices that threaten the welfare of our citizens and our environment.

### **RECOMMENDATION(S) FOR ACTION**

- We will encourage local communities to publicly acknowledge the problems illegal disposal causes. In particular, we urge local elected officials to take

the lead in creating a community atmosphere in which this type of behavior is unacceptable. We prefer that this be accomplished by positive means, such as modeling behavior, public education, individual discussion with known perpetrators, and the initiation of a community dialogue in which the officials take a clear stand that this must stop. However, the District will not oppose a member community that chooses to take enforcement action against a perpetrator.

- The CVSWMD will provide training and materials to communities wishing to undertake their own initiatives to eliminate illegal disposal within their city or town limits. For those who wish to consider enforcement options, we will also provide sample ordinances and direct community officials to other resources that can be of help in this regard.
- The District will continue to provide programming for residents that is designed to result in behavior change that eliminates illegal disposal through burning or dumping.

## **OVERVIEW OF CURRENT SITUATION**

**Illegal Dumping.** The District's Adopt-A-Site program was created to address illegal dumping and change behavior within those communities where dumping occurs. Generous funding from the United States Department of Agriculture (USDA) allowed us to develop, test and implement this program in all of our communities. It is currently an ongoing program integrated into the District budget, and a national model for other USDA communities.

The AAS program attempts to eliminate circumstances that research shows allow a climate of complacency to develop wherein dumping is tolerated and becomes part of a community's normal mode of operation. Considerable research has been conducted by Keep America Beautiful concerning the circumstances that allow dumping or littering to occur. The conditions, called the littering cycle, and the solutions are presented in the comparative listing below.

## **THE LITTERING CYCLE**

<b>Problem</b>	<b>Solution</b>
No sense of ownership	Establish a local sense of ownership. This can be as simple as placing a marker at the site.
Trash has accumulated	Remove trash and keep the area clean
No one present at the site	Regular monitoring, signs of care for the area, removal of trash.

**Fig. 17**

The Adopt-A-Site program removes those conditions that signal to a community that a behavior, however unpleasant or unwanted, is tolerable. In seven years, the AAS program has cleaned 36 sites in 16 communities, removing over 40 tons of trash. Over 7,000 tires and more than 25 tons of metal have been recycled. Nearly 800 trees and perennials have been planted, fences constructed, a memorial dedicated, and a community park constructed. Out of 36 sites, the District and the sites' adopters have had success at 22 locations in discouraging and putting an end to the illegal dumping that was occurring there. When household trash has been found at sites and there is identifying information, the dumpers or those responsible have been contacted by letter. The letter indicates adverse affects of dumping and a bill for the cost of the cleanup. In more than half such cases, reimbursement for the full amount has been received without further contact from the District.

The District also responds to complaints and advises callers on the recourse available. In many instances, we investigate by sending out a staff person to identify the size and threat the illegal dump site may pose. Our staff also evaluates a site for its AAS potential.

In most instances, we refuse to clean a site without the other conditions of the Adopt-A-Site program being met. We know from direct experience that cleaning up without an attempt to affect the underlying factors results in wasted resources; the site will return to its former status. However, we have assisted member communities in eliminating substantial sites that have become health risks to the community. These are dealt with on an individual basis, and there is always a condition that our participation is part of a larger effort that has the potential to prevent recurrence. In these situations, enforcement is typically a major component. Liens on property, outright assignment of property to the community, shared costs for disposal, revocation of business licensing and other means have been integral to the actions we have agreed to participate in. We expect to continue to provide this type of direct assistance to our member communities as long as we have the financial resources to accomplish this type of work.

**ILLEGAL BURNING.**

Currently, the CVSWMD supports an intensive educational program entitled *Burning Facts*. It is a comprehensive education program that uses a variety of materials developed in calendar year 2000 with funding from the United States Department of Agriculture, and later expanded through grant funding from the Agency of Natural Resources. Materials developed include: A three-panel table-top display; point-of-purchase educational materials for stores, libraries and other public places, which include a fact/quiz card, three different 8 1/2" X 11" flier/point of purchase pieces, and a 4-panel brochure.

The displays have been borrowed and used by 7 out of 11 solid waste districts in the state of Vermont. Our POP's have been placed in retail stores, libraries and municipal buildings in all 22 of our communities at least once. The attendees at the annual Barre Home Show have been exposed to our entire campaign annually as part of the health fair associated with this event.

In 2003 we will contact Fire Wardens and conduct a follow-up telephone survey with them to determine whether or not they are observing any effects from our efforts. The program developed as a result of an initial survey with this same group, and a subsequent, statewide stakeholders meeting. Participants at this meeting, other than CVSWMD representatives were: Andrea Cohen, Solid Waste Division of ANR; Elliott

Curtin, Operations Manager, CVCAC; Theresa Elder, Nursing Supervisor, VT Dept of Health; Lois Polento, VT Dept of Health; Philip Etter, Environmental Analyst, Air Pollution Control Division, ANR; Sally Fox, Graphic Designer, Salamander Designs; Jim Higgins, Marketing Consultant.

As part of the CVSWMD first five-year program plan, we committed to diminishing illegal burning in our district. In the fall of 1999 we concluded that our staff did not possess sufficient first-hand information about the problem to develop a programmatic approach that could be successful. We decided to interview those in the field who have the most frequent and direct contact with the issues, and to bring together representatives from the agencies and organizations in our state who have a direct interest in this subject. We looked to both these research endeavors to provide the basis for an effective program approach.

Funding from the USDA enabled us to undertake a phone survey of fire wardens and a facilitated day long retreat of stakeholders interested in the illegal burning issue.

From the fire wardens, we learned:

- Illegal burning occurs in all 22 District towns.
- A large proportion of residents in Chelsea, Roxbury, and Hardwick continue to burn trash. According to fire warden estimates, about 45% of the population in Chelsea burns trash, almost every other house in Roxbury has a burn barrel, and about 25%-50% of the population of Hardwick burn illegally, with the burning of plastic bags used to store hay a particular concern.
- Burn barrels can still be found in every District town, but their prevalence seems to be waning. Fire wardens in 12 of the towns said burn barrels are becoming less common, although there are "still some around."
- The number of people burning trash in wood stoves is particularly difficult to assess, and it could be more widespread than open illegal burning. Respondents from Orange and Montpelier noted that some residents are burning trash indoors in wood stoves.
- Respondents from 11 towns (50%) believe that residents who burn trash *do not understand* the possible health repercussions. Respondents from eight towns (36%) think residents who burn trash *do understand* the potential health effects.

And, respondents from seven towns (32%) believe residents who burn trash "probably don't care" about the health issues involved.

- According to the respondents, the reasons residents burn trash vary widely.

Responses included:

- Habit;
- Distance to trash depot;
- "God-given right;"
- Time involved in sorting recyclables and transportation;
- "Performing a public service" by reducing the need for landfill space; and
- Disposal costs.

Cost of disposal (77%) and habit (45%) were the two reasons cited most often by the respondents.

Consistent with our board preference for "education first," our efforts to stem illegal burning are not based on enforcement. We believe that a large number of our residents do not fully understand what constitutes illegal burning, and once they are made aware of the implications of their actions, they will stop. This appears to be supported by our survey of fire wardens, where 50% of those surveyed believe people who burn trash do not understand the potential health effects.

Fire wardens often find themselves serving as educators about this issue for their communities; in general, they stated that they would welcome more assistance in this area. Many distribute brochures developed by the Air Pollution Control Division of the State about illegal burning. Although the fire wardens find the brochure to be a useful tool to have with them as they explain to residents why they can't burn trash or construction demolition materials while they are inspecting a site, most felt a larger education effort would help. Suggestions included getting information into the schools, ads and articles in local newspapers, sending letters directly to farmers, and putting information into the town report for Town Meeting Day. Only a few believe local ordinances and stiff fines will be the only way to successfully stop some people from illegal burning.

Participants in our stakeholder meeting also overwhelmingly preferred education first. Given the independent and objective perspective of our market experts, the

District continues to believe that our educational focus will have a significant impact on diminishing illegal burning in the same way that our Adopt-A-Site program has eliminated illegal dumping at all sites cleaned up - without the use of enforcement.

The follow-up with fire wardens will be critical to our future planning in this area. Information culled from that process will be evaluated by staff and recommendations will be generated for board consideration on future educational endeavors. It is likely that these will include a similar partnership with communities as that mentioned in the preceding illegal dumping section. Creating a critical level of awareness that eliminates tolerance for this dangerous practice can be an extremely effective tool to accomplish widespread change.

While it is currently not the intent of the CVSWMD Board to adopt an ordinance in regard to illegal burning, we do provide sample ordinances and technical assistance to any member community that wishes to take this type of action. In fact, we feel that local enforcement is the better method for achieving permanent change. Response time is typically more prompt, the circumstances and individuals are typically known to the responding officer which allows the response to be more appropriate, and knowledge of the action quickly spreads through the community, challenging the norm that illegal disposal should be tolerated.

#### **ISSUES AND QUESTIONS TO BE ANSWERED**

Because personal belief is at the heart of each of these illegal activities, the issue of affecting change is an emotionally charged topic. Most often the situation becomes focused on a single question. "What right does a municipal entity have to tell an individual what they can do with their own property? Because the action of the individual who chooses to dump or burn their garbage affects the greater community, with potentially dire consequences, we believe that we have every right to intercede. Our Mission Statement clearly expresses this perspective.

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#### **CVSWMD Mission Statement**

CVSWMD provides leadership, education, and services for residents and businesses in reducing and managing their solid waste in order to protect public health and the environment to the greatest extent feasible.

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While we anticipate that many people may disagree with this perspective, we intend to act in a manner consistent with our belief. This leads us to ponder a variety of questions about the boundaries of our actions, and how best to use our resources to accomplish our goals of eradicating the climate that allow illegal disposal to exist. During the term of this Plan, we expect to contemplate the following and to use them as points from which we will test new initiatives.

### **ILLEGAL DUMPING.**

- What is the District's role in regard to dump sites in environmentally sensitive areas, such as in or adjacent to wetlands, deer habitat, river banks or in areas that pose safety issues such as quarries?
- Given the number of waterways in our communities and their inherent importance to the region and local ecosystems, should we develop new and different protocols for waterway clean ups?
- Since plantings can serve as a deterrent to future dumping for many reasons, how should we handle the integration of plants and plant species into particular areas? Are the goals to be focused on restoration, improvement, stabilization?
- Is there sufficient need in our communities for large-scale cleanups that the District should create a permanent fund to ensure our ability to assist in these endeavors? Can this fund become self-perpetuating through payback requirements, fines or other legal means such as liens on the property?

### **ILLEGAL BURNING.**

- What does the follow-up survey of fire wardens tell us? Are there other means to assess effectiveness?
- What types of educational or informative programming can be designed to encourage member communities to take responsibility for changing the community climate on this matter?

## **EDUCATIONAL EFFORT**

The sole means of accomplishing change in regard to most instances of illegal disposal will be through education and information dissemination. Our efforts will follow the over-arching philosophies identified in the Public Education chapter of this document. However, using children as a means to carry the message of dumping and burning being illegal, anti-social and detrimental to human health and the environment will be avoided in all instances. The extremely personal beliefs that lead adults to consider these behaviors to be acceptable are frequently integral to family values. Remember the question that began this chapter? The innocent neighbor, the financially burdened family and Uncle Joe are all acting upon strongly held perceptions and motivations. Informing children –especially grammar school-aged children – that their friends or family are committing crimes is too complex and weighty a situation for them to deal with. Education about illegal disposal will be directed to adults only.