

**Topic:**

SOLID WASTE MANAGEMENT; LITTER; ENVIRONMENTAL PROTECTION DEPARTMENT;

**Location:**

LITTER;

**Scope:**

Connecticut laws/regulations;



## OLR RESEARCH REPORT

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### **DUMPING LAWS**

By: Joseph R. Holstead, Research Analyst

You asked what state laws deal with dumping trash (e.g., a sofa).

### **SUMMARY**

The state's solid waste management (environmental protection) law prohibits anyone from dumping any material on any public or private property belonging to another. "Dumping" has two statutory definitions. First it means to discard (1) more than one cubic foot in volume of litter at one time or (2) furniture, garbage bags or contents thereof, or other similar materials. Second it means to discard:

1. automobiles and automobile parts,
2. large appliances,
3. bulky waste,
4. hazardous material, or
5. similar materials.

A person has discarded material when they have placed it at a location with intent to leave it there indefinitely or they have not removed it from a location within forty-five days.

Both the Department of Environmental Protection (DEP) commissioner or a municipality's chief elected official where dumping occurred may investigate a violation and order

removal of dumped material. Removal order procedures for the commissioner and a municipality's chief elected official vary slightly.

By law, a person may dump on property that the state or a municipality designates for dumping when the property is (1) a licensed dumping facility or (2) he is authorized to use the property. PA 02-15, An Act Concerning Illegal Dumping (effective October 1, 2002), clarifies that a person must be authorized to dump at a licensed facility.

Dumping involves larger items or quantities of litter and is different than littering. Attachment 1, OLR report [2000-R-0695](#), covers accumulation of garbage on residential property and the public health code.

Attachment 2, OLR Report [99-R-0056](#), discusses ambiguities in the anti-dumping laws and the solid-waste-disposal-area-permit required to own, operate, and maintain a dumping area with more than 10-cubic yards of waste.

## **DUMPING VIOLATIONS**

The DEP commissioner or a municipality's chief elected official where dumping occurred may investigate, upon complaint or on their own, any dumping violation. If the DEP commissioner investigates and finds a violation, he may issue an order to remove the dumped material. The alleged violator may request a hearing within 30 days of the commissioner's order. If a municipality's chief elected official investigates and finds a violation, he may send a notice that demands removal and sets a hearing, including the date and time of the hearing, by certified mail. In both instances, the alleged violator has the right to contest the order (CGS § 22a-250 (e) and (f)).

Whether the commissioner or a municipality's chief elected official is involved depends on the circumstances; there is not a system or pattern regarding who investigates, according to DEP Legislative Liaison, Tom Tyler.

By law, the commissioner also has the authority to issue cease and desist orders to stop or prevent anyone from causing or engaging in any activity or condition that is likely to result in imminent and substantial damage to the environment or public health. Such orders may require the alleged violator to discontinue, abate, or alleviate the underlying condition or activity (CGS § 22a-7).

### ***Stipulations for Removal Order***

A property owner cannot be ordered to remove dumped material unless the commissioner or municipality's chief elected official (1) finds that the property owner is guilty of illegally dumping or allowed someone else to illegally dump or (2) determines that there is not a reasonable opportunity to compel the violator (who is not the property owner) to remove, or pay for removal of, the material (CGS § 22a-250(g)).

## ***Penalties***

Violators are liable for a civil penalty of between one thousand and ten thousand dollars for each day the violation continues. The Superior Court, in an action brought by the municipality or by the Attorney General by request of the commissioner, has jurisdiction to issue an order to a violator, directing them to remove the material to a solid waste facility approved by the commissioner. If the court finds that the violation was willful, it may impose a civil penalty equivalent to three times the cost of remediation of the violation in addition to other applicable civil penalties. The court may also order violators to pay restitution to a landowner when the court finds the landowner suffered damages as a result of the violation. These actions have precedence in the order of trial and must be brought in superior court in the Hartford judicial district. Additionally, a person may forfeit any vehicle used to illegally dump automobiles or parts, large appliances, tires, bulky waste, hazardous waste, or similar materials (CGS § 22a-250 (h)).

## **PA 02-15, AN ACT CONCERNING ILLEGAL DUMPING**

This act requires, as of October 1, 2002, that a person be authorized to dump at licensed facilities. Existing law appears to allow unauthorized dumping at licensed sites. According to Rich Kehoe, Special Counsel and Legislative Liaison at the Attorney General's (AG) office, the AG proposed the bill due to a recent case involving an automobile desertion at a Bridgeport dump.

## **DUMPING VS. LITTERING**

Dumping pertains to discarding larger items and amounts of litter and is different from littering. Litter is any discarded, used, or unconsumed substance or waste material, including bottles, cans, jars, and their detachable tops; unlit cigarettes, cigars, and matches; any flaming or glowing material or any garbage, trash, refuse, debris,

rubbish, grass clippings, lawn or garden waste, newspapers, magazines, or glass, metal, plastic or paper containers, or other packaging or construction material (CGS § 22a-248(4)).

The law prohibits people from throwing, scattering, spilling, placing or causing to be blown, scattered, spilled, thrown or placed, litter upon any public property, private property belonging to another, or any state waters (CGS § 22a-250(a)).

Attachment 3 is a copy of the relevant statutes and PA 02-15.

JRH:ts