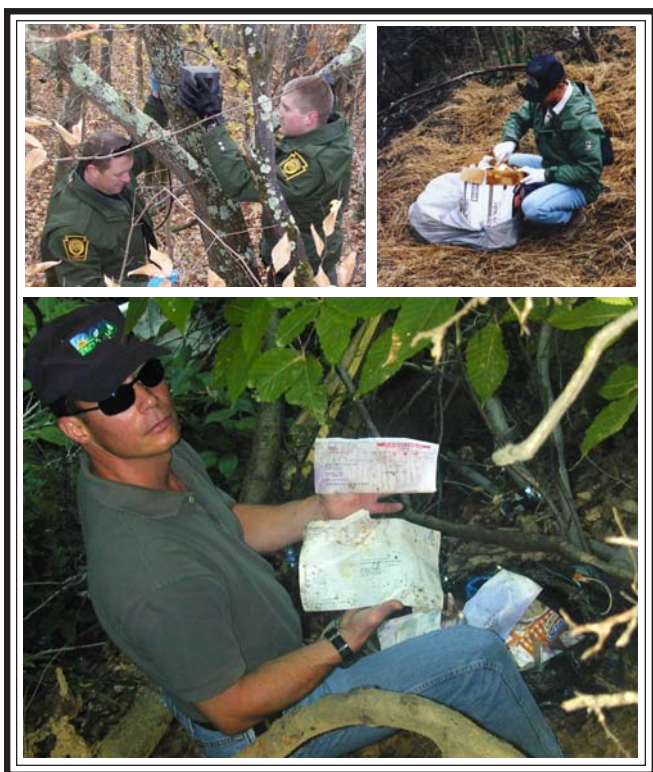




KEEP
PENNSYLVANIA
Beautiful

Guidelines for Littering and Illegal Dumping Enforcement



5 Steps for Successful Enforcement

TABLE OF CONTENTS

<i>Introduction.....</i>	<i>1</i>
<i>STEP 1 – Knowing the Facts about Littering and Illegal Dumping.....</i>	<i>2, 3</i>
<i>STEP 2 – Witnessing and Reporting Littering and Illegal Dumping.....</i>	<i>4, 5</i>
<i>STEP 3 – Contacting an Enforcement Agency.....</i>	<i>6, 7</i>
<i>STEP 4 – Prosecuting Littering and Illegal Dumping.....</i>	<i>8, 9</i>
<i>STEP 5 – Going beyond Enforcement.....</i>	<i>10</i>
<i>Suggested Contacts.....</i>	<i>11</i>
<i>Appendix A – Pennsylvania’s Littering and Illegal Dumping Laws.....</i>	<i>12, 13</i>
<i>Appendix B – Pennsylvania’s Littering and Illegal Dumping Enforcement Agencies.....</i>	<i>14</i>
<i>Agency Contacts.....</i>	<i>15, 16</i>
<i>About Keep Pennsylvania Beautiful.....</i>	<i>17</i>

Five Steps for Successful Enforcement



Introduction

Article I of the Pennsylvania Constitution states “ the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come.”

Litter is everywhere across Pennsylvania lining our roadways, waterways, and greenways. Illegal dumpsites also plague our remote and isolated places. It is disgusting, degrades our communities, and is a real problem throughout Pennsylvania. However, with some time, basic information, good contacts, and a “working-together” approach, our “right” can be protected. This booklet provides basic enforcement information that enables caring citizens to effectively work with Pennsylvania’s enforcement agencies to help stop this unsightly and damaging behavior. While Keep Pennsylvania Beautiful is not an enforcement agency, this booklet may be used as a step-by-step guide when littering or illegal dumping is witnessed or found.

STEP 1

Knowing the Facts about Littering and Illegal Dumping

Littering and illegal dumping are acts of improper disposal of trash. However, there are subtle differences between the two.

Litter is primarily small items that are scattered about – items such as paper, food containers, beverage containers, convenience products, newspapers, vehicle debris, and cardboard. Littering can be an intentional act or it can be accidental. Some of the trash found along roadways is the result of unintentional behavior such as items blown from yards and vehicles, lost items, or debris leftover from accidents. While litter is often easy to remove, keeping an area litter free can be costly and time consuming.

Illegal dumping is always an intentional act and is done for many reasons – cost, convenience, ignorance, habit, profit, or to hide other illegal activities. Illegal dumping often involves large items or large quantities of small items – appliances, tires, bags of daily trash, furniture, construction and demolition debris, and other household wastes. Illegal dumpsites are often difficult and costly to clean up, and they take a greater toll on the environment and surrounding communities.

Littering and illegal dumping pose significant threats to the environment and to the health and safety of both humans and animals by:

- *Polluting ground and surface water,*
- *Introducing health concerns that may result in illness and injury,*
- *Decreasing the value of the property that contains the trash and adjacent properties,*

- *Attracting additional dumping and other crimes,*
- *Discouraging new residents and businesses,*
- *Decreasing income,*
- *Taking away tax dollars that could be better spent to serve the community,*
- *Decreasing community worth,*
- *Spoiling the beauty of our lands,*
- *Damaging equipment or causing accidents.*

Any improper disposal of trash – littering or illegal dumping – is against the law and violators can be prosecuted. Numerous agencies enforce laws addressing improper disposal of trash. The Pennsylvania General Assembly (www.pacode.com) created and enacted our littering and dumping laws. In addition, county and municipal governments create and enact ordinances that are specific within their local boundaries. A summary of Pennsylvania’s littering and illegal dumping laws can be found in Appendix A on pages 12 and 13.

Methamphetamine Lab Waste Warning

A methamphetamine lab is an illegal operation set up to produce the illegal stimulant, methamphetamine. There are several methods to produce methamphetamine, but they all use a variety of chemicals including explosives, solvents, metals, salts, and corrosives. The fumes, vapors, after salts, and spillage associated with the manufacturing can be toxic.

Because it is an illegal activity, methamphetamine producers may dispose of their labs, evidence, and production waste by dumping it. If you discover propane tanks, tubing, duct-taped bottles or coolers, coffee filters stained with a reddish tint, or a strong smell of ammonia or ether, stay away from the area and call the local state police. Do not touch, move or open any kind of tank or sealed container. Be aware that propane tanks are often weakened and brittle due to the anhydrous ammonia and are sensitive to any kind of movement or impact. The drug can also be produced using only a two-liter soda bottle. Do not touch two-liter soda bottles that contain a brown and white sludge.

STEP 2

Witnessing and Reporting Littering and Illegal Dumping

If littering or illegal dumping is witnessed first-hand, obtain details and turn them over to an enforcement agency as soon as possible. Remember that safety is essential, so do not approach the suspected violator or enter into a dangerous situation.

Helpful information for successful prosecutions includes:

- *License plate number and description of vehicle involved,*
- *Number of persons involved with descriptions of each,*
- *Date and time of incident,*
- *Location and/or directions,*
- *Ownership of the site, if known,*
- *Witness's contact information, if additional information or follow ups are needed.*

If a vehicle is involved, the owner of the vehicle is responsible for trash dropped, thrown, or deposited from the vehicle, regardless of who committed the offense. The license number may be all that is needed to report; however, the more information provided, the stronger the case.

If it is believed that crucial evidence may be blown away or scattered from the original point of littering, consider taking time and date-stamped photos of potential evidence and carefully collecting evidence with rubber gloves and paper bags for the enforcement agency.

Illegal dumpsites should be reported to the appropriate enforcement agency as soon as possible (See Step 3 on pages 6 and 7). If the property is publicly owned or permission to enter from the private property owner has been granted, the trash may be accessed. Document any potential evidence with time and date-stamped photos; however, do not disturb or remove any of the trash. Evidence tends to be in the form of mail or bills, magazines, medicine bottles, receipts, or pizza boxes that contain someone's name. Be aware that picking through trash poses some health and safety risks. If the property owner is unknown, simply report the location and stay out.

It is always better if an enforcement agent finds the evidence undisturbed. The agent is properly trained and empowered, and this prevents any question of evidence tampering. The agent is able to testify that the evidence was part of the dump and reduces the chances of others being called upon to testify in court. However, additional testimonies may be needed, and it is always helpful and appreciated if individuals are willing to testify in court from the beginning.

A timely report, along with clear evidence, could help identify the person(s) responsible for the dumping. Delayed reporting decreases the chances for successful prosecution and the size of the dump may grow.

Report older dumpsites, too, since they may have never been reported. This information adds to data collected by some municipalities or counties and may result in increased surveillance of the site. If interested in going beyond just reporting the problem, contact Keep Pennsylvania Beautiful. They may be aware of efforts or groups that may be interested in organizing a cleanup or help start one.

Step 3

Contacting an Enforcement Agency

Enforcement agents are trained to investigate complaints, collect evidence, and take cases to court. They have the authority to conduct inspections and are trained to identify and gather evidence to make a legal case. They may also want to partner with other groups and individuals to tackle the problem.

By contacting an agency, there is the benefit of anonymity, since most agencies have confidentiality policies. Anonymity may also help protect against any countersuits of libel. However, the Pennsylvania Right-to-Know Law may interfere, and testifying in court may be important to a case, especially if littering or illegal dumping is witnessed first-hand.

If a case goes to court, the agency acts as the plaintiff. Enforcement agents determine the strength of a case when deciding to press charges. Attending the hearing is part of an agency's responsibilities and may eliminate the need for other testimonies.

A complaint can be filed individually through the appropriate District Justice with jurisdiction in the area of the violation; however, the responsibility of proving that a crime was committed is assumed by the individual. There is also the risk of a countersuit if the court does not find the defendant guilty.

Working with state and local agents:

- *Sends a message that this behavior is unlawful and unacceptable,*
- *Increases the rate of successful prosecutions,*

- *Increases enforcement activity,*
- *Sets an example to others.*

There are many reporting options, depending on whether the property is publicly or privately owned, the property's use, and whether or not a local police department has jurisdiction. Many factors apply to reporting, and additional agencies may need to be contacted to ensure that the best suited agency handles the complaint.

Always start at the local level. Local officials are familiar with properties and residents and should be able to respond quickly. Check to see if any of the following local agencies exist.

- *Local Police*
- *Municipal Code Enforcement*
- *County Code Enforcement*
- *County Solid Waste Authority*
- *County Health Department*

If local agencies do not exist or their response is unsatisfactory, there are other options. A list of Pennsylvania's littering and illegal dumping enforcement agencies are listed in Appendix B on Page 14.

Step 4

Prosecuting Littering and Illegal Dumping

The Individual Approach

The approach - what is reported and how – can create an atmosphere of cooperation and help strengthen an agency's prosecution case.

- *Become part of the solution. Be willing to work with the agency or police, following the complaint through to the cleanup.*
- *Be patient. The response may not be immediate.*
- *Be persistent. Not every report results in a successful prosecution, but future reports may get better responses.*
- *Take concerns to a higher level within the same agency or to a different agency if the final response is not satisfactory.*
- *Share contact information even if the complaint is being handled anonymously. The agency may need additional information. Anonymity may also affect the priority of an agency response.*
- *Be a model and get involved.*

The Agency Approach

After an incident is reported, the enforcement agency will send an agent to investigate the problem to determine the extent of the violations. If evidence is found:

- *Agents can ask violators to remove litter or trash in exchange for a reduced penalty,*
- *Police departments and some agencies can issue citations at the site; other agencies issue Notices of Violation,*

- *The agency can file a complaint with the local District Justice.*

If a case is especially blatant, it can be referred to the State Attorney General by the Pennsylvania Department of Environmental Protection. Criminal cases heard by the Attorney General can result in penalties or jail time, but may not result in a cleanup by the violator.

If no evidence is found, the enforcement agent can require a cleanup or issue a citation to the property owner. Often agents are reluctant to do this when they believe that the property owner is the victim of other people's behavior.

Following Up on Complaints

If the agency investigation or prosecution was not successful, the best solution is to try and have the illegal dumpsite cleaned up. This way, subsequent dumping will be easier to define and identify.

By all means, do not get discouraged. Every new complaint and subsequent actions strengthen the message that littering and dumping are illegal and that someone is watching. This may be enough to change some individuals' behavior for the better. Contact Keep Pennsylvania Beautiful for information on how to successfully clean up an illegal dumpsite.

Step 5

Going Beyond Enforcement

Enforcement is only one aspect in the fight against littering and illegal dumping. The following are other options that go beyond enforcement.

- *Dispose of trash properly and reduce, reuse, and recycle whenever possible.*
- *Hire only licensed and reputable haulers for special services. Many people assume that anyone paid to collect trash is legitimate.*
- *Encourage the community to sponsor a Community Cleanup Day.*
- *Volunteer in other local or statewide cleanups (such as the Great American Cleanup of Pennsylvania) or organize a cleanup*.*
- *Join Keep Pennsylvania Beautiful or inquire about organizing a local affiliate if one does not exist in a particular county or area.*
- *Adopt a local road, waterway, trail, greenway, community, or another public area through the Keep Pennsylvania Beautiful Adoption Program. Other adoption programs across Pennsylvania exist at both local and state levels, including PennDOT's Adopt-a-Highway Program for state maintained roads.*
- *Work with other individuals, groups, and agencies to increase everyone's sense of stewardship and community.*

**For more information, see Keep Pennsylvania Beautiful's publication, Guidelines for Illegal Dump Cleanups: 10 Steps to Organizing an Illegal Dump Cleanup .*

Suggested Contacts	Name/Phone #/ Address
<i>Local Code Enforcement Officer</i>	_____
<i>Local Police</i>	_____
<i>County Government Conservation District</i>	_____
<i>Health Department</i>	_____
<i>Solid Waste Authority</i>	_____
<i>Pennsylvania State Police</i>	_____
<i>PA DCNR</i>	_____
<i>PA DEP</i>	_____
<i>PA Game Commission</i>	_____
<i>PA Fish and Boat Commission</i>	_____
<i>State Representative</i>	_____
<i>Keep Pennsylvania Beautiful Local Affiliate</i>	_____
<i>Other</i>	_____

Appendix A - Pennsylvania's Littering and Illegal Dumping Laws

LAW	PENALTY	ENFORCEMENT AGENCIES (within Jurisdictions)
<p>PA Vehicle Code, Title 75, Chapter 37 Covers litter and waste dropped, thrown, or deposited from a vehicle that lands upon any highway, other public or private property without the consent of the owner, or into or on the waters of the Commonwealth. Vehicle owners are responsible even if the owner was not driving or was not in the vehicle.</p>	<p>A summary offense and, upon conviction, may be sentenced to either or both:</p> <ol style="list-style-type: none"> To pay a fine of not more than \$900 in an easement purchased under the Agricultural Area Security Law, \$600 in an agricultural security area, or \$300 anywhere else. To pick up and remove litter for not less than 8 hours nor more than 16 hours for the first conviction. 	<p>Local Police PA State Police PA Department of Conservation and Natural Resources (DCNR) Bureau of State Parks Bureau of Forestry (in state parks & forests only)</p>
<p>PA Vehicle Code, Title 75, Chapter 49 Covers escaped vehicle loads that cause injury to a person or damage to another vehicle or other property as a result of improper securing of such load.</p>	<p>A summary offense and, upon conviction, may be sentenced:</p> <ol style="list-style-type: none"> To pay a fine of not less than \$100 nor more than \$300 if the violation results in no injury or damage. To pay a fine of not less than \$300 nor more than \$1,000 if the violation results in injury to a person or damage to another vehicle or other property. 	<p>Local Police PA State Police PA DCNR Bureau of State Parks Bureau of Forestry (in state parks & forests only)</p>
<p>PA Crimes Code, Title 18, Chapter 65 Covers litter or waste deposited into or upon any road or right-of-way, land of another, or into the waters of the Commonwealth. This can include someone illegally disposing their trash or someone who is paid to dispose of trash.</p>	<p>A summary offense for the first offense and upon conviction thereof shall be sentenced to pay a fine of not less than \$50 nor more than \$300 or to imprisonment for not more than 90 days, or both.</p>	<p>Local Police PA State Police PA Fish and Boat Commission PA Game Commission PA DCNR Bureau of State Parks Bureau of Forestry (in state parks & forests only)</p>
<p>PA Environmental Protection Code, Title 25 Regulations are derived from the Solid Waste Management Act, Waste Tire Recycling Act, Municipal Waste Planning, Recycling and Waste Reduction Act, and the Clean Streams Law. This code makes it unlawful for anyone to dispose of waste, within the commonwealth, at anywhere other than to a facility that has a DEP permit to operate. It also requires vehicles used to haul waste to be appropriately marked and meet other restrictions. The exception is individuals hauling their own municipal waste to a permitted facility.</p>	<p>Depending on the violation:</p> <p>As a civil penalty, fine can be as high as \$25,000 per offense.</p> <p>As a criminal penalty, fine can be between \$100 and \$500,000 per incident depending on the type of offense (i.e. summary offense, misdemeanor, felony) and degree.</p> <p>Vehicles can be seized and forfeited to the department if used to violate any regulation pertaining to the transportation of waste.</p>	<p>PA Department of Environmental Protection (DEP) Bureau of Waste Management Bureau of Watershed Management</p>
<p>PA Code, Title 17, Chapters 11 & 21 Conservation and Natural Resources, State Parks, and State Forests Rules and Regulations Covers littering and illegal dumping in State Parks and State Forests.</p>	<p>A summary offense under section 7506 of the Crimes Code. An additional fine of \$10 may be imposed for each item of litter thrown, discarded, left, emitted, or deposited in violation of this section.</p>	<p>PA DCNR Bureau of State Parks Bureau of Forestry PA Fish and Boat Commission PA Game Commission</p>
<p>PA Fish and Boat Code, Title 30, Chapter 25 Covers littering and illegal dumping on Commission-owned or controlled property and in or along waters or lands adjacent to or contiguous to waters of the Commonwealth.</p>	<p>A summary offense under section 7506 of the Crimes Code. An additional fine of \$10 may be imposed for each item of litter thrown, discarded, left, emitted, or deposited in violation of this section.</p>	<p>PA DEP PA Fish and Boat Commission PA Game Commission</p>
<p>PA Game and Wildlife Code, Title 34, Chapter 25 Covers littering and illegal dumping on State Game Lands or on lands or waters open to public hunting or furtaking.</p>	<p>A summary offense of the third degree resulting in a fine of not less than \$200 nor more than \$500, which can be doubled for subsequent offenses. An additional fine of \$10 may be imposed for each item of litter thrown, discarded, left, emitted, or deposited in violation of this section.</p>	<p>PA Fish and Boat Commission PA Game Commission</p>
<p>Local Ordinances Cover littering, illegal dumping, and storage of waste. Ordinances may vary in different municipalities.</p>	<p>Varies by municipality.</p>	<p>Local Code Enforcement Offices Local Solid Waste Authorities County Health Departments</p>

12

13

Five Steps for Successful Enforcement

Five Steps for Successful Enforcement

Five Steps for Successful Enforcement

Appendix B

Pennsylvania's Littering and Illegal Dumping Enforcement Agencies

STATE AGENCY	WILL RESPOND IF:	CONTACT
<p>PA State Police Enforces Pennsylvania's Crime and Vehicle Codes and educates citizens all across Pennsylvania.</p>	<p>The area is not covered by a local police department; Littering and illegal dumping occurs on public land, such as a state road right-of-way; and littering and illegal dumping occurs on private land, and the complainant owns that land which is not covered by a local police department.</p>	<p>Contact closest State Police Station. Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110 www.psp.state.pa.us (717) 783-5599</p>
<p>PA Department of Environmental Protection Enforces and permits the Solid Waste Management Act, Waste Tire Recycling Act, Municipal Waste Planning, Recycling and Waste Reduction Act, and the Clean Streams Law Act among other regulations and educates citizens.</p>	<p>Illegal dumping only has occurred.</p>	<p>Contact appropriate regional office. Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101 www.depweb.state.pa.us (717) 783-2300</p>
<p>PA Fish and Boat Commission Enforces fishing and boating regulations, educates citizens, manages fish hatcheries, and enhances and preserves the state's aquatic environment.</p>	<p>The trash lies in or near surface waters.</p>	<p>Contact appropriate regional office. 1601 Elmerton Avenue, P.O. Box 67000, Harrisburg, PA 17106-7000 www.fish.state.pa.us (717) 705-7800</p>
<p>PA Game Commission Enforces hunting, trapping, and wildlife regulations, promotes wildlife, hunter/trapper, and environmental education, manages wildlife, and conducts research.</p>	<p>Litter and illegal dumping occurs on State Game Lands and on private property that is open to hunting and furtaking.</p>	<p>Contact appropriate regional office. 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 www.pgc.state.pa.us (717) 787-4250</p>
<p>PA Department of Conservation and Natural Resources Maintains Pennsylvania's State Parks and State Forests, enforces State Parks and State Forests Rules and Regulations, develops community conservation partnerships, provides environmental education and outreach, and provides information on the state's ecological and natural resources.</p>	<p>Litter and illegal dumping impacts State Parks and State Forests.</p>	<p>Contact appropriate State Park Office or State Forest District Office. Rachel Carson State Office Building, P.O. Box 8767, 400 Market Street, Harrisburg, PA 17105-8767 www.dcnr.state.pa.us (717) 787-2869</p>

PA Department of Environmental Protection

NORTHEAST (570) 826-2511

(Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, Wyoming)

SOUTHEAST (484) 250-5900

(Bucks, Chester, Delaware, Montgomery, Philadelphia)

NORTHCENTRAL (570) 327-3636

(Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union)

SOUTHCENTRAL (717) 705-4700

(Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, York)

NORTHWEST (814) 332-6945

(Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren)

SOUTHWEST (412) 442-4000

(Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland)

PA Fish and Boat Commission

NORTHEAST (570) 477-5717

(Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming)

SOUTHEAST (717) 626-0228

(Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill)

NORTHCENTRAL (814) 359-5250

(Cameron, Centre, Clearfield, Clinton, Elk, Jefferson, Lycoming, McKean, Montour, Northumberland, Potter, Snyder, Tioga, Union)

SOUTHCENTRAL (717) 486-7087

(Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Perry, York)

NORTHWEST (814) 337-0444

(Butler, Clarion, Crawford, Erie, Forest, Lawrence, Mercer, Venango, Warren)

SOUTHWEST (814) 445-8974

(Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland)

PA Game Commission

NORTHEAST REGION (570)675-1143

(Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Montour, Northumberland, Pike, Sullivan, Susquehanna, Wayne, Wyoming)

SOUTHEAST REGION (610)926-3136

(Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill)

NORTHCENTRAL REGION (570)398-4744

(Cameron, Centre, Clearfield, Clinton, Elk, Lycoming, McKean, Potter, Tioga, Union)

SOUTHCENTRAL REGION (814)643-1831

(Adams, Bedford, Blair, Cumberland, Franklin, Fulton, Huntingdon, Juniata, Mifflin, Perry, Snyder, York)

NORTHWEST REGION (814)432-3187

(Butler, Clarion, Crawford, Erie, Forest, Jefferson, Lawrence, Mercer, Venango, Warren)

SOUTHWEST REGION (724)238-9523

(Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland)

Notes:

About Keep Pennsylvania Beautiful

OUR MISSION

Empowering Pennsylvanians to make our communities clean and beautiful.

OUR VISION

A clean and beautiful Pennsylvania.

OUR GUIDING PRINCIPLES

Education- the key to encourage positive behaviors toward community improvement. | Individual Responsibility- Improving communities, their environment and quality of life all begins with personal responsibility. | Public-Private Partnerships- Broad-based community alliances are essential to achieve sustainable community improvement. | Volunteer Action- By engaging volunteers, we extend the reach of our educational efforts and multiply the impact of our actions.



For more information, contact:

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