

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2018 Legislative Session

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**Reference No.:** CB-54-2018

**Draft No.:** 2

**Committee:** TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE

**Date:** July 20, 2018

**Action:** FAV(A)

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Committee Vote: Favorable with Amendments, 3-0 (In favor: Turner, Lehman, Franklin)

The Legislative Officer provided an overview of the intent of the legislation and proposed amendments in CB-54-2018 Draft 2A.

Council Member Taveras, the Bill sponsor, was unable to participate in the committee work session due The Police Department representative indicated support of CB-54-2018 Draft 2A with the proposed amendment regarding Operations. As written, it would impact their current operational relations.

The DOE representative suggested language on page 4, lines 19-20 to verify which enterprise fund to be used for abatement and reward monies. It was initially suggested that the language would be modified to the Solid Waste Fund. However, a distinction was made that the rewards would come out of the Crime Solvers Enterprise Fund. It was then suggested the language should read, "appropriate fund." A question was raised if there was a need for legislation to utilize an enterprise fund.

Under Sec. 13-279. Reporting; on page 6 line 15 (a) the word "annually" was inserted after the word "shall." Clarification was made regarding reporting of data and providing analysis of environmental crimes and reporting data from the operations of the Environmental Crime Unit may be culminated in existing reporting methods provided by DOE.

Council Member Lehman raised the question as to how would things proceed with the MOU? The DOE representative indicated that the Department has five (5) high definition cameras to be placed in identified hot spots. In addition to the high definition; the cameras capture motion. The cameras will be reviewed twice a month for any new dumping. The cameras will be relocated periodically to different hot spots as necessary.

The Police Department representative indicated that there are three (3) geographical sections: North, Central and South. The existing officers assigned to these sections will be responsible for environmental crime activity.

This will allow for the continuity among the officers while allowing for environmental crime experience.

A question was raised regarding the State's Attorney Office as it relates to prosecuting environmental crimes cases and it was said that according to a Washington Post article, 200 cases have been prosecuted in the last two (2) years.

A question was raised regarding environmental crimes on state right a-ways and it was indicated that there is a need to reach out to state partners because consideration had not been given to state roads at this time. The Committee Chair indicated that while the definition for environmental crimes in the legislation includes litter and illegal dumping; there is currently civil citation for those offenses. All litter violations do not rise to the level of a criminal citation. It may be left up to the discretion of the investigating agency.

The Office of Audits and Investigations determined that CB-54-2018 Draft 2 may have a fiscal impact on the County, however an amount cannot be determined at this time. The impact will be contingent upon the processes and procedures established, which could result in the requirement to hire new staff, or to increase Agency resources.

CB-54-2018 Draft 2 include all of the amendments to the original Draft 1 of the bill as described below.

On page 1, in line 5, after "Unit;" insert "providing for a certain Memorandum of Understanding;" and on page 1, in line 7, after "representation" insert "providing for certain reporting;". On page 1, in line 13, after "13-272" insert "13-272.01"; and on page 1, in line 14, after "and" insert "13-279".

On page 2, beginning with "to" in line 18 down through "counterparts" in line 21. On page 2, in lines 21 and 22, strike "The Prince George's County Police Department" and substitute "Department of the Environment"; on page 2, in line 22, strike "lead" and substitute "coordinating"; and on page 2, in line 24, strike "Department of the Environment" and substitute "Prince George's County Police Department".

On page 2, after line 29, insert:

"Sec.13-272.01. Memorandum of Understanding.

- (a) There is a Memorandum of Understanding, dated September 1, 2018, that was entered into by the County and the Prince George's County Police Department to establish a Prince George's County policy for addressing major incidents of illegal dumping by the Environmental Crimes Team. The Memorandum of Understanding shall be the legal document evidencing the management and operations of the Environmental Crimes Team and the Memorandum of Understanding may be amended from time to time, as deemed necessary. The Memorandum of Understanding is attached hereto and incorporated herein, in full, and is designated as Attachment A."

On page 3, in line 15, after "State" insert "and Federal".

On page 3, in line 17, strike "is comprised of" and substitute "shall be comprised of the Environmental Crimes Team and shall operate in at least"; on page 3, in lines 18-19, strike "eight individuals who are grouped into four" and substitute "three"; on page 3, in line 19, after "enforcement", strike "teams" and insert "areas"; on page 3, in line 19, after "one", strike "team" and substitute "area"; on page 3, in line 19, strike "North County" and insert "the Northern"; on page 3, in line 20, strike "County" and "South County" and substitute "and Southern".

regions of the County". On page 3, strike beginning with "and cross-jurisdictional" in line 20 down through "employee" in line 23 and insert "The Environmental Crimes Unit shall be".

On page 3, strike beginning with "The" in line 29 down through "Department" in line 31. On page 4, strike lines 1-4. On page 4, strike beginning with "both" in line 6, down through "Transportation" in line 8 and substitute "the County Executive or their designee". On page 4, strike lines 9-10. On page 4, in line 11, strike "(d)" and substitute "(c)" and in the same line, strike "Department of Public Works and Transportation" and substitute "County". On page 4, strike lines 13-15. On page 4, in line 16, strike "(f)" and substitute "(d)"; on page 4, in line 18, after "percent" insert "or up to \$500"; on page 4, in line 19, strike "a special fund" and substitute "The appropriate enterprise funds". On page 4, in lines 25-26, strike "Department of Public Works and Transportation" and substitute "County". On page 5, in line 14, after "of" insert "the County Executive or their designee," and on page 5, strike beginning with "both" in line 14, down through "Transportation" in line 16.

On page 5, strike lines 19-31 and on page 6, strike line 1, and substitute:

"A major component of the Environmental Crimes Unit is to visibly enforce environmental laws. Similarly, a major component of the Environmental Crimes Unit is to covertly enforce environmental laws. Both the overt and covert operations of the Environmental Crimes Unit shall be conducted pursuant to the Memorandum of Understanding, as amended from time to time."

On page 6, in line 10, after "of" insert "Federal, State and"; and on page 6, in line 13, after "State" insert "Federal, and County".

On page 6, after line 13, insert:

**"Sec. 13-279. Reporting.**

(a) The Department of the Environment shall annually report data and provide analysis of environmental crimes and report data from the operations of the Environmental Crime Unit, with the exception of illegal dumping complaints that are deemed by the County Attorney to be confidential and/or pre-decisional. The Annual Report shall be transmitted, in accordance with State law, as part of the Ten-Year Solid Waste Management Plan.

(b) Site assessment is an on-going process and site assessments will be conducted and priority target areas will be updated periodically with a report at least once annually to the County Council and County Executive of the violations, citations and arrests for Environmental Crimes; response times to complaints involving illegal dumping; number and location of priority sites patrolled by each Environmental Crimes Unit team, and list of number and location of known illegal dump sites in the County.

Committee Report – September 13, 2018

Held In Committee

The Legislative Officer provided an overview of the intent of the Bill and proposed amendments shown in CB-54-2018 Draft 2.

The Administration currently has a MOU in place to combat environmental crimes. Therefore, it was respectfully requested that the Bill sponsor not act to allow the impacted agencies an opportunity to handle the complaints/issues of environmental crimes.

The Department of the Environment (DOE), Department of Permitting, Inspections and Enforcement (DPIE), Department of Public Works & Transportation (DPW&T) and Police Department (PD) constitutes the Environmental Team. The agencies all currently have a role in environmental crimes and will combine their efforts to address complaints, investigate, remove and prosecute offenders of major incidents of illegal dumping on private property, and in the public right-of-way.

The MOU was compared to the Joint Agency Group (JAG) that targeted commercial establishments during the late hours.

No legal comment was provided by Office of Law on the MOU since it is a policy.

Department of the Environment (DOE) is the lead agency in the MOU while the Police Department is the lead agency in the legislation.

Major William Alexander, Prince George's County Police Department, opposes the Bill but not the intent of the Bill.

Public testimony was provided by staff from the District of Columbia Department of Public Works Environmental Crimes Unit. Information was provided on their program, and the need for the County to have a similar program since we are a neighboring jurisdiction. The DC Environmental Team are grouped by Wards. Data was provided on their illegal dumping regulations, number of environmental crimes from October 1, 2016 thru September 12, 2018 and list of open criminal cases (100% conviction). Written documentation was provided.

Ramon Palencia-Calvo, Maryland League of Conservation Voters Education Fund, spoke in support of CB-54-2018 Draft 2; indicating that it is a step in the right direction to complement community led efforts with additional measures to enforce the laws and regulations that prevent littering, illegal dumping, and to increase community outreach efforts as part of prevention and enforcement.

Laura Cattell Noll, Alice Ferguson Foundation, spoke in support of CB-52-2018 Draft 2; expressing the need for an Environmental Crimes Unit to help alleviate illegal dumping, implement liter prevention strategies and cross boarder cooperation with neighboring jurisdictions.

Scot Welch, Allan Associates, testified in support of CB-54-2018 Draft 2; indicating the need for the Bill because of contractors dumping near dumpsters in rental properties that he manages.

Robin Allen (resident of Greater Chillum Community) and Reeda Butler (resident of unincorporated area of Hyattsville) spoke in support of the Bill expressing the need of the legislation for safety and welfare of the citizens.

Written correspondence was provided from Prince George's County Association of Realtors expressing support and providing comments on area of concerns.

Walter and Yolanda Quintanilla (residents of non-incorporated community of Lewisdale) provided written comments in support.

The Committee Chair requested copies of the MOU for committee members, and for Office of Audits and Investigations to prepare a fiscal impact statement and on page 3 of the Bill, is the intent of the definition of Environmental Crimes to include litter and illegal dumping?

The Committee Chair indicated that the General Assembly passed legislation implementing an Environmental Justice Commission, with DOE as the lead agency, an expansive bill with an end of the year deadline to report.

The Committee Chair inquired as to prosecution of environmental cases by the State's Attorney.

CB-54-2018 Draft 2 was held in committee for further consideration.