



James R. Walkinshaw
Braddock District Supervisor

**9002 Burke Lake Road
Burke, VA 22015**

703-425-9300

Braddock@fairfaxcounty.gov

www.fairfaxcounty.gov/braddock

Joint Board Matter

**Supervisor James Walkinshaw
Chairman Jeff McKay
Supervisor Kathy Smith
Supervisor Dan Storck**

September 13, 2022

American Disposal Services

Background

Mr. Chairman,

In 2019, the Board of Supervisors directed county staff to brief the Board of Supervisors and “take whatever legal action may be available” to address community complaints of late pick-ups, missed pick-ups, and a failure to meet commitments to customers by American Disposal Services. A joint Board Matter led by former Supervisor John Cook and Supervisor Kathy Smith noted that failed pick-up issues were creating “significant health, safety and community enjoyment problems.”

Subsequently, a settlement between Fairfax County and American Disposal Services led to a \$2,500 civil penalty regarding code violations and a consent agreement whereby American Disposal Services had to regularly verify that it was working to improve service quality and compliance with the County’s Solid Waste Ordinance.

At the height of the pandemic, solid waste haulers in our region and across the nation struggled to keep pace with large volumes of waste while the frontline workers who perform one of the most dangerous jobs in the country faced the uncertainty of COVID-19, fell ill themselves, and cared for sick family members. A nationwide labor shortage and an acute shortage of CDL drivers has also hit the industry hard. But since then, other solid waste haulers in the county have recovered and improved service. The roughly 10% of homes receiving county collection through our Sanitary Districts have seen an improvement in service quality, thanks to the actions of our staff.

But unfortunately, since January of this year, the complaints against American Disposal Services have risen dramatically. All of us have heard from constituents who have experienced late pick-ups, missed pick-ups, and poor customer services. County staff from the Department of Public Works and Environmental Services have done amazing work with thousands of residents, helping them address individual issues with American Disposal Services. But a better solution would be for American Disposal Services to meet the requirements of the County ordinance, keep its commitment to its customers, and address the myriad complaints that are only increasing in number.

Picking up the trash and picking it up on time is critical to public health, environmental protection, and quality of life in our community. Unfortunately, the current quality of service being provided by American Disposal is risking all three in Fairfax County.

Proposed Action

Therefore, Mr. Chairman, we move that the Board direct the County Executive and County Attorney to:

1. Brief the Board by memo on efforts underway to address the complaints from residents that American Disposal Services has consistently failed to meet its commitment to customers and the County Solid Waste Ordinance to provide timely pick-up of trash, recycling, and yard waste. This briefing should include an analysis of potential enforcement actions for violations of the ordinance.
2. Brief the Board – either in closed session or by memo – on the County’s existing authorities with respect to applicable consumer protection statutes and any other legal options the County has to aid residents in their efforts to receive the services for which they are paying.
3. Prepare a presentation for an upcoming of the Legislative Committee outlining the Code of Virginia’s restrictions on local governments’ ability to move to a different system of solid waste collection, for example, a county-wide franchising model as discussed previously at the Board’s Environmental Committee. That presentation should include language for the Board to consider including in our Legislative Agenda.