

# Litter in the City of Valdosta

## *Sources and Solutions*

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### Motivation

WWALS is happy to sit down with the City of Valdosta as partners to work through a process to reduce and clean up the litter in Sugar Creek. Litter is a public health problem, and a problem for recreation and ecotourism. Valdosta Public Works identified the public health problem back in 2010 in the Stormwater Master Plan (SWMP): ***“Streams are a natural attractor for children and play structures occur along the stream edge. The pollution in this stream poses a serious risk of disease and injury and children should be strongly discouraged from playing in the stream until the trash and sewage are eliminated.”***

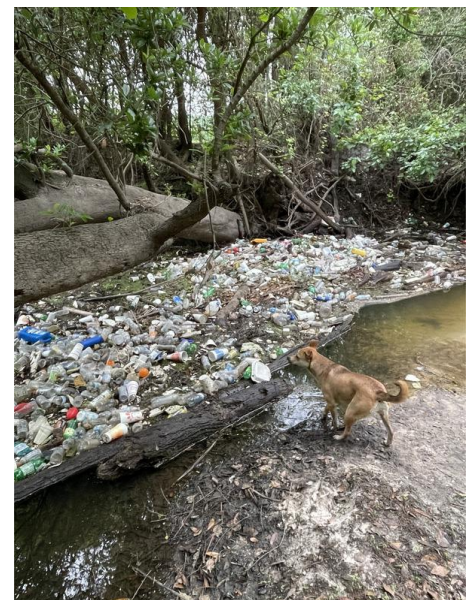


Sugar Creek itself could be [a recreational asset for the City](#), at least from Baytree Road to the Withlacoochee River, with sand beaches, willow and sycamore trees, and a long stretch of right bank owned by Valdosta above Gornton Road, plus Bland Park backs up from Park Lane to the creek. Many other cities make parks of their creeks and rivers, with hiking and biking trails, picnic tables, and boating facilities.



But “If you see it, it’ll break your heart. In a deadfall it all gathers,” as Valdosta Mayor Scott James said on his radio show to Suwannee Riverkeeper John S. Quarterman, about trash in Sugar Creek, which washes into the Withlacoochee River, downstream into Florida and the Suwannee River, onwards to the Gulf. <https://wwals.net/?p=56479>

The City of Valdosta and Lowndes County are working up funding for a Troupville River Camp at the Little River Confluence, and One Valdosta-Lowndes has listed that project as number one among twenty things it wants to do for community economic development. Trash from those Sugar Creek logjams washes right down the Withlacoochee River to that River Camp site in heavy rains: not good for ecotourism or recreation.



Similarly, the Withlacoochee River from Langdale Park is a great paddle, but it is quite depressing to arrive at Sugar Creek and find rafts of trash. The Mayor [helped open a deadfall](#) back in May during a paddle on that stretch.



Fortunately, there are solutions, from cleanups at logjams, upstream to trash traps, trash cans, and code enforcement. Other creeks are also a problem, such as Stillhouse Branch coming out of the Country Club, with its trash jam at the Withlacoochee River. However, Sugar Creek and its tributaries Hightower Creek, Onemile Branch, and Twomile Branch appear to be the major trash sources. Trash at the boat ramps on the Withlacoochee and Little Rivers used to be a problem, but since Lowndes County has implemented its own litter collection team, which leans up the boat ramps weekly, that situation is much better. The main source of trash into the Withlacoochee River is Sugar Creek. So we focus on Sugar Creek for the moment.



## Federal Correlation

There is a correlation to the current litter problem in the City of Valdosta and the Federal Solid Waste Disposal Act of 1965. The Federal definition of solid wastes mirrors the City of Valdosta's definition of litter. It wasn't until 1959 that the American Society of Engineers published the first guide of establishing a sanitary landfill to reduce fire hazards, odor, and rodent infestations. Well into the mid-1960s, open pit dumping was the most common way of disposing of Solid Waste. The EPA estimated that even as recent as the 1990s, more than 75% of the landfills in the US were contaminating groundwater.

## Trash Cans

Consider now a current local litter issue that has been identified as far back as the 2007 Two Mile Branch Watershed Management Plan as it was listed as an impaired stream. Meaning it was not supporting its designated use for fishing due to fecal coliform violations. This plan begins to reference trash buildup in specific areas but also includes discussion about pet waste. It provides a remedy for pet waste that could also be translated into a solid waste remedy with regards to litter. It suggested from a study from the North Carolina Department of Transportation that ***“stressed the importance of providing a trash receptacle and placing stations away from water bodies. Additional recommendations resulting from the study showed that the stations worked best with well-identified signs explaining the pickup process, bag usage increased when the trash receptacle was located next to the station, and that educational material at the stations about pet waste issues was needed.”*** It stated that the required informational pamphlet needed to help educate the citizens of Valdosta had already been developed and pet waste receptacles installed to capture 70% of pet waste. This plan stated that the 2007 price for trash receptacles was \$320 each and that the VLPRAs empty these as part of its regular park maintenance. There was a recommendation in this plan that installing educational signs on water quality and pet waste would be worth the additional cost. This is a segue into stormwater management discussion as this plan introduces the effort to educate the citizens on stormwater management issues.

## Education

From this 2007 plan, it states that public education is key for support of a program, to include the provided pet waste and water quality connection exemplified in the plan. It says that at least three articles a year in the City Beat are related to the stormwater management.

## Ordinance Updates

The plan also mentions ***“Existing regulations and management plans included the sanitary code which regulates septic and sewer line installation, a stormwater management plan, erosion control and sedimentation act, and a voluntary tree and landscape ordinance among others”*** and states that section V of the environmental regulations from the State of Georgia had not been adopted yet. Through this discussion we get the mention of a stormwater ordinance. There are many references to this stormwater ordinance listed in existing publications on the City’s Stormwater Division website. These documents mention a slew of references on keeping detention ponds free from litter. While the actual City Code of Ordinance does not match what is listed on the Stormwater Managements Minimum Control Measures (MCM) referenced in attachment M. However, in the MCM-D, the Stormwater Management Program discusses BMPs and mentions the E&S as ***litter*** and referring it to the litter ordinance, specifically mentioning that changes were taking place to the 2006 litter ordinance with regards to construction sites. The litter ordinance is actually referenced many times for enforcement throughout the overall Stormwater Permit and Management Program.

The ordinances referenced in the Stormwater Permit and Management Program attachments G and M, as well as the 2010 Master Stormwater Management Plan, offer more than enough guidance on the importance and legality of keeping commercial property such as parking lots and land border free from trash as well as related detention ponds. Even in the City of Valdosta Land Development Regulations Section 310 for Stormwater, we can find the guidance covering detention ponds and even the enforcement of violations thereof. ***“Section 310-99 Detention Pond Protection Every person owning property, or such person’s lessee, upon which a detention pond, swale, gully, inlet, outlet and/or pipe, being part of said property, will maintain that part within the property free of trash, debris, excessive vegetation, excessive sediment and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse.”*** Also section 310-100 that ***“In the event the violation of any provision of this article constitutes an immediate danger to public health, safety, or welfare, the Director of Utilities is authorized to, to take any and all measures provided by law to abate the violation and/or restore the property. The Director of Utilities is authorized to seek reimbursement for costs of the abatement as outlined in subsection (E). ”***

## Enforcement Authority

We can depart the detailed publications regarding Stormwater Management itself and now turn to the various related City ordinances that discuss the importance and responsibility of litter control within the City of Valdosta. We could just limit the discussion to [Chapter 82, Solid Waste](#), of the City Code of Ordinances but since the litter control issue has gone on far too long without accountability, let us explore other existing options for enforcement. Chapter 82 ***Solid Waste*** also cross references [Chapter 42 Environment](#) which under Article VII goes into Stormwater Management. If we visit here for a



moment at Chapter 42 before proceeding to Chapter 82, we will find as mentioned earlier some differences in specific verbiage with the Ordinances listed in Attachments G and M of the Stormwater Permit and Management Program. The verbiage is strikingly similar almost verbatim. However, we are now introduced to the City Engineer as an enforcement authority, while before it was the Director of Utilities or at least it was under Land Development Regulations concerning Stormwater Management.

An additional element found under Chapter 42 is that the City Engineer is to provide guidance under the Georgia Stormwater Management Manual (GSWMM) for stormwater site management plans. The Georgia Stormwater Management Manual (GSWMM) also known as the “Blue Book” is established under Article VII Stormwater Management Section 42-401 as the guiding standard for Valdosta Stormwater Management on all accounts.

When dealing with legal terms, it is important to clarify how a document defines a specific term as words do have meaning. For example, the City Code of Ordinance on **owner** is defined as *“the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.”* Another key term to define at this moment is **person**: *“except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.”*

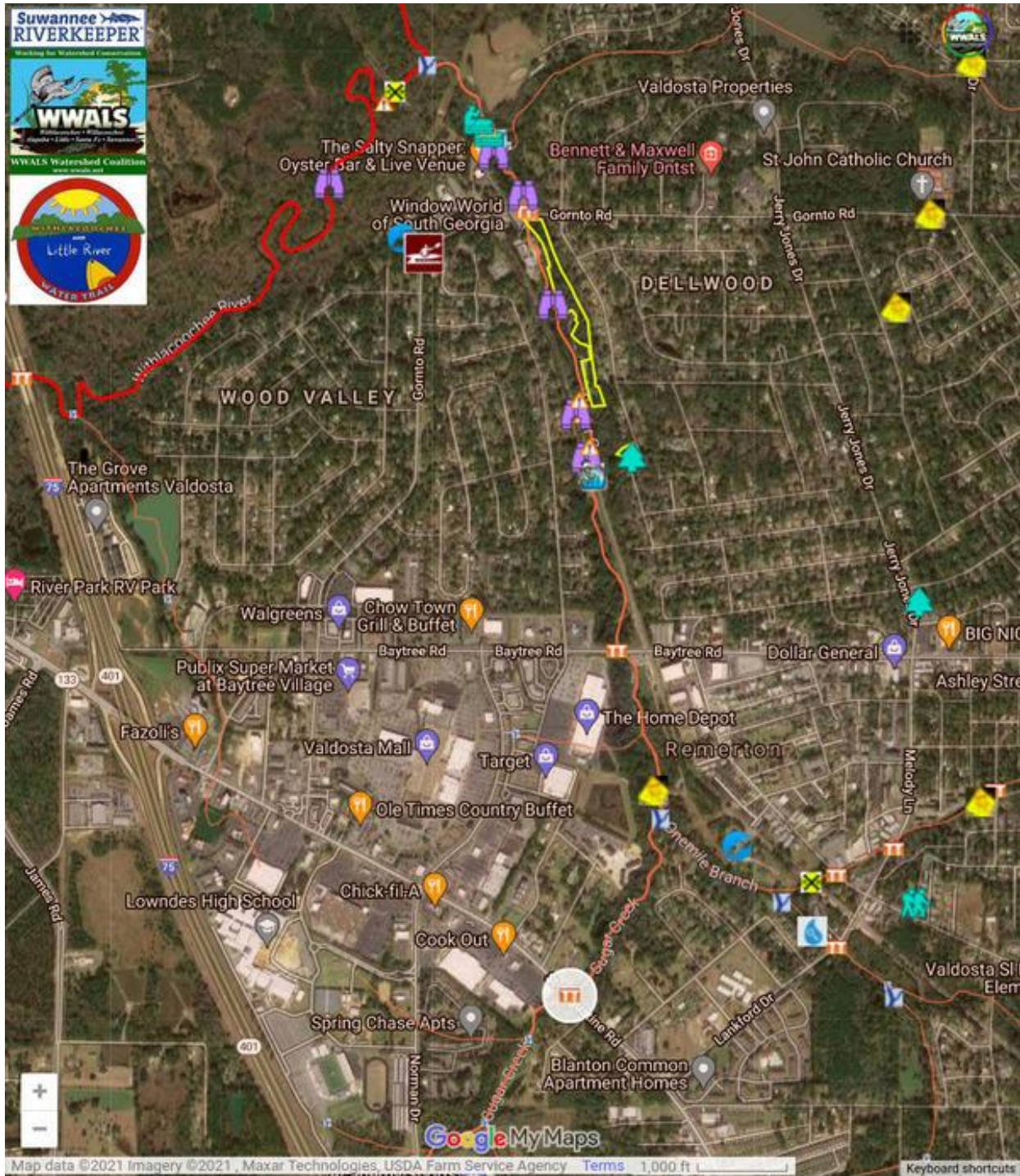
## Litter Control Responsibilities

Now we can return to Valdosta Ordinances, Chapter 82, Solid Waste, and explore some litter control responsibilities. If you recall we have established that the City of Valdosta’s definition of litter echoes the Federal definition of Solid Waste. While we do acknowledge and establish here that the individual citizen is first and foremost responsible for their conscious decision to litter, it must be stated that business and private property owners also share a significant responsibility and contribute to the litter and associated stormwater runoff accumulation in our local waterways. We can find a multitude of listed responsibilities that hold them accountable. Not limited to; *“The owner, occupant, and lessee of all property, including, but not limited to, parking lots, not otherwise described herein, jointly, and severally are required to remove all litter from any source, from their property and to place same in appropriate containers. Vacant lots, borders, embankments, fences, walls, driveways, and sidewalks shall be kept free of litter.”* It further holds *“Every owner, manager, occupant, tenant or lessee using or occupying any commercial, institutional or individual building or property shall be obligated jointly or severally to provide an appropriate number of litter receptacles maintained in good, clean condition. The size, type and number shall be as specified by the director of public works to be reasonably required to hold litter generated by operation of the business between periods in which they are emptied into a bulk container for regular city refuse collection. Such containers shall be weighted or attached to the ground as necessary to prevent spillage. Commercial sites where there are a large number of individual*





stores bound together by association or lease, such as malls, shopping centers or the downtown shopping area may consider the requirement for the number and placement thereof in the total picture rather than on an individual basis.” You can see that here we reintroduce the Utilities Director as mentioned previously under stormwater management violation enforcement.



*Sugar Creek, in WWALS [map of the Withlacoochee and Little River Water Trail](#).*

## Trash Cans and Sweeping

Chapter 82 doesn't stop here, it continues to explain control measures and accountability by being so bold as to say; ***“Commercial sites with on-site parking shall, at a minimum, have its parking area cleaned or swept as needed to prevent an accumulation of litter and to maintain a neat and orderly appearance. Furthermore, said sites shall provide and maintain litter receptacles that are strategically placed throughout the parking lot for individuals using same to properly deposit litter and other refuse. The number of receptacles shall be determined as follows: One receptacle for establishments with one to 25 parking spaces; Two receptacles for establishments with 26 to 50 parking spaces; One additional receptacle for each additional 100 parking spaces at any location.”*** To enforce this, the ordinance details a number of entities that can issue citations such as but not limited to, ***“any city police officer, marshal, firefighter, employee of the parks and recreation department of the city, code inspector, or building code inspector is empowered to enforce the provisions of this section by issuing a citation and bring the accused before the judge of the municipal court for the city.”***

## Rebuttable Presumption of Violation

Catching a litterbug in the act is difficult and the City acknowledged that and created this Solid Waste Ordinance clause: ***“whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of O.C.G.A. § 16-7-43 is discovered to contain any article, including, but not limited to, letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this section”***. Here we are reminded of what the city defines as a person is not limited to an individual.

## Fines and Other Punishments

It is also important to establish that the violator can be held to any of these ***“Any person convicted of a violation of any portion of this article shall be punished by a fine not exceeding \$500.00, or be required to work by removing litter, cutting grass or participating in other beautification projects as directed by the court or it's designee, on the public streets or highway or public right-of-way, and public property in the city not exceeding 30 days or any combination of both in the discretion of the judge of the municipal court. In the sound discretion of the judge of the court, the person may be directed to pick up and remove from any public park, private right-of-way, or, with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence. The court may, in its discretion, require any person convicted of a violation of any portion of this article to publish said person's name and photograph, at the violator's expense, in the legal organ for the city”***

This would mean that a commercial property that failed to maintain a private property detention pond and grounds free from litter, and that litter washed down the stormwater and into a creek or river, then that property owner, tenant, lessee, etc. would not only be responsible for the violation, fine, cleaning of their own private property, but also that of the area where the litter was deposited to. At this point we would also be able to apply the section “f” in Chapter 82 of the evidence and presumption of littering to a

commercial and private property. We will expand on the previously mentioned Georgia Stormwater Management Manual (GSMM) shortly.

## **Landscaping Ordinance and Business Licenses**

We still have quite a few existing City Ordinances that help establish a litter reduction playbook for the City of Valdosta. One of which can be found under Chapter 62- Landscaping. In this section under General Requirement 62-122 (e) Maintenance; ***The owner and/or developer is responsible for maintaining all plant material in a healthy condition. Such maintenance practices shall include sufficient water, weeding, replacement of dead plant material, proper pruning and litter removal.*** We find yet another reference that the business/property owner is responsible for cleaning up the trash. Even when visiting Chapter 14, we find in section 14-6 Vermin harborage that ***“It shall be unlawful for any person to store or accumulate on any premises, improved or vacant, in the city, any abandoned, decayed, or deteriorated buildings, automobiles, trucks, house trailers, appliances, building materials, trash, rubbish, debris, or any other material which is conducive to the spread of rodent infestation which would create a place of vermin harborage hazardous to the health and welfare of the residents of the city”*** There is an appellate process and any business found in violation can be denied a business license or have their existing one revoked. We can now visit the State requirements as well as those established by the GSMM that the city of Valdosta is required to follow as standard. However this would be a repetition of what has already been stated thus far.

## **Reporting to the State of Georgia**

One thing that the Georgia State law discusses that has not been covered thus far. Under Georgia State Law 12-8-31, Solid Waste Management Plan Reporting, per this requirement, the state of Georgia requires a report to the Governor and General Assembly on the status of litter prevention and abatement. This litter report shall include but is not limited to an itemization of expenditures and form the Solid Waste Trust Fund for the prevention and abatement of litter, a compilation and analysis of litter prevention, collection and enforcement efforts. A statement of progress in achieving a litter prevention ethic and recommendations for improving litter abatement and prevention efforts.

## **A Proactive Approach**

We can see the intent from all of these existing publications plus many that we have not discussed, is that we should all take a proactive approach to tackling the litter problem, especially when it comes to stormwater management.

## **Police Citations**

The litter problem became sufficiently severe in 2018 that the Valdosta Chief of Police issued a department-wide memorandum informing all law enforcement officers to aggressively issue citations to those citizens they find littering. The Chief of Police gave specific instruction that warnings were not to be given. Such aggressive targeting of the average citizen is justifiable and should continue due to the scope of the problem.

## Business Citations

But why should enforcement be limited to individual citizens? Valdosta has already established that “person” also means commercial business and property owners. If these locations are reported to the City Marshall or other applicable agency, shouldn’t they also be aggressively cited as well? The memorandum from the Chief of the Valdosta Police Department in 2018 states that the reason for the aggressive litter citations is due to the fact that litter has gotten out of control over the years and has prevented Public Works from being able to perform their primary routines of trash and sanitation. Why would only individuals be held accountable and not also the commercial business and property owners? Those owners also enable and allow the litter accumulation to the point where it is unsanitary and negatively impacts our waterways. Various sites have been reported to the City Marshall for enforcement. However these have been considered resolved by the City Marshall, when in actuality they have remained untouched and in the same dilapidated condition they were more than 30 days after being reported.

## Coordination

The 2010 SWMP directed production of an Enforcement Response Plan (ERP), the most recent version of which is from [November 2015](#). That ERP seems like a very useful document, with specific directions for the Utilities and Engineering Departments. However, curiously it does not mention Code Enforcement. It also says nothing about trash cans. Meanwhile, [City Ordinances Sec. 82-1\(d\)](#) says: *“Any city police officer, marshal, firefighter, employee of the parks and recreation department of the city, code inspector, or building code inspector is empowered to enforce the provisions of this section by issuing a citation and bringing the accused before the judge of the municipal court for the city.”*

Maybe that is the underlying source of delay in addressing this decade-old trash problem: it seems to be scattered across several departments. How can they be coordinated to solve this trash problem?

## Upstream Economics

As Mayor Scott James also [said on his radio show](#), “I’m going to call water bottles a plague.” Nobody actually needs plastic water bottles. Valdosta has invested in its drinking water, which is good quality. Metal and glass water bottles are easy to obtain, last a long time, and people are unlikely to throw them away.

Ten U.S. states plus Guam currently have [bottle deposit laws](#). In those states the bottle and can litter problem is markedly less, because people redeem containers for cash.

In those bottle deposit states, bottle producers also tend to deploy [reverse vending machines](#), which accept bottles or cans and dispense cash. Bobby McKenzie can attest reverse vending machines work, and can be found even in small villages in Romania, which is one of many countries that have bottle deposit laws. Valdosta is doing great work with its recycling program, but more can be done, funded by the companies that are producing the bottles and cans.

An even bigger problem is styrofoam containers, which break into ever-smaller pieces, which are impossible to clean up by ordinary means. Wildlife eat them and cannot digest them.



Six U.S. states have [banned styrofoam containers](#), most recently Colorado, New York, and Virginia. Georgia and Florida should do the same.

Of course, that is a statewide issue and Valdosta is a city. However, it is actually an advantage that the Valdosta Metropolitan Statistical Area is balkanized into four statehouse districts: that gives Valdosta, Lowndes County, and Brooks, Lanier, and Echols Counties, extra pull at the state legislature: witness any time Moody AFB is threatened. Plus recently all those state representatives plus another, and the local state senator plus another visited Valdosta with the Governor and Lt. Governor. And both Georgia U.S. Senators have visited within recent months.

Valdosta could start first. Thirteen states have [local government bans on styrofoam containers](#).

Similarly, nine states have single-use plastic bag bans. Such a [ban bill](#) was [proposed in the Georgia legislature in 2020](#). It didn't pass, but such things often take several tries. The chair of the relevant Senate committee said at the time: *"I am the biggest treehugger in the senate," said [Frank] Ginn, adding that he believes plastic bag bans should fall under local control. "I don't think it is something we really want to push legislatively to the citizens of Georgia."* He may have been referring to [a 2015 failed attempt by the legislature to prohibit local plastic bag bans](#). Twenty states, [including Georgia](#), have plastic bag bans by at least one local government. Valdosta could do this. Some Valdosta City Council members worry that the state would just overturn such a local ban, but remember, the Georgia legislature already tried that and such pre-emption did not pass.

Valdosta could pass a plastic bag ban. Or a styrofoam ban.

## Downstream Patches

To actually stop the litter problem, it must be addressed at the source, as discussed above. However, some litter will get through, whether blown off parking lots or thrown out of cars. So some downstream patches are also useful.

### Trash Traps

Valdosta has one [trash trap](#), at the west end of Baytree Road above Lake Sheri. It was very expensive, so nobody wants to do it that way again.



Fortunately there are much less expensive options available now, a decade later. The Valdosta Stormwater Manager and City Engineer have already attended a presentation by Osprey, maker of the Litter Gitter, a trash trap small enough for two people to carry, and which volunteers can manually empty. Osprey offers a turnkey solution in which they replace broken traps and they hire personnel to clean out the traps. Two or three traps could be very useful, for example just downstream of Berkley Drive on Twomile Branch, just downstream of Ashley Street on Onemile Branch, and on Sugar Creek either at Gornto Road or just below the Twomile Branch Confluence.



WWALS is working up a grant proposal to Coca-Cola for trash traps. Coca-Cola is the number one seller of plastic bottles with drinks. It says it is [moving to 100% recyclable plastic bottles](#) (but not yet in Georgia). Coca-Cola also says it will [not stop selling single-use plastic bottles](#). So it is only appropriate that Coca-Cola should, as it has already done in Atlanta, fund some trash traps in Valdosta.

Participation by local businesses in the grant proposal would make it more likely to get funded. Further, local businesses that need to deploy trash cans have motivation for continued sponsorship of trash traps after any outside grant expires. Such sponsorship would demonstrate their commitment to clean waterways.

## Cleanups

Many years of cleanups have demonstrated that they do not solve the litter problem. More plastic bottles and cans and styrofoam just show up again later. Plus, styrofoam by the time it gets to the logjam at Sugar Creek below Twomile Branch is already broken into such small pieces that no volunteers can clean it all up.

Nonetheless, cleanups are good community education exercises on the severity of the problem, and they do help collect trash that gets through. That will still be the case even with upstream enforcement and trash traps.

Cleanups also serve as evidence gathering, per the Valdosta Solid Waste Ordinance: *“whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of O.C.G.A. § 16-7-43 is discovered to contain any article, including, but not limited to, letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this section”*.

A joint City-County-WWALS cleanup is scheduled for October 9, 2021, per agreement among the PIOs of Valdosta, Lowndes County, and WWALS. That cleanup would also be a great opportunity to announce a new proactive approach.

## Summary

Cleanups and trash traps will always be useful. But solving the litter problem requires a proactive solution including upstream education, enforcement, and financial participation by the businesses that need to stop litter from exiting their property. Such businesses would gain positive publicity by participating, as would the City of Valdosta, in addition to improved quality of life.