

SOLID WASTE MANAGEMENT¹

Sec. 17.2-100. Authorization

This ordinance is enacted pursuant to authority contained in §§ 15.2-930, 15.2-1426, 15.2-1427, 15.2-1200, 33.1-346 and Chapter 14, Title 10.1 of the Code of Virginia, 1950, as amended.

Sec. 17.2-101. General.

- (a) *Citations.* This ordinance shall be known and may be cited as the "Russell County Solid Waste Management Ordinance."
- (b) *Severability.* Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- (c) *Effective Date.* This ordinance shall be in full force and effect from the date of adoption.

Sec. 17.2-102. Definitions.

For purpose of this ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section.

Authority means the Cumberland Plateau Regional Waste Management Authority created by the Buchanan County Board of Supervisors, Dickenson County Board of Supervisors and Russell County Board of Supervisors for the purpose of collection of garbage and refuse within the member jurisdictions.

Board of supervisors means the Russell County Board of Supervisors.

Bulk waste means appliances, furniture, bedding material, automobile parts, mechanical equipment, mechanical parts, and carpet.

Commercial waste means all solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category is not limited.

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¹ **State law reference:** Enabling act for regulation of garbage, refuse pickup and disposal services, Code of Virginia § 15.2-930

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to, solid waste resulting from the operations of stores, markets, office buildings, restaurants and shopping centers.

Construction waste means solid waste which is produced or generated during the construction, remodeling, or repair of pavements, houses, commercial building, and other structures. Construction waste include, but are not limited to, lumber, wire, sheet rock, brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gasses or semi-liquids and garbage are not construction wastes.

Convenience center means a controlled site, other than a sanitary landfill, upon which specified types of solid waste may be deposited in containers provided by the county, or at designated locations on the site, and from which solid waste is removed to an authorized facility on a regular schedule for proper disposition.

County means Russell County, Virginia.

Debris waste means wastes resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

Demolition waste means that solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction waste.

Federal acts means any act of Congress providing for waste management and any regulations promulgated thereunder.

Hazardous material means a substance or material in a form or quantity which may pose an unreasonable risk to health, safety or property when transported, and which the Secretary of Transportation of the United States has so designated by regulation or order.

Hazardous substance means a substance listed under United States Public Law 96-510, entitled the Comprehensive Environmental Response Compensation and Liability Act.

Hazardous waste means a solid waste or combination of solid waste, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or,
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

These solid wastes include, but are not limited to, pesticides, poisons, corrosives, combustibles, caustics, acids, infectious materials, explosives, compressed gases,

biological and chemical materials, radioactive materials, flammable materials, and petroleum products.

Household waste means those items of solid waste that can reasonable be expected to be generated from within a home by the day-to-day operation of the household. The term household waste specifically excludes construction waste, demolition waste and yard waste.

Industrial waste means any solid waste generated by a manufacturing or industrial process that is not a regulated hazardous waste.

Loitering means the act of idly remaining in a public place for a protracted time.

Open dump means a site on which any solid waste or hazardous waste is place, discharged deposited, injected, dumped, or spilled so as to create a nuisance or so as to present a threat of a release of harmful substances into the environment or present a hazard to humans or the environment.

Person means an individual, corporation, partnership, association, government body, municipal corporation, or any other legal entity.

Recycling means the process of separating a given waste material from the waste stream and processing it so that it is used again as a raw material for a product which may or may not be similar to the original product.

Regulated medical waste means waste as defined in 9-VAC-120-140. Such wastes include, but are not limited to, medical wastes such as sharps, cultures and stock of microorganisms and biologicals, blood and blood products, tissues and other anatomical wastes.

Salvage means the authorized, controlled removal of waste materials from a solid waste management facility.

Sanitary landfill means an engineered land burial facility for the disposal of solid waste so located, designed, constructed and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment.

Scavenging means the unauthorized or uncontrolled removal of waste materials from a solid waste management facility.

Sludge means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility.

Solid Waste means any garbage, refuse, sludge, or other discarded material, including solid, semisolid, liquid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, or community activities but does not include:

- (1) Solid or dissolved material in domestic sewage.

- (2) Solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the department of environmental quality.
- (3) Nuclear, or by product material as defined by the Federal Atomic Energy Act of 1954, as amended.

Solid waste facilities means those facilities, including but not limited to, convenience centers, sanitary landfill, transfer site or transfer station, provided by the county for with solid waste may be deposited.

Solid waste management means the administration of activities which provide for the collection, separation, storage, transportation, transfer, processing, treatment, recycling, and disposal of solid waste.

Tipping fees means those fees charged for commercial and industrial generators of solid waste doing business within Russell County, Virginia pursuant to the Russell County Solid Waste Tipping Fee Ordinance.

Transfer site means a site, other than a sanitary landfill, upon which specified types of solid waste may be deposited in containers provided by the county, or at designated locations on the site, and from which such solid waste is removed to an authorized facility on a regular schedule for proper disposition.

Transfer station means a site, other than a sanitary landfill, transfer site or convenience center, upon which specified types of solid waste may be deposited and to which such solid waste is deposited on a regular schedule for proper disposition.

Transport or transportation means any movement of property and any packing, loading, unloading or storage incidental thereto.

Yard waste means that fraction of municipal solid waste that consists of grass clippings, leaves, brush and tree prunings arising from general landscape maintenance.

Sec. 17.2-103. General prohibitions.

(a) *Authorized use.* Use of the county's sanitary solid waste facilities are limited to persons or businesses disposing of solid waste generated and originated from within the county.

(b) *Open dumps.* No person shall operate, construct, maintain or dispose of solid waste in open dumps.

(c) *Private landfills.* It shall be unlawful for any person to operate a private landfill or to allow waste to be disposed on or otherwise managed on his property within the county unless permitted by the Virginia Department of Environmental Quality or such other agencies of the Commonwealth of Virginia as may be authorized by law, or regulation to permit such activity. Additionally, it shall be the duty of all persons to dispose of or otherwise manage their solid waste in a legal manner.

(d) *Hazardous waste.* It shall be unlawful for any person to dispose of hazardous waste within the county.

(e) *Scavenging.* Scavenging of any material from a county-owned sanitary landfill, transfer site or convenience center is prohibited.

(f) *Regulated medical waste.* It shall be unlawful for any person to dispose of regulated medical waste at a county-owned sanitary landfill, transfer site, transfer station or convenience center.

Sec. 17.2-104. **Trespassing.**

(a) *Sanitary landfill.* It shall be unlawful for any person, other than county employees actually engaged in the course of their employment and law enforcement officers in the performance of their official duties, to enter or cause another to enter upon county sanitary landfill property except during normal business hours of operation.

(1) *Restrictive access.* During the hours of normal operation, county employees shall direct persons to specific areas of the landfill and/or shall prohibit access to specified areas of the sanitary landfill. It shall be unlawful for any person to disobey such directive.

(b) *Transfer sites and convenience centers.* It shall be unlawful for any person, other than county employees actually engaged in the course of their employment, and law enforcement officers in the performance of their official duties, to enter or cause another to enter upon an area controlled and operated by the county as a transfer site or a convenience center, except during the hours of operation.

(c) *Parking.* It shall be unlawful for any person, other than a county employee or law enforcement officer actually engaged in the course of his employment, to stop or park a motor vehicle on a county sanitary landfill, transfer site or convenience center except temporarily for the purpose of unloading solid waste in accordance with the provisions of this article and the regulations promulgated thereunder.

Sec. 17.2-105. **Littering.**

(a) *General.* It shall be unlawful for any person to dispose of or cause to be disposed of any solid waste by littering in or upon any property within Russell County. (Also see Russell County Litter Ordinance §§ 17.2-200 et seq.)

Any person who disposes of solid waste by placing same inside a container provided by the county for the purpose of collecting said solid waste shall be deemed to be in compliance with the requirements of this section.

(b) *Transfer sites.* It shall be unlawful for any person to drop, deposit, discard or otherwise dispose of solid waste in, on or around any transfer site except in refuse containers provided for the purpose of solid waste collection.

(c) *Convenience centers.* It shall be unlawful for an person to drop, deposit, discard or otherwise dispose of solid waste in, on or around any convenience center except in refuse containers provided for the purpose of solid waste collection unless county established procedures provide otherwise for specified types of solid waste.

(d) *Transportation of solid waste.* It shall be unlawful for any person to collect or transport solid waste in a vehicle unless such solid waste shall be enclosed or securely covered by a canvas, screen wire, or secured by other means to prevent its loss from the vehicle in transit.

Sec. 17.2-106. Discharge of firearms.

It shall be unlawful for any person willfully to discharge, or cause to be discharged, a firearm into or upon the property of sanitary landfill facilities, transfer sites or convenience centers; provided that this section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property.

Sec. 17.2-107. County sanitary landfill facilities.

(a) *Sanitary landfill.* Sanitary landfill facilities shall be owned and operated by the county and are not for the use of the general public. Such facilities shall be operated under permit from the department of environmental quality and in accordance with rules and regulations promulgated by said department. The term "general public" as used in this section shall mean persons or businesses within the county. The sanitary landfill facilities are no longer operational for the acceptance of new solid waste of any kind nature or description into the sanitary landfill.

(b) *Hours of operation.* Sanitary landfill facilities shall be closed to the general public.

(c) *Landfill attendants.* Sanitary landfill activities necessary for closing and monitoring the sanitary landfills shall be supervised and controlled by county employees at all times. It shall be unlawful for any person to willfully disobey, ignore, or improperly carry out any legal and proper order or direction of any such employee directed toward the proper use of the sanitary landfill facilities.

(d) *Unacceptable wastes.* All solid wastes of every, kind, nature and description are unacceptable at county sanitary landfill facilities.

Sec. 17.2-108. Transfer sites.

(a) *Establishment.* The Cumberland Plateau Regional Waste Management Authority, of which the county is a member, may authorize establishment of transfer sites at locations deemed necessary to adequately serve the citizens of the county. Sites shall be selected with due regard for convenience of residents in the service area, safe ingress and egress, traffic flow, topography, environmental protection, avoidance of nuisances to adjacent and nearby residents and landowners, and budgetary concerns.

(b) *Hours of operation.* Transfer sites shall be open to the general public on a regular schedule. The Authority is authorized to set the days and hours of operation.

(c) *Users.* Transfer sites shall be available for use by persons disposing of limited quantities of household waste originated and generated within the county.

(d) *Unauthorized items.* The following items may not be placed in the containers or on the ground at transfer sites:

- (1) Hazardous waste including asbestos material and regulated medical waste.
- (2) Animal carcasses, including fowl, other than pets (i.e., cats and dogs) and road killed animals.
- (3) Liquid. Liquid is the solid waste that qualifies as liquid under the Environmental Protection Agency Paint Filter Test. Any solid waste containing less than 25 percent solids, by weight, is also considered a liquid.
- (4) Vehicles. Automobiles, trucks, buses, trailers, farm equipment, construction vehicles such as bulldozers, cranes and other like motorized vehicles and equipment.
- (5) Closed drums.
- (6) Slaughterhouse waste.
- (7) Unapproved industrial process waste.
- (8) Unapproved sewage sludge.
- (9) Improperly prepared containers such as paint cans and pesticide containers.

Said items must be disposed of in an authorized landfill or other authorized collection site.

(e) *Containment.* With the exception of bulky items and items that do not lend themselves to packaging, all refuse placed in refuse containers at transfer sites shall be contained in securely closed plastic bags, heavy paper bags, or other containers which will prevent or minimize scattering or blowing of refuse.

(f) *Boxes.* Cardboard boxes, crates, and similar containers shall be cut and flattened prior to placement in refuse containers at transfer sites.

(g) *Littering.* It shall be unlawful for any person to drop, deposit, discard, or otherwise dispose of any solid waste or other material in, on, or around any transfer site except in refuse containers provided for the purpose of solid waste collection. (Also see section §17.2-109(f)). Any article found so placed outside of a refuse container and bearing a person's name and/or address shall be presumed to be the property of such person whose name and/or address appears thereon, and that such person placed or caused to be placed such article outside of a refuse container; provided, however, that such presumption shall be rebuttable by competent evidence. A canvas, screen wire or other such material shall securely cover all vehicles used for collection/transportation of solid waste to prevent littering.

(h) *Parking.* No parking of motor vehicles, except official county vehicles, shall be permitted at any time on any transfer site. Only temporary stopping for the purpose of unloading solid waste into refuse containers shall be permitted.

(i) *Borrow pits and privately licensed solid waste facilities.* The provision of this article shall not apply to those persons or entities licensed and/or permitted by the department of environmental quality, Virginia Department of Health, county department of health, department of mines, minerals, and energy in the maintenance and operation of borrow pits, and the disposal of such items as are approved by those agencies in the use and reclamation of mines and borrow pits.

(j) *Recycling.* The county shall provide containers, at designated locations, to facilitate recycling. Containers shall be provided to facilitate collection of selected recycling commodities. Containers shall be clearly marked to indicate the recycling commodity or commodities that may be placed in the containers. It shall be illegal for any person to place anything in these containers other than the recycling commodity or commodities so designated.

Tipping fees. Every commercial and industrial generator of solid waste doing business within Russell County, Virginia shall be charged a disposal tipping fee for solid waste collection and disposal for all solid waste directly or indirectly deposited at the transfer site in accordance with the Russell County Solid Waste Tipping Fee Ordinance.

Sec. 17.2-109. Convenience centers.

(a) *Establishment.* The Board of Supervisors may authorize establishment of convenience centers at locations deemed necessary to adequately serve the citizens of the county. Sites shall be selected with due regard for convenience of residents in the service area, safe ingress and egress, traffic flow, topography, environmental protection, avoidance of nuisances to adjacent and nearby residents and landowners, and budgetary concerns.

(b) *Hours of operation.* Convenience centers shall be open to the general public on a regular schedule. The county administrator is authorized to set the days and hours of operation.

(c) *Users.* Convenience centers shall be available to persons disposing of limited quantities of household waste and designated recyclables originated and generated within the county. Convenience centers are not for commercial, business, or industrial use. Trailers and high-sided pickup trucks hauling large volumes of waste are prohibited.

(d) *Unauthorized items.* The following items may not be brought to convenience centers:

(1) Construction materials or debris such as timbers, brick, metal, shingles, and concrete.

(2) Appliances, bicycles, lawn mowers, and other metal objects.

(3) Furniture or other bulk waste.

(4) Dead animal and fowl.

(5) Trees, bush, stumps, dirt, and other debris from land clearing, road building, and similar activities.

(6) Tires.

(7) Automobiles, trucks, construction equipment, and similar vehicles.

(8) Sewage sludge.

(9) Ashes, coals, and embers from solid fuel fired devices.

(10) Hazardous materials such as pesticides.

(11) Liquid wastes.

(12) Pressurized containers such as propane tanks.

(13) Improperly prepared containers

(e) *Containment.* With the exception of bulky items and items that do not lend themselves to packaging, all refuse brought to convenience centers shall be contained in securely closed plastic bags, heavy paper bags, or other containers which will prevent or minimize scattering or blowing of refuse.

(f) *Littering.* It shall be unlawful for any person to drop, deposit, discard, or otherwise dispose of any solid waste or other material in, on, or around any convenience center except in refuse containers provided for the purpose of solid waste collection (Also see section §17.2-108(g)). Any article found so placed at any convenience center and bearing a person's name and/or address shall be presumed to be the property of such person whose name and/or address appears thereon, and that such person placed or caused to be placed such article outside of a refuse container; provided, however, that such presumption shall be rebuttable by competent evidence. A canvas, screen wire or other such material shall securely cover all vehicles used for the collection/transportation of solid waste to prevent littering.

(g) *Parking.* No parking of motor vehicles, except official county vehicles and the attendant's vehicle, shall be permitted at any time at any convenience center. Only temporary stopping for the purpose of authorized unloading of solid waste shall be permitted.

(h) *Recycling.* The county may provide containers, at designated convenience centers, to facilitate recycling. Containers, when provided, are to facilitate collection of selected recycling commodities (such as plastics, glass, newspaper, used motor oil). Containers shall be clearly marked to indicate the recycling commodity or commodities that may be placed in the containers. It shall be illegal for any person to place anything in these containers other than the recycling commodity or commodities so designated.

(i) *Scavenging.*

(1) It shall be unlawful for any person to scavenge in or around the containers or otherwise remove any discarded solid waste from or about any solid waste site or any bulk or roll-off container.

(2) No person shall be permitted to remove trash, garbage, or any other items from within or around the containers or compactors located at the refuse sites except for those persons or companies authorized for such removal by the board of supervisors.

(3) It shall be unlawful for any person, except for county personnel and authorized agents of the county, no person shall physically enter a county solid waste container or receptacle, or remove from a county solid waste container or receptacle any item in a county solid waste container or receptacle.

(4) It shall be unlawful for any person, except for county personnel and authorized agents of the county, to sort through or examine the contents of any collection container or solid waste site for the purpose of removing items therefrom.

(5) It shall be unlawful for any person except for county personnel and authorized agents of the county to loiter on or about any solid waste facility owned and operated by Russell County.

Sec. 17.2-110. Penalties.

Penalties. Violation of any provision of this article shall be deemed to be a Class 1 Misdemeanor and, upon conviction, shall be punishable by a fine of not more than \$2,500.00, or no more than 12 months in jail, or both.

Sec. 17.2-111. Disposal of solid waste collected or generated in the county.

(a) No person shall operate a private solid waste collection business within the county without first obtaining a permit from the County Administrator or his designee.

(b) All solid waste generated or collected within the county shall be disposed of only at the facilities of the County designated for solid waste disposal.

(c) Subsection (b) shall not apply to:

(1) Solid waste generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or solid waste-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.

(2) Recyclable materials in volumes reported to the county administrator or his designee, which are those materials that have been source-separated by any person or materials separated from solid waste by any person for utilization in both cases as a raw material to be manufactured into a product other than fuel or energy.

(3) Construction solid waste to be disposed of at the transfer site.

(4) Waste oil.

(d) It shall be unlawful for any person to dispose of solid waste generated or collected within the county at any place other than those designated pursuant to subsection (b). The county administrator or his designee following a hearing may revoke a permit to operate a private solid waste collection business obtained under subsection (a) for failure to comply with this section, and shall have the power to seek and obtain injunctive relief from a court of competent jurisdiction to prevent violations of this section, without a showing of irreparable harm. Operating a private solid waste collection business without a permit as required herein,

and any other violation of this sub-section, shall be punishable as a Class 3 Misdemeanor by a fine of \$500.00, with each day in violation constituting a separate offense.

§ 17.2-112. Effective date of ordinance.

This ordinance shall be effective on the 1st day of January, 2011. The County Administrator is directed to file a certified copy of this Ordinance in the Offices of the Clerk of the General District Court of Russell County and the Clerk of the Circuit Court of Russell County.

Adopted this the 6 day of December, 2010.

*Attested: Alice D. Meade
Deputy Clerk*