

SOLID WASTE MANAGEMENT

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.

Purpose

It is the purpose of this article to accomplish refuse management throughout the County in order to control disease; to prevent blight and other environmental degradation; to promote the generation of energy and recovery of useful resources from solid waste; to protect limited natural resources for the benefit of its citizens; to limit noxious odors and unsightly garbage, trash, refuse or decay; and to promote and protect the public health, safety and welfare.

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.

Definitions

For purpose of this ordinance, the following terms shall have the meanings respectively ascribed to them herein:

Agricultural Waste means all solid waste produced from farming operations.

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, mean the Russell County Board of Supervisors.

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

Clean Wood means solid waste consisting of untreated wood pieces and particles that do not contain paint, laminate, bonding agents, or chemical preservatives or are otherwise unadulterated.

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

Commercial Collectors Any properly permitted commercial garbage and waste collection hauler, contractor or business located within and doing business with Russell County.

Convenience Center means a collection point for the temporary storage of solid waste provided premises to an established centralized point, rather than directly to a disposal facility. To be classified as a convenience center, the collection point may not receive waste from collection vehicles that have regularly scheduled collections.

County means Russell County, Virginia.

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

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

Facility means Russell County convenience sites and the Russell County transfer station.

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

Garbage means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

General public means persons or businesses within the county.

Hauler means and individual, company, corporation, public or private institution, or cooperative, county, city, or town or other political subdivision of this commonwealth or other state, interstate body, or other legal entity or combination

of the above, who hauls refuse, garbage, sludge or other solid waste as defined by this article to the County for disposal.

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 reasonably 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 manufacturing or industrial process that is not a regulated hazardous waste. This term does not include mining waste or oil and gas waste.

Litter means, for purposes of this chapter, any solid waste that is discarded or scattered about a solid waste management facility outside the immediate working area.

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 placed, 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.

Municipal solid waste means that waste that is normally composed of residential, commercial, and institutional solid waste and residues derived from combustion of these wastes.

Person means an individual, corporation, partnership, association, a governmental body, a 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 by the Regulated Medical Waste Management Regulations (9VAC20-120) as promulgated by the Virginia Waste Management Board.

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 household waste that is 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. A sanitary landfill also may receive other type of solid wastes, such as commercial solid waste, nonhazardous sludge, and hazardous waste from conditionally exempt small quantity generators, construction demolition debris, and nonhazardous industrial solid waste.

Scrap Metal mean bits and pieces of metal parts, such as bars, rods, wire, empty containers or metal pieces that may be combined together with bolts or soldering which are discarded material and can be used, reused, or reclaimed.

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 exclusive of treated effluent from a wastewater treatment plant.

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, 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.

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 pruning's arising from general landscape maintenance.

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 manage 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.

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.

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.

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 any 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 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.

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.

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 sanitary landfill facilities are no longer operational for the acceptance of new solid waste of any kind.

(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.

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) *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 kill 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 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 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 person 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 that the recycling commodity or commodities so designated.

(k) *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.

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 are, 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, 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 the 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 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.

VIOLATIONS AND PENALTIES

(a) Penalties for violation of any provision of this article or any County policy or regulation includes fines and possible revocation of the commercial collection permit. Violation of any provision of this article is a violation of Russell County Code and shall be deemed to be a Class 1 Misdemeanor and, upon conviction, shall be punishable by a fine of not more than \$2500, or no more than 12 months in jail, or both or possible revocation of the commercial collection permit.

(b) Nothing contained in this article shall limit the authority of any law enforcement officer having jurisdiction to issue appropriate criminal or other lawful process for violations committed in his presence or upon proper warrant.

COLLECTION PERMITS

- A. Every commercial collector or hauler disposing of solid waste in Russell County, Virginia shall obtain from the Russell County Board of Supervisors a permit before engaging in the collection and disposing of trash, or garbage or sludge.
- B. Every commercial collector or hauler shall make application for such permit on a form supplied by the Russell County Board of Supervisors, which application shall state the full name, address and telephone number of the applicant, together with the full name and address of the applicant's registered agent if the applicant is a corporation; the area within the County the applicant proposes to serve; or haul to, or from and dispose of solid waste and the number and size of the vehicles the applicant proposes to use.
- C. It shall be unlawfully too knowingly and intentional make a false statement in Applying for or securing a permit.
- D. Every applicant shall pay an annual fee as established by resolution of the Board of Supervisors for a permit, which shall expire January 15 of the year next following the year for which issued. It shall be unlawful to engage in trash, garbage collection and/or hauling of trash, garbage and sludge for disposal in the County without a current, valid permit.

DISPOSAL OF SOLID WASTE COLLECTED

- A. It shall be unlawful to dump, store, burn, bury, destroy or otherwise dispose of garbage, trash, refuse or any other solid waste generated within the limits of the

County except at the Russell County Transfer Station or a facilities of the County designated for solid waste disposal.

- B. It shall be unlawful to establish, maintain or operate an unregulated, unlicensed dump or landfill within Russell County, Virginia.

EFFECTIVE DATE OF ORDINANCE

This ordinance shall be effective on the 13th day of March 2017. 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 13th day of March, 2017.

Attest:


LONZO LESTER, ADMINISTRATOR
Russell County Board of Supervisors



STEVE BREEDING, CHAIRMAN
Russell County Board of Supervisors



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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3:00 PM

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Ann S. McReynolds CLERK

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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ANN S. McREYNOLDS, CLERK

Ann S. McReynolds D. CLERK



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*

Nov. 18, 1991

**SOLID WASTE MANAGEMENT FACILITY
PROHIBITION AND SITING ORDINANCE****I. RECITALS**

WHEREAS, the Board of Supervisors of Russell County hereby finds that the unregulated disposal of solid waste, the maintenance of open dumps, and the maintenance of commercial solid waste disposal facilities present tremendous potential problems and will have a significant adverse impact on the community. Potential problems include controlling the disposal of toxic and hazardous waste, groundwater and surface water pollution resulting from leachate dispersion and rain water run-off, heavy truck traffic impacting roads and adjacent uses, and the potential abandonment of waste disposal sites because of a lack of adequate capital and financial resources of the operator or owner resulting in governmental responsibility for clean-up.

WHEREAS, it is the intent of the Board of Supervisors of Russell County, to prohibit the unregulated disposal of solid waste, the maintenance of open dumps, and the establishment, operation and/or maintenance of privately owned or privately operated solid waste disposal facilities.

WHEREAS, the General Assembly of Virginia has authorized Russell County to regulate, by ordinance, the siting of solid waste management facilities within its boundaries.

WHEREAS, the General Assembly has authorized Russell County to adopt such measures as it may deem expedient to secure and promote the health, safety and general welfare of the inhabitants of Russell County, such regulations to include the prevention of the pollution of the water and air in Russell County.

WHEREAS, no application for a solid waste management facility permit can be considered complete and filed with the Virginia Department of Waste Management ("DWM") unless it includes a certificate from the governing body of Russell County that the location and operation of the facility are consistent with all applicable ordinances.

NOW, THEREFORE, to promote the health, safety and general welfare of the citizens of Russell County, and to fulfill the objectives of Va. Code Ann. Sections 10.1-1408.1, 15.1-11.02, and 15.1-510, the following is adopted as the Solid Waste Management Facility Prohibition and Siting Ordinance of Russell County, Virginia.

II. PREEXISTING ORDINANCES, EFFECTIVE DATE

Section 2.1. This Ordinance shall become effective from the date of its approval and adoption as provided by law. This

application and enforceability of the Russell County Comprehensive

Plan.

III. DEFINITIONS

Section 3.1. For the purpose of this Ordinance, the terms or words used herein shall have the same meaning as the same terms or words as defined in the Virginia Waste Management Act, Va. Code Ann. Sections 10.1-1400 through 10.1-1457. In addition, this Ordinance shall specifically apply to and prohibit private thermal burn units, private commercial incinerators and gas injection wells.

IV. PURPOSE

Section 4.1. This Ordinance is established for the purpose of protecting, promoting, and preserving an environment that is conducive to public health and welfare, preventing the creation of nuisances and the depletion of natural resources, and to maintain such levels of air quality and water quality as will protect human health, welfare and safety; and to the greatest degree practicable, prevent injury to plant and animal life and property and to nurture the comfort of the people in their enjoyment of life and property; and to encourage the social and economic development of Russell County and to facilitate the enjoyment of its attractions.

V. PROHIBITION OF PRIVATE SOLID WASTE MANAGEMENT FACILITIES

Section 5.1. It shall be unlawful to establish, maintain or operate an unregulated dumping place, an open dump, or a privately owned or privately operated solid waste management facility within the territorial boundaries of Russell County.

Section 5.2. It shall be unlawful for any person or entity to transport for disposal into the territorial boundaries of Russell County any garbage, trash or refuse which has been compacted or baled in such a manner that it cannot be readily examined and inspected by manual means by county officials for the purpose of determining whether such garbage, trash or refuse contains hazardous substance.

Section 5.3. It shall be unlawful for any person to collect, haul, transport or convey garbage or trash for disposal within the boundaries of Russell County except from one's own residence to an approved bulk container in the community or to a county approved solid waste management facility.

Section 5.4. It shall be unlawful to transport such refuse to points through and outside Russell County except for the transporting of such refuse in adequately covered trucks to points outside of the boundaries of Russell County, Virginia.

VI. SITING OF SOLID WASTE MANAGEMENT FACILITIES

Section 6.1. Section VI of this Ordinance, "Siting of Solid Waste Management Facilities," shall apply only to landfills operated by Russell County or by a regional waste or service authority in which Russell County is a participating member. In addition, the provisions of Section VI shall apply to certain

waste management facilities other than captive industrial landfills. The provisions of Section VI shall apply to privately

owned or privately operated solid waste management facilities only in the event the prohibition provisions of Section V of this Ordinance are ruled invalid by a court of competent jurisdiction.

Section 6.2. No person shall establish, operate, or maintain a solid waste management facility without a Certificate from the Russell County Board of Supervisors.

Section 6.3. A solid waste management facility shall not be sited or constructed in areas subject to base floods.

Section 6.4. No solid waste management facility shall be sited in geologically unstable areas where adequate foundation support for the construction components for the solid waste management facility does not exist, giving due consideration to soil conditions, geological and geomorphologic features, manmade features, caverns, tunnels, mines, and sink holes.

Section 6.5. No solid waste management facility disposal area shall be closer than 500 feet from any regular flowing surface body of water, 1,000 feet from any well, spring, or other groundwater source of drinking water. Any solid waste management facility disposal area shall also be minimum of 100 feet from any public road or right of way used by anyone other than the person operating the facility, and a minimum of 1,500 feet from any residence, school, hospital or nursing home, church, recreational and park areas, and retail establishment.

Section 6.6. There shall be a minimum of separation of ten feet between the deposit of solid waste and maximum seasonal water table or bedrock unless equal isolation or separation can be achieved and maintained by engineered construction and operation methods to meet the standards of DWM.

Section 6.7. The access from a primary highway to the proposed facility site shall be an all weather paved road.

Section 6.8. The Board of Supervisors shall also consider the following siting criteria in evaluating an application:

- (a) Suitability of the proposed solid waste management facility site in light of the surface and subsurface conditions (porous, fractured, or subsided, or is subjected to same from past, present, or future mining or as otherwise affected by natural sink holes, fissures, and cracks).
- (b) Impact of the proposed solid waste management facility site on groundwater and water used by surface owners and localities with Russell County.
- (c) The fitness of the applicant, its owners and their companies, to guard and to protect the safety and welfare of the public and of water and other natural resources.
- (d) The likelihood that a breach of the solid waste management facility containment systems could occur and if so, the impact such a breach would have upon groundwater and surface water.

Code Ann. Section 15.1-456.

Section 6.9. The siting of a solid waste management facility,

whether publicly or privately owned or operated, shall be subject to the review of the Russell County Planning Commission pursuant to Va. Code Ann. Section 15.1-456.

Section 6.10. A Certificate awarded pursuant to this Ordinance shall not be transferrable or assignable.

Section 6.11. A new Certificate shall be required pursuant to this Ordinance for the establishment of a new facility, the expansion of any existing facility, or due to any material change in design or process at an existing facility.

VII. EXCEPTIONS

Section 7.1. Facilities for the disposal of solid waste from the extraction, beneficiation, and processing of coal shall be exempt from this Ordinance provided such facilities are managed in accordance with the requirements promulgated by the appropriate agencies of the Commonwealth of Virginia.

Section 7.2. The exception provided in Section 7.1 shall not apply to facilities for the disposal of by-products of coal combustion such as fly ash and bottom ash.

VIII. APPLICATION FOR CERTIFICATE

Section 8.1. An application for a Certificate shall contain the following information:

- (a) The name, address, and phone number of applicant.
- (b) The names, addresses, and work and home phone numbers of all persons and entities owning an interest exceeding five percent, whether expressed or silent, in the proposed solid waste management facility's operating entity, in the site, or in the applicant.
- (c) The legal description of the property on which the facility is proposed to be located and tax map reference.
- (d) A copy of the lease or deed establishing the applicant's right to use the proposed site.
- (e) A description of the current use of the proposed site.
- (f) The present zoning district of the site.
- (g) The proposed size and type of solid waste management facility.
- (h) A preliminary site plan showing the boundary of the site, the proposed disposal areas, and other facilities and equipment to be located at the site.
- (i) A list of all property owners, both surface and mineral, and mailing addresses as shown on the Russell County land books who are contiguous, adjacent or within one mile of the proposed site.
- (j) The names, addresses, and phone numbers of all residents and owners living within a one-mile radius of the proposed solid waste management facility site and detailed information regarding the source of each listed resident's water supply and any surface and water damage reported to the applicant by the resident due to past or present mining activities; the applicant shall take a

to cooperate with the applicant, the applicant shall report that fact in the application.

(k) A description of the type of waste to be deposited in the proposed solid waste management facility.

(l) A description of the anticipated rates or fees to be charged for the disposal of solid waste, an estimate of the total volume of waste to be disposed of each year, and an estimate of the total annual revenues to be generated by waste disposal activities at the proposed site.

(m) A complete description of the nature of any contracts, the identity of parties to such contracts for the acceptance of solid waste involving the proposed site that have been agreed to at the time the application is submitted or prior to the final action of the Board of Supervisors or its agent on the applications.

(n) A complete and thorough listing concerning the environmental record of the entities who have been in contact or have contracted with the applicant to utilize the solid waste management facility.

(o) A complete and thorough record of the compliance history of the applicant concerning state and federal environmental laws.

(p) All information contained in subparagraphs (l), (m), (n), and (o) above shall be updated periodically by the applicant pending the approval or disapproval of the solid waste management facility siting application.

(q) A plan for land use of the site after the facility is closed.

(r) Complete information regarding violations of federal or state environmental laws or regulations by any of the applicant's owners, officers, or any corporate entities in which the applicant owns or has owned an interest; the environmental controls referred to herein include, but are not limited to, any and all statutes and regulations enforced by the Division of Mined Land Reclamation, the Division of Mines and Quarries, The Department of Mines, Minerals and Energy, the Office of Surface Mining, the State Air Pollution Control Board, the State Water Control Board, and the U.S. Army Corp of Engineers.

(s) Information regarding felony convictions of the applicant or any of the applicant's owners, officers, or any corporate entities in which the applicant or any of its owners, owns or has owned an interest.

(t) A map showing the location of the facility, the roads and right-of-way giving access to the facility, and an approximate location of residences, schools, hospitals, churches, and retail establishments located along any street or secondary road proposed to be used as an access road for the facility.

(u) A site plan showing the entire acreage owned or controlled by the applicant, the names of adjoining property owners, the location of any adjoining property or other properties within 1/4 mile

protection to be provided by the applicant to satisfy the financial assurance regulations of DWM.

(w) The names, addresses, and relevant experience of all key personnel to be employed or retained by the applicant in connection with the operation of the proposed solid waste management facility.

(x) Complete information regarding violations of federal or state environmental laws or regulations by any of the key personnel identified in subparagraph (w) above or in any application submitted to DWM.

Section 8.2. In addition, the applicant for a Certificate may be requested to furnish engineering and site plans to show: slope and direction of rock strata and aquifers; availability of cover material on site, or arrangements for obtaining adequate cover material from a borrow site; location of springs, seeps, and other ground water sources; other possible groundwater intrusion to the site; location of any gas, water, sewage, electrical or other of any such facilities on the site; and the location on the site of prior open dump, landfill, lagoon, surface or deep mine, or similar facility. If requested, the applicant shall provide detailed core hole samples from two locations within 50 horizontal feet of the opposite extremities of the site of at least 300 feet deep - (50 feet deep if near a utilized fresh water aquifer). If requested, the applicant shall also provide certified test results of the water quality of any fresh water aquifers beneath the proposed site to a depth of 300 feet. If requested, the applicant may be asked to furnish a plan for transporting waste through Russell County to the waste management facility site.

Section 8.3. If the applicant's proposed solid waste management facility is situated within 3,000 feet of any abandoned, inactive, or active coal mining operation, the following information shall be supplied as part of the application prior to consideration of the applicant's request for siting approval:

(a) The names and addresses of the coal and mineral owners within a 3,000-foot radius of the proposed solid waste management facility site with supporting documentation as available in the county land book records.

(b) A list with certification from the Division of Mined Land Reclamation (Department of Mines, Minerals and Energy) of all applications, and past and present permits, for the surface mining or deep mining of coal within a 3,000-foot radius of the proposed solid waste management facility site.

(c) If the Division of Mined Land Reclamation finds that such permit applications are pending or such mining is in progress or that abandoned coal mines exists within the 3,000-foot radius area, then the applicant shall provide copies of the relevant mining permit applications, complete with maps of the active, inactive, proposed, or abandoned mining sites with the boundary of the proposed solid waste management facility site outlined in red and

control plans contained within the mining permit applications as set forth in the mining permit files.

(d) If the landfill site is on limestone, or similar soluble rock, then it will be required that the applicant document all caves, openings, sink holes, disappearing streams, known cave passages, and any types of subterranean life forms and their status on the federal and state endangered species list.

Section 8.4. Verification of Application. The information in the application shall be sworn to as being complete and accurate and shall be signed by the president of the applicant's corporation if said applicant is a corporation or by all of the partners in a partnership, both general and silent partners, or the individual sole proprietor if same applies.

Section 8.5. Application Fee. The non-refundable fee established by the county to cover the costs of processing and reviewing the application, giving notice to effective property owners, and advertising a public hearing shall be a minimum of \$5,000.00 or the actual cost of processing and reviewing the application, whichever is greater, and shall include the costs of legal and technical review, and the minimum fee shall be payable by the applicant with the application.

IX. PUBLIC HEARING AND DEADLINE FOR BOARD ACTION

Section 9.1. Within 60 days after the receipt of a complete application, as determined by the Board of Supervisors or its agent, the Board shall hold a public hearing on the proposed siting of the solid waste management facility. The hearing shall be advertised as all other non-revenue ordinances are advertised. The Board shall make a decision following the public hearing no later than 120 days following the receipt of the complete application. If the Board approves the siting location, it shall issue a Certificate as specified by Section 10.1-1408.1. If the Board declines to issue a Certificate, it shall advise the applicant of the reasons for declining to issue a Certificate.

Section 9.2. If the Board of Supervisors or its agent returns an application to an applicant with instructions to provide additional information, because of the applicant's failure to obtain approval required by any ordinance of Russell County or the Code of Virginia, or because of the application of this or any other ordinance prohibiting the establishment, operation or maintenance of a privately owned or privately operated solid waste management facility, the application shall be deemed incomplete and no further action by the Board or its agent shall be required until the reason for the return of the application has been corrected. Should any application be so returned, the applicant shall have the right to resubmit the application to be reviewed by the Board or its agent for completeness without the deposit of any additional application fee.

Section 9.3. The submission of any application pursuant to

X. CRITERIA FOR ISSUANCE OF CERTIFICATE

Section 10.1. In making a decision as to whether the Certificate shall be issued, the Board of Supervisors shall consider the potential affect of the proposed solid waste management facility on the health, safety and welfare of the County and its residents and the criteria set forth in this ordinance.

Section 10.2. The Board of Supervisors, in determining whether to issue a Certificate, may also consider whether the proposed facility is compatible to existing land uses and what visual barriers such as tree buffers or berms are to screen the site from adjacent residences, schools, hospitals, churches, parks and recreation areas and retail establishments. The Board of Supervisors may consider litter on the access road to the site, fugitive dust, noise, odor, hours of operation, and artificial lighting that may negatively effect adjacent uses of land.

XI. DENIAL OR ISSUANCE OF CERTIFICATE

Section 11.1. In denying a Certificate, the Board of Supervisors may state conditions which, if complied with, would result in the issuance of a Certificate, and if the applicant agrees to comply with such conditions and resubmits his application containing all such conditions, then the Board may grant a Certificate upon further public hearing.

Section 11.2. If a Certificate is granted, the Certificate shall name the applicant, its address, describe in detail the location of the site and list the types of solid waste which may be disposed of on the site. The Certificate shall specifically refer to the date of the application and specifically list any date of any amendments thereto. When a Certificate is issued, the Certificate shall state that the location and operation of the facility are consistent with all applicable ordinances of the County. A copy of the application and all amendments thereto shall be attached to the copy of the Certificate which is to be filed by the applicant with DWM.

Section 11.3. No Certificate shall be issued if the Board of Supervisors determines that the applicant lacks sufficient financial resources to safely and adequately establish, operate, maintain, and close a proposed facility.

Section 11.4. No Certificate shall be issued if the Board of Supervisors determines that the applicant, its owners, officers, any corporate entities in which the applicant owns or has owned an interest, or any key personnel identified in the application and any application submitted to DWM have been found to have violated any federal or state environmental laws or regulations.

XII. MODIFICATION/TRANSFER/LAPSE/REVOCATION

Section 12.1. No Certificate issued pursuant to this Ordinance shall be transferrable. A material change in the corporate ownership of any corporation that has been issued a Certificate

public hearing. A site may be decreased in size or the types of waste or volume disposed of may be reduced without amendment of a

Certificate or the submission of new application. Provided, that in the event of a reduction in the size of the site or reduction in types of waste to be handled at any time after the issuance of the Certificate, the applicant shall within 30 days thereof file with the Board of Supervisors a new plat of the site and a new description of the types of waste which shall be disposed of at the site.

Section 12.3. Any Certificate issued pursuant to this Ordinance shall lapse twelve months after the final action of the Board of Supervisors on the application unless the holder of the Certificate has begun the actual construction of the proposed facility.

Section 12.4. Any Certificate granted pursuant to this Ordinance shall lapse if at any time the holder of the Certificate shall cease operation of the facility for a period of twelve months.

Section 12.5. Any Certificate granted pursuant to this Ordinance may be revoked by the Board of supervisors should the Board determine that the facility is being operated or maintained in a manner that poses a substantial present or potential hazard to human health or the environment.

Section 12.6. Any Certificate granted pursuant to this Ordinance or pursuant to any prior ordinance may be revoked by the Board of Supervisors should the Board determine that the grant of the Certificate was based on an application containing material misrepresentations or omissions.

XIII. CONTINUING AUTHORITY OF THE BOARD OF SUPERVISORS

Section 13.1. The Board of Supervisors reserves the right to make such inspections of the site as necessary to carry out the purposes of this Ordinance. The Board reserves the right to suspend and close a facility upon a finding by the Board of imminent dangers to the public and/or to the environment. The Board will provide a reason for such closing to the facility manager and owner and a list of corrected actions to be taken to correct such problems.

XIV. SEVERABILITY

Section 14.1. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not effect the validity of the Ordinance as a whole or any part thereof other than the part or parts that are declared to be invalid.

XV. PENALTIES AND ENFORCEMENT

Section 15.1. The County Administrator of Russell County shall be responsible for enforcing the requirements of this Ordinance.

Section 15.2. Violation of this Ordinance and any other solid waste ordinance previously adopted by Russell County shall be

separate offense. In addition, the provisions of this Ordinance may:
~~be enforced by a suit for injunctive relief in a state court of~~
competent jurisdiction.

Section 15.3. Nothing in this Ordinance shall be construed to exempt any person or applicant from any other federal, state, or local regulations required for the establishment, operation, or maintenance of a solid waste management facility. Other such regulations include, but shall not be limited to, the National Fishing Enhancement Act of 1984, the Clean Water Act, the National Environmental Policy Act of 1969, the Fish and Wildlife Act of 1956, the Federal Power Act of 1920, the Historic Preservation Act of 1966, the Endangered Species Act, and the Virginia Waste Management Act.

XVII. DECLARATION OF EMERGENCY

Section 16.1. This Ordinance is adopted upon determination by the Board of Supervisors that an emergency exists within the County warranting the adoption of this Ordinance on an emergency basis pursuant to Va. Code Ann. Section 15.1-504. This Ordinance shall be effective immediately upon adoption, and shall continue in full force and effect for a period of sixty days or until readopted in conformity with the Code of Virginia

ADOPTED this 18 day of Nov., 1991.

CHAIRMAN, BOARD OF SUPERVISORS
OF RUSSELL COUNTY

COUNTY ADMINISTRATOR

APRIL 3, 1984

A regular meeting of the Russell County Board of Supervisors held on Tuesday, April 3, 1984, at the Courthouse in Lebanon, Virginia, beginning at 9:00 a. m.

PRESENT: Dr. Roy R. Smith, Chairman and Member at Large
Richard L. Settle, Vice Chairman
Kenneth Mutter, Member
Kelly Chafin, Member
Mike Ball, Member
John R. Bryan, Jr., Member

James A. Gillespie, Clerk of the Board
Randall Campbell, County Attorney

Meeting called to order by Chairman.

Invocation given by County Administrator followed by Pledge of Allegiance.

PUBLIC HEARING ON
AMENDMENT TO SOLID WASTE
ORDINANCE

Public hearing was held pursuant to law and notice of hearing having been advertised for two successive weeks in the Lebanon News to consider to consider the proposed amendment to the Solid Waste Ordinance:

Motion was made by Richard Settle, seconded by John Bryan and unanimously approved by the Board of Supervisors that amendment to the Solid Waste Ordinance be adopted as follows:

AMENDMENT TO SOLID WASTE
ORDINANCE

WHEREAS, Solid Waste Ordinance was adopted on the 4th day of March, 1974, which is recorded in Supervisor's Order Book, No. 10, pages 373, 375, and 376; and amended on 9-3-74 and recorded in Supervisor's Order Book no. 11 page 26; and

NOW, THEREFORE, BE IT RESOLVED that the following sections be added to Section VI of said Ordinances:

It shall be unlawful for any person to:

- (1) Park, stand or loiter adjacent to or upon any County approved refuse site or dumpster for the purposes of removing garbage, ashes, rubbish, refuse or any other item from said area;
- (2) Remove garbage, ashes, rubbish, refuse or any other item from a County owned refuse site or dumpster;
- (3) Scavenge in, climb into, or reach into any County refuse site or dumpster;
- (4) Trespass upon any such refuse site for any of the aforementioned purposes.

Punishment for this Ordinance shall be as set forth in the Solid Waste Ordinance.

The Vote was:

AYE: R. L. Settle, Jr.
John R. Bryan, Jr.
Kenneth Mutter
Kelly Chafin
Mike Ball
Dr. Roy R. Smith
NAY: None

OCTOBER 1, 1985

The Russell County Board of Supervisors met at the Courthouse in Lebanon, Virginia, on Tuesday, October 1, 1985, starting at 9:00 a. m. Meeting called to order by Chairman. Motion was made by Kelly Chafin, seconded by Mike Ball and duly passed to adjourn meeting and move to the Department of Social Services Building because court was scheduled to be held in the Courtroom.

PRESENT: Dr. Roy R. Smith, Chairman & Member at Large
R. L. Settle, Vice Chairman
Kenneth Mutter, Member
Kelly Chafin, Member
Michael Ball, Member
John Bryan, Member

James A. Gillespie, Clerk
Randall Campbell, Attorney

Meeting called to order at the Department of Social Services Building.

PUBLIC HEARING ON "130-101 SOLID
WASTE ORDINANCE

Public hearing was held pursuant to law on the Solid Waste Ordinance as amended. Changes in said ordinance were reviewed and discussed. Motion was then made by Richard Settle, seconded by Kenneth Mutter and duly passed that public hearing be closed.

Motion made by John Bryan, seconded by Richard Settle and unanimously approved by the Board of Supervisors that the following solid waste ordinance, as amended, be adopted effective October 1, 1985:

The Vote was:

AYB: Dr. Roy R. Smith
R. L. Settle
Kenneth Mutter
Kelly Chafin
Mike Ball
John Bryan
NAY: None

130-101 SOLID WASTE ORDINANCE

A. SHORT TITLE: This Ordinance shall be known as the "Solid Waste Ordinance".

B. DEFINITIONS:

1. The term "garbage" shall mean all animal and vegetable waste resulting from the handling, preparation, cooking or consumption of foods.
2. The term "ashes" shall mean the residue resulting from the burning of wood, coal, coke or other combustible material.
3. The term "rubbish" shall include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes.
4. The term "refuse" shall mean all solid wastes, except body wastes, and shall include garbage, ashes and rubbish.
5. The term "disposal" shall include the storage, collection, disposal or handling of refuse.
6. The term "person" shall include any natural person, association, partnership, firm or corporation.

7. The term "premises" shall mean land, building or other structure, vehicle, watercraft or parts thereof upon which refuse is stored.

8. "Responsible Authority" shall mean the legally designated authority of the County of Russell who shall be authorized and directed to implement and enforce the provisions of this Ordinance, or his authorized representative.

9. "Approved containers" as used herein shall mean any County dumpster or other waste storage facility meeting the minimum state health standards.

10. "Other". The singular shall include the plural and the masculine shall include the feminine and the neuter.

C. PREPARATION OF REFUSE:

1. All refuse shall be drained free of excess liquids before disposal.

2. Garbage shall be placed in paper bags, boxes or plastic bags prior to placing in authorized collection containers.

3. Rubbish shall be placed in approved containers.

4. Rubbish which includes grass clippings, hedge trimmings, leaves or pine needles must be placed in approved containers.

5. Rubbish which includes tree trimmings must be cut in lengths not to exceed 36", nor 6" in diameter, and weigh not more than 40 lbs.

D. STORAGE OF REFUSE:

1. It shall be unlawful to place waste in any street, alley, road, stream, body of water, or any other public place or upon private or abandoned property, unless such refuse is placed in an approved container.

E. RATE AND CHARGES AND THE COLLECTION THEREOF:

1. Refuse service charges within the County of Russell for the purpose of financing the establishment, maintenance and operation of refuse collection systems or refuse disposal methods and sites are hereby levied in accordance with the following schedules:

a.) At a rate to be established by the Board of Supervisors or Russell County, its agent or duly appointed commission, pursuant to the terms and conditions of any contract granted under the provisions of this Ordinance; or, if no such rate is so established,

b.) At a rate to be determined by the individuals or entities bargaining for such service.

F. FREQUENCY OF COLLECTION:

Motels, restaurants, institutions and commercial establishments shall require collection at such times and with such frequency to prevent overflow of solid waste. Sanitary storage of refuse may be required.

G. LICENSING OF COLLECTORS:

1. It shall be unlawful for any person who does not possess an unrevoked permit from Russell County to engage in the business of solid waste collection or refuse disposal for compensation in Russell County. The County of Russell may issue permits for such applicants, provided that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this Ordinance and provided further that the method of disposal used is in accordance with the recommendations of the Bureau of Solid Waste and Vector Control, Virginia State Health Department and regulations promulgated thereunder.

2. The County of Russell reserves the right to franchise the collection of solid waste in said County in such areas outside of incorporated towns as the Board of Supervisors may determine.

3. The fee for such license shall be \$25.00 per annum, and all licenses shall be issued for the calendar year or such part thereof as shall remain after the issuance. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

4. Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection, and the place and method of disposal.

5. No license shall be granted if the place and method of disposal shall not conform to the requirements of this Ordinance or to the ordinance of any municipal or quasi-municipal corporation, wherein disposal or refuse is to be made.

6. It shall be unlawful to permit an unlicensed collector to collect or remove refuse from a household, institution or commercial enterprise.

7. Each permit or contract issued hereunder shall provide and contain a description of the area to be served.

8. In the event that the holder of any permit hereunder shall fail to abide by or conform to, any requirements of the Russell County Health Department, then and in that event, and upon complaint of the Russell County Health Department, any permit or contract may be revoked by the Board of Supervisors of Russell County.

H. COLLECTION VEHICLES:

All vehicles used for collection of refuse for hire shall have enclosed cargo space. It shall be unlawful to collect, haul, transport or convey refuse for hire in open, unenclosed vehicles.

I. REFUSE NOT ACCEPTABLE FOR COLLECTION OR DISPOSAL:

The following refuse shall be considered to be not acceptable for collection or disposal by the County of Russell:

1. Dangerous materials or substances, such as poison, acid, caustics, infected materials and explosives.

2. Chemicals, substances or compounds of unknown or undetermined toxicity.

3. Unusual quantities of material resulting from the repair, excavation or construction of building or structures, such as earth, plastic, mortar and roofing material.

"Unusual quantities" shall mean any quantity in excess of 32 gallons or 40 pounds of material.

4. Materials which has not been prepared for collection in accordance with the regulations.

5. Unusual quantities of solid waste resulting from industrial processes or agricultural processes except upon negotiated arrangements with Russell County Board of Supervisors.

6. Ashes containing hot embers shall not be placed in containers for collection.

J. COMMERCIAL WASTE:

1. "Commercial waste" shall be defined as all garbage, rubbish or refuse generated by an establishment which sells goods, materials or services to the general public, private concerns or retail establishments. This shall include, without limitation, solid waste generated by retail establishments, wholesale establishments, and mining, manufacturing and related businesses.

2. No commercial waste shall be disposed of in any County dumpster unless the owner has a license for such disposal from the office of the County Administrator.

K. SPECIFIC UNAUTHORIZED ACTS:

1. It shall be unlawful to dump, destroy or otherwise dispose of solid waste within the jurisdictional limits of the County of Russell except at a County approved refuse site or by other methods approved by the Virginia Health Department.

2. It shall be unlawful for an individual, firm or corporation not exhibiting a current, valid County vehicle decal on the transporting vehicle to bring any type of solid waste to Russell County roadside containers collection sites or landfill without prior approval of the County Administrator. There shall be excepted from this restriction those residents of counties with which Russell has a cooperative solid waste disposal agreement which provides for joint disposal of solid waste.

3. It shall be unlawful for any person to:

a.) Park, stand or loiter adjacent to or upon any County approved refuse site or dumpster for the purposes of removing garbage, ashes, rubbish, refuse or any other item from said area;

b.) Remove garbage, ashes, rubbish, refuse or any other item from a County owned refuse site or dumpster;

c.) Scavenge in, climb into or reach into any County refuse site or dumpster;

d.) Trespass upon any such refuse site for any of the aforementioned purposes.

4. It shall be unlawful for any person to set fire to any garbage, rubbish or refuse in any County dumpster or at any County refuse site or any loading dock, dumpster or other disposal equipment.

5. It shall be unlawful to destroy or damage any dumpster, fixture or disposal equipment at any County collection site.

6. Littering is unlawful upon or adjacent to any State or County road or upon any public property owned by the State or County.

7. The owner of any premises within the County of Russell shall be responsible for sanitary conditions of the premises owned or occupied by him, and it will be unlawful for any person to place, deposit or allow to be placed or deposited on his premises any solid waste except as designated by the terms of this Ordinance.

Any such refuse may, after reasonable notice, be removed by County agents or employees with all costs and expenses thereof being charged to the owners of such property to be collected as taxes and levies are collected.

8. The driver of any vehicle in the County of Russell from which litter is thrown, blown or fallen from shall be considered in violation of the Solid Waste Ordinance of Russell County.

L. PENALTIES:

1. Any person who shall violate any provision of this Ordinance shall upon conviction be sentenced to pay a fine of not less than \$10 nor more than \$1,000; or be imprisonment not less than 5 days and not to exceed 12 months or both.

2. Each day's continuance of a violation of this Ordinance is considered to be a separate offense.

3. Enforcement of this Ordinance is the responsibility of the Russell County Sheriff's Department, the Russell County Health Department and the Russell County Sanitation Officer. Citations should be issued to violators of this Ordinance by the above-mentioned agencies.

4. Convicted violators of this Ordinance may be published by name in the local newspaper by the County Administrator.

M. SEVERABILITY:

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

N. REPEAL AND DATE OF EFFECT:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect immediately upon its adoption and publication as provided by law.