

RUSSELL COUNTY SOLID WASTE TIPPING FEE ORDINANCE

AN ORDINANCE PROVIDING FOR TIPPING FEES FOR THE DISPOSAL OF INDUSTRIAL WASTE ON A COUNTY-WIDE BASIS, INCLUDING THAT ORIGINATING WITHIN THE CORPORATE LIMITS OR TOWNS PURSUANT TO THE AUTHORITY GRANTED BY TITLE 15.1 OF THE CODE OF VIRGINIA 1950 AS AMENDED.

Section 1-1. IN GENERAL.

(a) Policy. The purpose of this article is to ensure the health and welfare of the citizens and financial stability of Russell County, by charging tipping fees for disposal of solid waste generated by industrial citizens of the county who account for a substantial portion of the solid waste generated in the county and the disposal costs associated therewith. It shall be the official policy of the county to encourage the conservation (recycling\reuse) of recoverable resources from solid wastes by the industries of the county.

(b) Definition. For purposes of this article, the following definitions shall apply:

- (1) Administrator: The county administrator or his authorized designee.
- (2) Building and demolition debris: The waste building material, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.
- (3) Compacted refuse: Refuse or waste which has been reduced in volume by mechanical or hydraulic means and remains in this state of reduced volume until deposited at the landfill.
- (4) Garbage: All vegetable and animal waste generated by the handling, storage, sale, preparation, cooking and serving of foods.
- (5) Hazardous waste: Refuse or waste or combinations of refuse or waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or

incapacitatingly reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed or, or otherwise managed.

- (6) Household refuse: Refuse or waste resulting from residential operation.
- (7) Industrial refuse: Refuse or waste resulting from industrial and/or manufacturing operations.
- (8) Institutional\governmental refuse: Refuse or waste resulting from operations or activities of the Commonwealth of Virginia, its political subdivisions or agencies, or the United States Government.
- (9) Person: An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, any interstate body, or the federal government.
- (10) Solid Waste: Any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial and mining operations but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.
- (11) Trash: Any and all rubbish, cans, bottles, container, paper, cardboard or other discarded material of an inorganic nature.
- (12) Uncompacted refuse: Refuse or waste which has not been reduced in volume by mechanical or hydraulic means, or if so, has not been maintained in this reduced volume state during transportation to the landfill.
- (13) Waste generator: The person who actually produces the commercial, household, industrial or

institutional\governmental refuse intended for disposal at the landfill.

- (14) Waste collection site: That area designated by the administrator for the collection of refuse intended for disposal at the landfill or transfer station.
- (c) Authority to establish landfill\transfer station rules. The administrator shall be authorized to establish reasonable rules and regulations to determine the origin and type of refuse presented at the landfill, transfer station or waste collection sites for disposal.
- (d) Disposal of refuse from outside county prohibited. It shall be unlawful for any person to dispose of refuse originating outside the boundaries of Russell County at the landfill, transfer station or waste collection site unless an agreement exists between Russell County and the jurisdiction in which the refuse originates; provided, however, Russell County may enter into direct agreements with the Commonwealth of Virginia or agencies thereof located outside the boundaries of Russell County for the disposal of refuse generated by the Commonwealth of Virginia or agencies thereof.
- (e) Weighing of truck required. It shall be unlawful for any person to dispose of refuse at the county transfer station before weighing the vehicle containing said refuse, except in certain cases as described below.

Section 1-2, Industrial disposal permit; fees; penalties.

- (a) It shall be unlawful for any person to dispose of any solid waste, as defined herein, that is a residue from any manufacturing, industrial or assembly of parts process at the county landfill, transfer station or waste collection site without having previously obtained an annual letter of permission for the disposal of same. This letter of permission shall not be required for any waste material generated from a residential or commercial source.
- (b) It shall be unlawful for any person to dispose of any hazardous waste, as defined herein, within the county.
- (c) The Administrator shall issue an annual letter of permission based upon the permit issued by the Cumberland Plateau Regional Solid Waste Management Authority and/or its contracted disposal agent. Which permit shall

provide, at a minimum,

- (1) The type of waste to be disposed of;
 - (2) the estimated quantity of each distinct type of waste to be disposed of and the units of volume or weight of each quantity of waste, and the actual quantity and units of volume or weight actually disposed of;
 - (3) a listing of the physical and chemical composition of each type of waste disposed of, together with a statement executed by the owner or principal corporate officer that such waste is nontoxic and nonhazardous;
 - (4) if it appears to the Administrator that the waste material or any portion or component thereof may have a toxic effect upon a living organism or the environment, the Administrator may require a detailed chemical and physical analysis of such waste with specific information as to the following characteristics; ignitability, corrosivity, reactivity, toxicity and effect upon living organisms and water supplies; and such analysis shall be performed and certified by a chemist, physical engineer or other appropriately qualified scientific expert;
 - (5) copies of any forms or reports required to be filed concerning such waste by the State Department of Health; Water Quality Control Board; Air Pollution Control Board; Department of Environmental Quality and/or the United States Environmental Protection Agency;
 - (6) a certification that the information submitted is true, accurate and complete, executed by the owner or principal corporate officer.
- (c) Any change in the type, quantity or chemical and physical analysis of the waste from that provided in the application shall be immediately reported to the Administrator.
- (d) Excluded from the provision of subsection 1-2 above are garbage and sanitary waste, including but not limited to paper, cardboard, corrugated board and shipping or packing materials.

- (e) Excluded from the provisions of subsection 1-2 above are the initial four thousand (4,000) pounds of industrial waste deposited during each calendar month.
- (f) Any violation of this section shall be subject to penalty established in Section 1-7. In addition, an appropriate action or proceeding may be taken in law or in equity to prevent or restrain any violation of this Section.
- (g) The letter of permission may be revoked by the Board of Supervisors for any material misrepresentation or misstatement of fact upon application, for any failure to immediately notify the Administrator of a change in the waste, upon the determination that the waste be a substantial present or potential hazard to human health or the environment, or upon a violation of any rule, regulation or order of the State Department of Health, Water Quality Control Board, Air Pollution Control Board, Department of Environmental Quality or the United States Environmental Protection Agency. The Administrator may suspend the letter of permission for the foregoing reasons for a period not to exceed thirty (30) days, pending review or revocation proceeding by the Board of Supervisors.
- (h) Industrial waste generators who bring their own refuse to the landfill, and refuse operators\haulers, unless the origin of the refuse is identified shall pay the following fees:

Fifty (\$50.00) dollars per ton, computed on the basis of fifty (\$.50) cents per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one (\$0.01). The minimum charge shall be five (\$5.00) dollars per load.

This fee shall be \$0.75 less than the Tipping Fee charged by the Cumberland Plateau Regional Solid Waste Management Authority and shall be adjusted at this rate from time to time, as the fee is adjusted by the Cumberland Plateau Regional Solid Waste Management Authority.

- (i) Separate contracts. The Cumberland Plateau Regional Solid

Waste Management Authority may negotiate separate contracts for industrial refuse generators. Russell County will honor these contracts approved by the Regional Solid Waste Management Authority.

Section 1-2.1. Building, demolition and land clearing debris.

Building, demolition and land clearing debris wastes shall be accepted at the landfill or transfer station provided all other provisions of this article have been satisfied. PROVIDED, however, that the waste generator shall not be required to obtain the permit set forth in Section 1-2(f). The charge for each pound of debris shall be the same as in Section 1-2(h).

Section 1.3. Prohibited waste.

- (a) Refuse or wastes resulting from landfill operations, situated on other than county property and not under the supervision of the county, are declared to be incompatible with the method of landfill disposal in terms of volume, difficulty in handling and the potential for damage to equipment and as such shall not be accepted for disposal at the landfill.
- (b) Material, whether solid, liquid or gaseous, which are classified as either hazardous or toxic in accordance with state and federal rules and regulations are prohibited.

Section 1.4. User charges by volume.

- (a) Should the landfill\transfer station scales be inoperative, the manager shall base the charges applied upon weight data previously generated for the vehicle hauling such waste and the nature of the waste. The weight data shall consist of no fewer than fifteen (15) previous weighing by the vehicle carrying such waste and shall be modified by visual inspection of the vehicle if such is feasible.
- (b) For vehicles for which no history of previous weigh data exists as described in (a) above, the following rates shall apply:
 - (1) Uncompacted refuse, five (\$5.00) dollars per cubic yard of truck capacity.

- (2) Compacted refuse, twelve dollars and seventy-five cents (\$12.50) per cubic yard of truck capacity.
- (3) The minimum fee for refuse charged for on a volume basis shall be five (\$5.00) dollars per load.

Section 1.5. County refuse containers.

Refuse containers shall be provided by the County at various locations to supplement existing private collection services as needed. The usage of said containers shall be governed by the following provisions and any other regulations as the Board of Supervisors or the Administrator may establish.

(a) Permitted and Prohibited Use:

- (1) Permitted uses. County refuse containers or dumpsters are to be used for the deposit and storage of household trash, garbage and recyclable materials only.
- (2) Prohibited materials. It shall be unlawful to deposit any of the following materials into county refuse containers or dumpsters:
 - (a) Hazardous waste;
 - (b) Commercial and industrial refuse;
 - (c) Dead animals;
 - (d) Waste brought in from outside Russell County, unless permitted by a specific intergovernmental agreement.
- (3) Abuse of containers and container sites. It shall be unlawful to tamper with, overturn or otherwise damage refuse containers. Additionally, it shall be unlawful to litter container sites, create any health problems thereon or to place any refuse outside of, on top of or adjacent to any refuse container. If a container is filled, the trash must be place in another refuse container which is not filled or taken to the county landfill site.
- (4) Scavengers and loiterers prohibited. It shall be unlawful for any person to engage in salvage work or to loiter on any container site owned, leased or used by the county.
- (5) Refuse collectors. No person engaged in the

business of collecting, transporting or disposing of garbage or trash, nor any employee, agent, or servant thereof, shall dispose such refuse in any county containers.

- (b) Administration and enforcement. The Administrator shall have the authority to implement and enforce the provisions herein contained and to promulgate any procedures, rules and regulations as may be deemed necessary.

Section 1-6. Billing procedure.

- (a) The Administrator shall render bills monthly for service charges under this article. The Administrator shall promulgate procedures for the handling of billings under this article.
- (b) Payment of bills, delinquent charges, discontinuance of services:
 - (1) Notices. Bills rendered under this article are due and payable at the Office of the Russell County Treasurer upon presentment and shall be considered delinquent if not paid within thirty (30) days of the date issued. If any bill is not paid within such thirty day period, an additional charge of one (1) per cent per billing period on the unpaid charges shall be added thereto and collected therewith to cover cost of collections. The Administrator or his designee shall refuse to dispose of any refuse brought to the landfill by and delinquent person after giving five (5) days written notice thereof.

Section 1-7. Violation.

Any person who shall violate a provision of this article shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not exceeding Two thousand five hundred (\$2,500.00) dollars or twelve (12) months imprisonment, or both, for each violation.

Section 1-8. Effective Date.

The effective date of this ordinance shall be November 1, 1994 and continue thereafter until further action of the Russell County Board of Supervisors.