

WARREN COUNTY
MUNICIPAL SOLID WASTE MANAGEMENT ORDINANCE
ORDINANCE NO. 2 of 1992

June 1. 1992

WHEREAS, the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of July 28, 1988, P.L. 528 was approved by the General Assembly of Pennsylvania; and

WHEREAS, Act 101 gave the County of Warren, Commonwealth of Pennsylvania (the "County") (a) the primary responsibility for planning for municipal waste management within its boundaries and (b) the primary power to control the flow of municipal waste generated within its boundary; and

WHEREAS, Act 101 requires the County to prepare and obtain approval of a Solid Waste Management Plan; and

WHEREAS, Section 303 (d) of Act 101 authorizes Counties to enter into an agreement with another person, including a municipal authority, pursuant to which that person undertakes to fulfill some or all of the County's responsibilities for implementation of the approved County Solid Waste Management Plan; and

WHEREAS, the Board of County Commissioners of Warren County ("Commissioners") designated the Warren County Solid Waste Authority ("Authority") as the agency to implement the Warren County Solid Waste Management Plan (the "Plan"); and

WHEREAS, the Commissioners have caused the Warren County Solid Waste Management Plan to be prepared by the Warren County Planning Director and KCI Technologies, Inc. With the review and assistance of the Warren County Solid Waste Advisory Committee; and

WHEREAS, the requirements and legal obligations imposed upon Warren County by Act 101 will be fulfilled by enactment of this Ordinance; and

WHEREAS, as a result of adoption of the "Plan" by the "Commissioners" and approval by Pennsylvania DER, this Ordinance represents a primary vehicle for implementation of "County" responsibilities in conjunction with the continuing responsibilities of each municipality regarding storage, collection, processing and recycling of municipal solid waste, subject to the limitations, requirements, and penalties as provided in Act 101;

NOW, THEREFORE, it is hereby enacted and ordained by the Board of County Commissioners, Warren County, Commonwealth of Pennsylvania as follows:

SECTION 1. DEFINITIONS

The following capitalized terms when used in this Ordinance, shall have the meaning set forth herein below.

"ACT 97" - The Solid Waste Management Act, Act of July 7, 1980, P.S. 380, No. 97 as enacted and amended, now or hereafter.

"ACT 101" - The Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 528, No. 101, as enacted and now or hereafter amended.

"AUTHORITY" - The Warren County Solid Waste Authority, a municipal authority incorporated by the County and organized and existing under the Municipal Authorities Act of 1945, as amended.

"AUTHORITY RULES AND REGULATIONS" - The rules and regulations adopted and revised from time to time by the Warren County Solid Waste Authority after review and recommendation by the Board of County Commissioners of Warren County.

"COUNTY" - The County of Warren, Commonwealth of Pennsylvania; including the agencies and officers or officials designated by the Board of County Commissioners to perform functions and duties pursuant to this Ordinance.

"EXISTING CONTRACT" - Any contract of any Municipality, for storage, collection, transportation, processing or disposal of Municipal Solid Waste or Source Separated Recyclable Materials generated or located within a County which was (1) legally entered into, (2) when entered into was legally enforceable, (3) was in force on September 26, 1988 or prior to the adoption of the Warren County Solid Waste Management Plan pursuant to Act 101, excluding renewals of such contracts.

"LICENSE" - A license or permit issued by the Authority authorizing the holder to collect, transport, or deliver Municipal Solid Waste, or such other waste materials as may be designated in accordance with this Ordinance by rules and regulations of the Authority upon approval by the Commissioners to a municipal solid waste facility, or such other solid waste storage, collection, transfer, processing or disposal facility or site within or outside Warren County as may be designated in the Warren County Solid Waste Plan.

"MUNICIPAL WASTE FACILITY" - Any solid waste storage, collection, transfer, processing or disposal facility or site (1) constructed, owned or operated by or on behalf of the Authority or (2) which may be utilized by County residents and business institutions, pursuant contracts between the business institution and the Authority or (3) to which the Municipal Waste may be delivered in accordance with Warren County Solid Waste Management Plan and rules and regulations of the "Authority".

"MUNICIPAL WASTE" - Municipal Waste is defined in Section 103 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, Act 101, and excluding infectious and chemotherapeutic waste.

"MUNICIPALITY" - A Municipality within Warren County, Commonwealth of Pennsylvania and the County of Warren, in accordance with the code of the Commonwealth of Pennsylvania.

"PERSON" - Any individual, firm, partnership, corporation, association, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In connection with any provisions of the Ordinance prescribing a fine penalty, imprisonment, denial or grant of any license, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or any other legal entity having officers and directors.

"PLAN" - The Municipal Solid Waste Management Plan of Warren County, 1991, as now or hereafter amended.

"RECYCLING" - The collection, separation, recovery and/or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste (other than through combustions) and creation and recovery of reusable materials other than a fuel for the creation of energy.

"RECYCLING FACILITY" - A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "Recycling Facility" shall not mean transfer stations or landfills for solid waste or composting facilities or resource recovery facilities.

"RESIDUAL WASTE" - Residual Waste is defined in Section 103 of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, Act 101.

"SEPTAGE" - Septage is a fluid mixture of partially treated sewage solids, liquids and sludge pumped from residential septic tanks and on-lot holding tanks. For purposes of this Ordinance, "Septage" shall be considered "Municipal Solid Waste".

"SOURCE SEPARATED RECYCLABLE MATERIALS" - Materials generated or collected within Warren County that are (1) separated from other municipal waste at the point of origin in accordance with the Plan and (2) recycled.

"SYSTEM" - The overall Warren County Solid Waste Management System, and every aspect thereof, owned, leased, contracted, operated or utilized by or on behalf of Warren County or the Warren County Solid Waste Authority and implementation of the Plan, including without limitation, equipment, vehicles, offices, staff, transfer stations, landfills and alike.

SECTION 2. IMPLEMENTATION

The Warren County Solid Waste Authority shall have the power and its duties shall be to implement the Plan and this Ordinance in so far as all duties and responsibilities pertaining to municipal solid waste disposal and related functions (including co-disposal of residual waste materials). The Warren County Recycling Coordinator as designated by the Board of County Commissioners shall have the power and the duty to implement the Plan and this Ordinance in insofar as the functions of recycling, as provided in the Plan.

SECTION 3. WASTE FLOW CONTROL

- A. All municipal solid waste shall be transported to and delivered to one of the four landfills designated in the Plan and affirmed by the rules and regulations prescribed by the Warren County Solid Waste Authority except as otherwise provided herein.
- B. All Source Separated Recyclable Material shall be transported and delivered to a Recycling Facility as defined by Act 101 and in the DER Rules and Regulations.
- C. No person shall dump or dispose at other than a DER permitted facility, transport or deliver, or cause to be transported or delivered, municipal solid waste to a solid waste processing facility other than as prescribed above unless such transport or delivery is expressly provided for in the Plan as approved by DER.
- D. No person shall remove recyclable materials or other solid wastes from any drop-off center, or other facility designated as part of the Warren County Solid Waste System unless specifically authorized by the County.

SECTION 4. LICENSING

- A. No person, unless holding a License (or Municipality License for those Municipalities which enact mandatory curbside collection of recyclables) shall store, collect or transport within Warren County municipal solid waste or source separated recyclable materials generated within Warren County, except as otherwise provided herein.
- B. No person who generates, owns or possesses municipal solid waste or source separated recyclable materials shall, by contract for collection services or otherwise, cause, permit, or assist in the storage, collection, transportation, processing or disposal of any municipal solid waste, or source separated recyclable materials by any Person who does not hold a DER permit (where required) if a Pennsylvania disposal facility is utilized, or the appropriate permits from the environmental agency (ies) having regulatory jurisdiction if an out-of-state

facility is used, and a License (or Municipality License for those municipalities which enact mandatory curbside collection of recyclables).

- C. Notwithstanding the provisions of Section 4 (A) and (B) above, a Person residing within the County may, without a License, transport and deliver municipal solid waste to one of the four named landfills in the Plan, the processing plant operated by Ray's Disposal, one of the places of business operated by a licensed collection firm and which is willing to accept said waste, or, for source separated recyclable materials, one of the County's drop-off centers or recycling plants, when the municipal solid waste and source separated recyclable materials were generated at the person's residence or in the normal course of the person's business, except that any business which hauls such waste materials at least once per calendar quarter shall be required to secure a License.
- D. Septage haulers, in order to be able to secure a solid waste license, shall submit documentation, indicating that they have permission to dispose of septage at a State-permitted sewage treatment facility, or the appropriate permits from the environmental agency (ies) having regulatory jurisdiction if an out-of-state facility is used.
- E. Sewage sludge generators and/or haulers, in order to secure a solid waste license, shall submit documentation showing that the disposal site or facility holds a current permit from the Pennsylvania DER or the appropriate permits from the environmental agency (ies) having regulatory jurisdiction if an out-of-state facility is used.
- F. Any licensee shall report all waste volumes collected and disposed and the facility utilized to the Warren County Solid Waste Authority within 30 days after the end of each calendar quarter.

SECTION 5. WARREN COUNTY SOLID WASTE RULES AND REGULATIONS

- A. In order to carry forth the power and duty to implement the Plan and this Ordinance, the Warren County Solid Waste Authority, subject to review and recommendation by the Board of Commissioners, shall have the power in its discretion to adopt and enforce rules and regulations, but only after due notice as required by Section 13 of this Ordinance.
- B. The Warren County Solid Waste Rules and Regulations shall at a minimum:
 - (1) Identify those categories of materials from municipal solid waste which shall be subject to specific waste facility designation;
 - (2) Identify those recycling facilities which accept source separated recyclable materials for the purpose of recycling all or any portion of such materials.

- (3) Govern the issuance, administration and revocation of Licenses for municipal waste haulers, including without limitation, application procedures, fees, standards and conditions for Licenses, records and reporting requirements, License display requirements, equipment and vehicle requirements and any other matters deemed necessary or convenient by the County for the protection of public health and safety and the efficient, effective, reliable and safe operation of a solid waste facility and the solid waste system, including without limitations:
- (a) withholding, suspending or revoking licenses; and
 - (b) establishing fees and/or surcharges for use of the solid waste system; and
 - (c) establishing surcharges to be collected by processors and disposal facilities for the closure and post-closure costs involving the Grunderville Landfill.
 - (d) establishing fees and penalties for violations of the County Solid Waste Rules and Regulations (which fees and penalties may be established as determined by the County in an amount designated to protect the public health and safety and the solid waste system and to compensate for the costs, damages, and lost revenues related to any such violation).

SECTION 6. EXISTING CONTRACT (S)

- A. Nothing in this Ordinance shall be construed to impair the obligations of a lawful existing contract.
- B. No renewal or modification of any existing contract, and no new contract with any municipality for the storage, collection, transportation, processing or disposal of municipal waste or source separated recyclable materials shall be entered into after the effective date of this Ordinance unless such renewal or modification or new contract shall have the prior written consent of the County Commissioners (after review comments from the Authority) and shall conform to the requirements of the Plan, this Ordinance, and all Authority Rules and Regulations.

SECTION 7. UNLAWFUL ACTIVITY

It shall be unlawful for any person to violate, or cause or permit or assist in the violation of, any provision of this Ordinance or any provision of the County Solid Waste Rules and Regulations. All unlawful conduct shall also constitute a public nuisance.

SECTION 8. PENALTIES

- A. Any person violating any provision of this Ordinance, or any provision of the County Solid Waste Rules and Regulations, shall, upon conviction thereof in a summary proceeding, be sentenced for each violation to pay a fine of not less than \$500.00 nor more than \$1,000.00 and cost of prosecution and, in default of the payment of such fines and costs, to undergo imprisonment for not more than thirty (30) days. Each violation of any provision of this Ordinance or of any provision of the County Solid Waste Rules and Regulations, and each day that such violation shall exist, shall constitute a separate violation and offense.
- B. Any fines or penalties shall be payable to the General Fund of Warren County.

SECTION 9. ENFORCEMENT AND PROSECUTION

- A. The Warren County Board of Commissioners or their designee shall administer and enforce on behalf of the County the provisions of the Warren County Solid Waste Rules and Regulations.
- B. Prosecutions for the violation of any of the provisions of this Ordinance may be brought by any peace officer, State Forest Officer, Wildlife Conservation Officer, Waterways Conservation Officer, PA DOT Official, PA DER Official, private citizen, Warren County or Municipal Official.

SECTION 10. INJUNCTIVE RELIEF

In addition to any other remedy provided in this Ordinance, the County or its designee may jointly or severally institute proceedings to restrain any violation of, or to require compliance with, this Ordinance, the Warren County Solid Waste Rules and Regulations, and/or the Plan.

SECTION 11. CONCURRENT REMEDIES

The penalties and remedies set forth in this Ordinance are in addition to, not in lieu of, any fines, penalties or remedies provided in the Warren County Solid Waste Rules and Regulations. The existence or exercise of any remedy shall not prevent the County or its designee from exercising any other remedy provided under this Ordinance or under the County Solid Waste Rules and Regulations or amendments thereto, or available at law or equity including specifically, but not limited to, the Pennsylvania Crimes Code, Section 6501, "Scattering Rubbish," Section 6502, "Refrigerators and Ice Boxes," as well as the Motor Vehicle Code, Section 3709, " depositing Waste and Other Materials on Highways, Property or Waters," plus the Health and Safety Code, Section 6009, "Prohibited Acts," and all other pertinent provisions of these and other laws may also be employed to secure complete and effective remedies and penalties sufficient to effectively deter violations.

SECTION 12. NOTICE

At least thirty (30) days prior to the effective date of any County Solid Waste Rules and Regulations, or amendments thereto, the Authority shall forward a copy of the proposed Rules and Regulations, or amendments thereto, to each Municipality, the County Commissioners, and to all haulers known to the County to operate within Warren County, and publish in a newspaper of general circulation within the County a notice that a copy of the proposed County Solid Waste Rules and Regulations, or amendments thereto, are available for public review and comment.

SECTION 13. SEVERABILITY

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a Court of competent jurisdiction, such invalidity shall not affect any other provision or application of this Ordinance.

SECTION 14. EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment thereof.

Enacted and Ordained this 1st day of June, 1992.

COUNTY OF WARREN
COMMONWEALTH OF PENNSYLVANIA

BY:

Richard P. Campbell
Richard P. Campbell, Chairperson
Board of County Commissioners

ATTEST:

Eunice Herrington
Eunice Herrington
Chief Clerk

(seal)

John L. Donaldson
John L. Donaldson, Member
Board of County Commissioners

Timothy E. Greenlund
Timothy E. Greenlund, Member
Board of County Commissioners

