

**MODEL**  
**MUNICIPAL WASTE COLLECTION, TRANSPORTATION  
AND REPORTING COUNTY ORDINANCE**

**ORDINANCE NO. \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, PENNSYLVANIA**

**AN ORDINANCE OF THE COUNTY OF \_\_\_\_\_,  
PENNSYLVANIA, ESTABLISHING A MUNICIPAL WASTE  
COLLECTION, TRANSPORTATION AND REPORTING PROGRAM TO  
BE ADMINISTERED BY THE COUNTY OF \_\_\_\_\_, OFFICE OF SOLID  
WASTE MANAGEMENT, FOR ALL PERSONS THAT COLLECT AND  
TRANSPORT MUNICIPAL WASTE GENERATED FROM SOURCES  
LOCATED IN \_\_\_\_\_ COUNTY; PROVIDING WASTE FLOW  
CONTROL REQUIREMENTS TO DIRECT WASTE TO DESIGNATED  
PROCESSING AND/OR DISPOSAL SITES; AND PROVIDING  
PENALTIES FOR VIOLATION OF THIS ORDINANCE.**

WHEREAS, Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act, requires that counties accept new responsibilities including the preparation and implementation of municipal waste management plans that provide for the processing and disposal of the municipal waste generated within their boundaries for at least ten years; and

WHEREAS, it is the position of the Pennsylvania Department of Environmental Protection (PADEP) that Counties must implement a waste flow control mechanism ensuring that the municipal waste generated within the County is disposed at the disposal sites designated in the County plan: and

WHEREAS, the Board of County Commissioners has adopted and approved the 5-County Regional Solid Waste Management Plan for Columbia, Lycoming, Montour, Snyder & Union Counties in accordance with the requirements of Section 501 of Act 101; and

WHEREAS, the County has the power and duty to adopt any such ordinances deemed necessary to implement this Plan by the authority vested to the County pursuant to Section 303 of Act 1 including requirements that all persons transporting municipal waste generated in \_\_\_\_\_ County transport that waste only to a municipal waste processing facility permitted by the DEP and designated by the County pursuant to Subsection 303(e) of Act 101.

NOW, THEREFORE, the Board of County Commissioners of \_\_\_\_\_ County hereby enact and ordain as follows:

**SECTION 1 - SHORT TITLE**

This Ordinance shall be known and referred to as the **MUNICIPAL WASTE COLLECTION, TRANSPORTATION AND REPORTING COUNTY ORDINANCE.**

\_\_\_\_\_ County

IV-1

Date

## SECTION 2 - DEFINITIONS

The following words and phrases as used in this Ordinance shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

Act 97 -- The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, NO. 97, July 7, 1980).

Act 101 -- The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (SB 528, Act 1988-101, July 28, 1988).

Collector or Waste Hauler -- shall mean any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste.

Commercial Establishment -- shall mean any establishment engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

County -- shall mean the County of \_\_\_\_\_ Board of County Commissioners, or any agency designated as the County's representative for the purposes of this Ordinance.

Licensed Collector or Waste Hauler -- shall mean any municipal waste collector or hauler possessing a current PADEP License issued pursuant to PADEP municipal waste collection and transportation regulations.

Department or PADEP-- shall mean the Pennsylvania Department of Environmental Protection.

Industrial Establishment -- shall mean any establishment engaged in manufacturing or production activities, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

Institutional Establishment -- shall mean any establishment or facility engaged in services, including, but not limited to, hospitals, nursing homes, schools and universities.

Municipality -- shall mean any local municipal government within \_\_\_\_\_ County.

Municipal Waste -- shall mean any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and any sludge not meeting the definition of residual or hazardous waste under Act 97 or 101 from any municipal, commercial or institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. The term does not include any source-separated recyclable materials or material approved by the PADEP for beneficial use. For the purposes of this Ordinance, the term "Municipal Waste" shall not include infectious and chemotherapeutic waste since all haulers of infectious and chemotherapeutic waste are licensed and regulated by the PADEP under special regulations.

Municipal Waste Landfill -- Any facility that is designed, operated and maintained for the disposal of municipal waste and permitted by the PADEP for such purposes.

Person -- means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, municipality, State institution and agency, or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, penalty or imprisonment, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

Processing -- means any technology used for the purpose of reducing the volume or bulk of municipal or residual waste, or any technology used to convert part or all of such materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, sludge treatment facilities and resource recovery facilities.

Recycling -- means the collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste, or the mechanical separation and treatment of municipal waste (other than combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

Residual Waste - means any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, provided that it is not hazardous. The term residual waste shall not include coal refuse as defined in the "Coal Refuse Disposal Control Act". Residual waste shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to "The Clean Streams Law".

Scavenging -- shall mean the unauthorized and uncontrolled removal of any material stored or placed at a point for subsequent collection or from a solid waste processing or disposal facility.

Source Separated Recyclable Materials -- means materials that are separated from municipal waste at the point of origin or generation for the purpose of recycling.

Transportation -- means the off-site removal of any municipal waste at any time after generation.

Transfer Station or Facility - means any supplemental transportation facility used as an adjunct to solid waste route collection vehicles.

For the purposes of this Ordinance, the singular shall include the plural and the masculine shall include the feminine and neuter.

### SECTION 3 - PROHIBITED ACTIVITIES

1. It shall be unlawful for any person to collect and/or transport municipal waste generated by any residential, commercial, industrial, public or institutional establishment within \_\_\_\_\_ County without first registering with the County in accordance with the provisions of this Ordinance.
2. It shall be unlawful for any person to collect and/or transport municipal solid waste from any sources within \_\_\_\_\_ County in a manner that is not in accordance with the provisions of this Ordinance and the minimum standards and requirements established in Chapter 285 of the PADEP's Municipal Waste Management Regulations.
3. All municipal waste collected from sources located within \_\_\_\_\_ County, except sewage sludge and septage which is processed or disposed of according to PADEP regulations, must be delivered to a processing facility permitted by the PADEP or to a disposal facility listed in supplemental attachments to the Regional Solid Waste Management Plan for Columbia, Lycoming, Montour, Snyder & Union Counties.
4. It shall be unlawful for any person to scavenge any material from any municipal waste or source-separated recyclable materials that are stored or placed for subsequent collection within \_\_\_\_\_ County without prior written approval from the County and the local municipality.
5. It shall be unlawful for any municipal waste landfill to accept for disposal, and no resource recovery facility may accept for processing, truckloads composed primarily of leaf waste or plant waste. To reduce the unit cost associated with conversion of organics to usable compost, all yard waste and grass clippings collected within the County should be taken to a designated Organics Recycling Facility with an active PADEP permit to operate.

### SECTION 4 – REGISTRATION AND REPORTING REQUIREMENTS

1. No person shall collect, remove, haul or transport any municipal waste generated within \_\_\_\_\_ County through or upon the streets of any municipality within the County without first obtaining a license from the PADEP and registering with the County of \_\_\_\_\_, Office of Solid Waste Management, in accordance with the provisions of this Ordinance.
2. The County and the Office of Solid Waste Management shall have the right to require municipal waste collectors and haulers to choose a disposal facility that is under contract with \_\_\_\_\_ County.
3. Any person who desires to collect, haul or transport municipal waste generated within \_\_\_\_\_ County shall submit a registration application to the County Office of Solid Waste Management. The Office of Solid Waste Management shall have a minimum period of thirty (30) calendar days to review any registration application and take approval or denial action.

4. All registrations are non-transferable and shall be issued for a period of one calendar year. There shall be no fee for any registration.
5. The registration application form, which will be supplied by the Office of Solid Waste Management, shall set forth the minimum information required to establish the applicant's qualifications to collect and transport municipal waste, including, but not necessarily limited to:
  - A. Name and mailing address of the applicant,
  - B. Name and telephone number of contact person,
  - C. List of collection vehicles to be covered under the registration, including identification information for each vehicle, such as vehicle license number and company identification number,
  - D. Type of municipal waste collected and transported,
6. Any collector or hauler with an existing registration shall submit a registration renewal application to the Office of Solid Waste Management at least sixty (60) days prior to the expiration date of their existing registration, if renewal of the registration is desired. All new applicants for registration must submit a registration application at least thirty (30) days before beginning collecting and transporting municipal waste within \_\_\_\_\_ County.
7. No new registration or registration renewal shall be approved and issued to any person who fails to satisfy the minimum standards and requirements of this Ordinance or is in violation of the provisions of this Ordinance.

## **SECTION 5 - REPORTING REQUIREMENTS**

1. All registered collectors shall promptly report any significant changes in the collection vehicles or equipment covered under their registration.
2. All registered collectors shall maintain current, up-to-date records of the customers serviced within \_\_\_\_\_ County. Such records and customer lists shall be subject to inspection and must be made available to the Office of Solid Waste Management or its authorized agents upon request.
3. Each collector shall prepare and submit a semi-annual report to the Office of Solid Waste Management. The report for the first six calendar months of each year (January through June) shall be submitted on or before July 31st and the report for the second six calendar months of each year (July through December) shall be submitted by January 31st of the following year. At a minimum, the following information shall be included in each semi-annual report:
  - a) The total weight of each type of municipal waste collected from sources located in \_\_\_\_\_ County during each month of the reporting period;

- b) The name of each processing or disposal facility the hauler used during the reporting period and the total weight of each type of municipal waste that was delivered to each site during each month of the reporting period;
- c) The name of each municipality in \_\_\_\_\_ County in which the hauler collected municipal waste from any source during the reporting period; and
- d) A summary of the total weight of each type of municipal waste collected from each municipality during each month of the reporting period.

**SECTION 6 - PENALTIES**

- 1. Any person who violates any provision of this Ordinance shall be guilty of a summary offense which is punishable, upon conviction, by a fine of not less than \$300, nor more than \$1,000, or by imprisonment for a period of not more than ten (10) days, or both. Each day of violation shall be considered as a separate and distinct offense.
- 2. The Office of Solid Waste Management shall have the right at any time, after a hearing, to suspend or revoke the registration of any registered collector or hauler for any of the following causes:
  - a) Falsification or misrepresentation of any statements in any registration application;
  - b) Transportation and disposal of any municipal waste collected from sources within \_\_\_\_\_ County at any site other than those disposal facilities designated by the County; and
  - c) Violation of any part of this Ordinance, any other applicable County or municipal ordinances or other applicable Pennsylvania laws or regulations.

**SECTION 7 - INJUNCTIVE POWERS**

The County and/or County of \_\_\_\_\_, Office of Solid Waste Management, may petition the Court of Common Pleas of \_\_\_\_\_ County for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this ordinance. In addition, the \_\_\_\_\_ County Department of General Services shall designate one or more individuals to enforce the provisions of this Ordinance and the associated Regional Solid Waste Management Plan for Columbia, Lycoming, Montour, Snyder & Union Counties.

**SECTION 8 - SEVERABILITY**

In the event that any section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, shall be declared illegal, invalid or unconstitutional for any reason, the remaining provisions of this Ordinance shall not be affected, impaired or invalidated by such action.

**SECTION 9 - CONFLICT**

Any ordinances or any part of any ordinances which conflict with this Ordinance are hereby repealed insofar as the same is specifically inconsistent with this Ordinance.

**SECTION 10 - EFFECTIVE DATE**

This Ordinance shall take effect on (specified date)

ORDAINED AND ENACTED into an Ordinance this (\_\_) day of (\_\_\_\_, 20\_\_)

ATTEST:

COUNTY OF \_\_\_\_\_  
BOARD OF COUNTY COMMISSIONERS

Chief Clerk

\_\_\_\_\_, Chairman

\_\_\_\_\_

(County Seal)

\_\_\_\_\_