

**AN ORDINANCE TO AMEND AN ORDINANCE  
FOR SOLID WASTE COLLECTION LICENSING  
IN WASHINGTON COUNTY, MARYLAND**

**RECITALS**

By virtue of the authority contained in Article 25, Sections 3(v) and 14A, Annotated Code of Maryland, the Board of County Commissioners of Washington County, Maryland (the "Board") is authorized to adopt, and from time to time amend, revise, rescind or change an Ordinance requiring, regulating or providing for the collection, removal, and disposal of solid waste, and they may license solid waste haulers and direct the disposition of solid wastes within Washington County, Maryland.

The Board on June 22, 1995, adopted an ordinance entitled "An Ordinance for Solid Waste Collection Licensing in Washington County, Maryland" (the "Ordinance"), effective July 1, 1995.

It has been recommended to the Board that amendments be made to the Ordinance in order to bring the Ordinance up-to-date.

A public hearing was held on June 7, 2005, following due notice by advertisement of the Board's intention to amend the Ordinance.

Any public comment received was reviewed and carefully considered.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the attached ordinance entitled "An Ordinance for Solid Waste Collection Licensing in Washington County, Maryland" be amended.

Adopted the 21st day of June, 2005.

Effective the 1st day of July, 2005.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

\_\_\_\_\_  
Joni L. Bittner, Clerk

\_\_\_\_\_  
William J. Wivell, Vice President

Approved as to form  
and legal sufficiency:

\_\_\_\_\_  
Richard W. Douglas  
County Attorney

Mail to:

Office of the County Attorney  
100 W. Washington Street, Room 202  
Hagerstown, MD 21740

**AN ORDINANCE TO PROVIDE FOR**  
**SOLID WASTE COLLECTION LICENSING**  
**IN WASHINGTON COUNTY, MARYLAND**

Adopted June 22, 1995, effective July 1, 1995.  
Revision 1, adopted June 21, 2005, effective July 1, 2005.

**SOLID WASTE COLLECTION LICENSING ORDINANCE**

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# SOLID WASTE COLLECTION LICENSING ORDINANCE

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## AN ORDINANCE TO PROVIDE FOR SOLID WASTE COLLECTION LICENSING IN WASHINGTON COUNTY, MARYLAND

### SECTION 1.0 DEFINITIONS

For the purposes of this ordinance, the following definitions describe the meaning of the terms used.

**Asbestos** means any of the naturally occurring mineral fibers of the serpentine and amphibole series including actinolite, amosite, anthophyllite, chrysolite, crocidolite, and termolite.

**Bulky waste** means large items of solid waste which because of their size or weight require handling other than normally used for solid waste. Bulky waste includes, but is not necessarily limited to, such items as tree trunks and stumps, appliances, and furniture.

**Clean fill** means an uncontaminated nonwater-soluble, nondecomposable, inert solid such as rock, soil materials, and gravel.

**Collection** means the act of picking up solid waste at its point of generation or storage and placing it in a vehicle.

**Construction/Demolition Waste** does not include the following if they are separated from other waste and used as clean fill:

- (a) Uncontaminated soil, rock, stone, gravel, unused brick, and block and concrete.
- (b) Waste from land clearing, grubbing, and excavation including trees, brush, and vegetative material.

**Container** means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

**Contaminated soil** means a portion of solid waste consisting of hydrocarbon contaminated earth or fill, typically generated due to a spill or leak. Contaminated Soil is a Special Handling Waste.

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**Convenience Center** means a solid waste acceptance facility owned or operated by or on behalf of Washington County where containers are available for household waste and household recyclables.

**County** means the County Commissioners of Washington County, a body politic and corporate of the State of Maryland and where appropriate to the context means the area located within the geographic boundaries of Washington County, Maryland, including the municipalities located therein. The Director of Public Works and the Director of Solid Waste are authorized representatives of the County Commissioners in all matters of solid waste.

**Director of Finance** shall mean the Finance Director for Washington County, Maryland.

**Disposal** means the storage, treatment, utilization, processing or final disposition of solid waste, specifically including the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

**Disposal facility** means a waste management facility used for the final disposal of residual materials not currently reusable for either technological or economic reasons.

**Environmentally unsound** means any persistent or continuous condition resulting from the methods of operation or design that impairs the quality of the environment when compared to the surrounding background environment or violates any federal, state, county or municipal standard.

**Free liquids** means liquids which readily separate or can be reasonably expected to separate from the solid portion of a waste under ambient temperature and pressure when tested with paint filter test or other means.

**Friable asbestos material** means any material that contains more than one percent asbestos by weight and that can be crumbled, pulverized or reduced to powder, when dry, by hand pressure or otherwise could become airborne.

**Generator** means any person who produces any waste materials regulated by this Ordinance.

**Haulage vehicle** means a vehicle designed for and used to transport solid waste.

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**Hauler** means a person engaged in the act of collection of solid waste and/or transporting such waste.

**Hazardous waste** means any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semi-solid, liquid or gaseous form, which, because of its quantity, concentrations, or chemical, physical or infectious characteristics, as defined in 40 CFR 261, may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials, include, but are not limited to, explosives, flammable, oxidizers, and reactive wastes, poisons, irritants, and corrosives.

**Household Hazardous Waste** means hazardous waste, as defined above, generated in a residential household, which is exempt from the regulations, governing the storage, transport, and disposal of hazardous waste, due to the relatively small volume of generation by a single generator or household.

**Infectious Waste** means any waste that comes from a hospital, clinic, or laboratory and that is known or suspected to be contaminated with organisms capable of producing disease or infection in humans. Infectious waste includes: (a) Disposable equipment, instruments, and utensils; (b) Contaminated needles, scalpels, and razor blades; (c) Human tissue and organs that result from surgery, obstetrics, or autopsy; (d) Feces, urine, vomitus, and suctionings; (e) Live vaccines for human use; (f) Blood and blood products; and (g) Laboratory specimens, such as tissues, blood elements, excreta, and secretions.

**MDE** means the Maryland Department of the Environment.

**Materials designated for recycling** means those recyclable materials that the County identifies as reasonable to recycle when collection costs, processing costs, markets, and beneficial effects of reducing waste are considered. Materials designated for recycling include 1 & 2 plastic bottles - HDPE/PET, newspapers, glass bottles and jars, food and beverage cans, office paper, corrugated cardboard and other materials which may be determined to be practical by the County.

**Materials recovery facility (MRF)** means a central processing area that consists of a combination of equipment and handpicking to process materials designated for recycling to market specifications.

**Municipal solid waste (hereinafter sometimes designated "MSW")** means garbage, refuse, rubbish, trash, and other solid waste from residential, commercial, industrial, and community generators which is collected in aggregate, but does not include special handling wastes, recyclables, residual waste, auto hulks, ash, construction and demolition debris,

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mining wastes, sludge, agricultural wastes, tires, and other materials collected, processed, and disposed of as separate waste streams.

**Open burning** means the combustion of any material without any of the following characteristics:

1. Control of combustion air to maintain adequate temperature for efficient combustion;
2. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion;
3. Control of emission of the gaseous combustion products.

**Person** means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), corporate official, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

**Recyclables (also recyclable materials)** means those materials that when kept separate from the waste stream and processed, can be used to produce a product.

**Recyclable White Goods** consist of large appliances (i.e., generally weighing more than fifty pounds) including, but not necessarily limited to the following: air conditioners, clothes washing and drying machines, hot water heaters, refrigerators and freezers, or stoves and ovens.

**Recycling** or **reclamation** means any lawful method, technique, or process used to collect, store, separate, process, modify, convert, treat, or otherwise prepare recyclable materials.

**Residue** means any material that remains after completion of manual, thermal, mechanical or chemical processing.

**Salvaging** means the controlled removal of any solid waste from a solid waste disposal facility for reuse.

**Sanitary and/or Rubble Landfill** means a facility at which solid waste is deposited on or into the land as fill for the purpose of permanent disposal and which has received all necessary permits.

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**Scavenge or Scavenging** means removal of recyclables or other items from the waste stream without the prior approval of the generator or, if removed by the generator and placed for delivery to a hauler or committed to a hauler, without the prior permission of the hauler; or removal in a manner not authorized in this Ordinance. It does not include separation or segregation of waste for purposes of implementing the County's recycling program.

**Sludge** means any solid, semi-solid, or liquid residue consisting of solids combined with water and dissolved materials in varying amounts generated from a municipal, commercial, or industrial water or wastewater treatment plant or process or flue gas scrubber.

**Small business** means any business that has fewer than five full-time employees. The business may be constituted under any legal form.

**Solid waste** means garbage, refuse, residue, sludge, and other non-liquid discarded materials resulting from personal, residential, community, mining, agricultural, industrial, or commercial activity, including recyclables. Solid waste does not include any hazardous waste.

**Solid waste acceptance facility** means any sanitary and/or rubble landfill, combustion plant (i.e. incinerator), transfer station, resource recovery facility or materials recovery facility (MRF), which has a primary purpose to dispose of, treat, or process solid wastes.

**Solid waste management** means the systematic and integrated administration of activities involving the collection, separation, storage, transportation, transfer, re-use or disposal of solid wastes considering adequate measures for environmental protection, sound engineering, and efficient economics.

**Special handling wastes** means a portion of municipal solid waste which consists of sludge, ash residue, contaminated soil, high volume/low weight waste, asbestos waste, and others that may apply.

**Transfer station** means an intermediate waste facility at which mixed municipal solid waste, or other materials are temporarily deposited before being transported to a processing facility or final disposal site.

**Treatment** means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste, or so as to recover energy or material resources from the waste, or so to render such waste non-hazardous, or less hazardous, safer to transport, store, or dispose of; or amenable for recovery, amendable for storage, or reduced in volume.

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**Waste stream** means all MSW, industrial waste, hazardous waste, medical waste, construction waste, recyclables and sludge in any form, i.e., solid, liquid, or gaseous, that is disposed of by the generator.

**Yard waste** means any materials normally generated in the maintenance of gardens, yards, lawns, or landscaped areas, whether residential, commercial or public, including leaves, grass clippings, plants, shrubs, prunings and trimmings less than 4 feet in length and 2 inches in diameter. Yard waste does not include other tree waste, land clearing debris, waste pavement, or soil.

### **SECTION 2.0 LICENSING REQUIREMENTS**

#### **Section 2.1 LICENSE REQUIRED**

2.1.1 No person whose business is solid waste collection shall engage or continue to engage in the collection, haulage or disposal of solid wastes, including the collection or purchase of recyclables, within Washington County without first filing for and obtaining a license from the County. Any person hauling for another party on a regular basis (i.e., average 3 times weekly) must obtain a license.

2.1.2 No licensee shall collect or transport any Washington County solid wastes to or from any solid waste acceptance facility with any vehicle that has not been licensed by the County for that use and displays a commercial permit sticker. Licensed haulers must furnish a list of all vehicles operated in Washington County and must obtain a sticker for each vehicle listed.

2.1.3 Licenses issued hereunder may not be assigned to any other person without the prior consent of the County, which consent will not be unreasonably withheld. Vehicle licenses issued hereunder shall be in the form of a sticker. Stickers shall only be affixed to vehicles for which they are issued and may not be transferred to any other vehicles. Licenses issued hereunder shall be and remain the property of the County. Stickers shall be firmly affixed in a prominent location on the left front (driver's side) of the vehicle so that it can be readily visible.

2.1.4 Licenses shall be issued for one year on a fiscal year basis (July 1 through June 30). There will be no proration of fees for licenses issued during the course of the fiscal year.

2.1.5 A licensee shall notify the County within thirty (30) days of any change of information supplied in its application for a license.

2.1.6 The failure to provide the information required by subsection 2.1.5 hereof shall be grounds and sufficient cause to revoke summarily the license.

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2.1.7 The County may bar vehicles or containers from County Facilities if in the County's opinion the vehicle or container may cause a nuisance or an unsafe condition.

### **Section 2.2 APPLICATION FOR LICENSE**

2.2.1 Applications for licenses issued hereunder shall be made on forms supplied by the County Commissioners for Washington County, Maryland, and shall contain all information requested by the County. An application will not be accepted or processed unless it is complete. That information shall include, but is not limited to, the following:

- (1) Name of the applicant
- (2) Applicant's mailing address
- (3) List of the vehicles and equipment owned and leased by the applicant which are to be permitted hereunder
- (4) Name, address, and telephone number of the primary contact acting as representative for the applicant
- (5) The appropriate fee based on the fee schedule supplied by the Director of Solid Waste for Washington County
- (6) A description of the hauler's plan for the collection and disposal of solid waste including recyclables. The plan as a minimum must take into consideration materials designated for recycling including the following materials: commercial corrugated cardboard and office paper products, residential materials including newspapers, glass bottles and jars, food and beverage cans, and HDPE/PET plastic bottles.

### **OFFICIAL COMMENT**

*A person who is in the business of collecting or purchasing Washington County generated recyclables must acquire a license. The primary purpose of this requirement is to identify the person as someone from whom a report of collection is required. As contemplated at the time of adoption of this Ordinance, licensing is primarily an identification tool, but in the event of violation, it provides a measure of security for implementation of the County's plan to reach its recycling goals. Nevertheless, in the event of violations, particularly failure to report or illegal dumping, a license may be suspended or revoked and other penalties sought.*

2.2.2 Initial applications must be filed no later than June 20 for licenses to be effective on July 1.

2.2.3 Within thirty (30) days of filing the application for license the applicant will be notified by the Director of Solid Waste whether or not the application is approved.

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2.2.4 As licenses are issued for periods of one year running from July 1 through June 30, applications for license renewals must also be filed with the Director of Solid Waste no later than May 30 of each year. Short form renewals are available from the Washington County Solid Waste Department if the data listed under 2.2.1 has not changed. If the information has changed a modified full application must be filed.

2.2.5 A licensee shall notify the Director of Solid Waste within thirty (30) days of any change of information supplied on its application for a license.

2.2.6 Failure to provide any information required in connection with any license application or renewal or failure to inform the County of any change in information previously supplied in connection with any application or renewal shall be grounds and sufficient cause to either deny any pending application or to revoke or suspend any active license of a solid waste hauler.

### **Section 2.3 WASTE HANDLING REQUIREMENTS (General)**

Any person, regardless of whether they are required to be licensed, who collects, hauls, or disposes of solid waste, shall comply with the following requirements:

2.3.1 No person shall deposit solid waste except in approved solid waste acceptance facilities in accordance with Section 3.0 of this Ordinance and all applicable federal, state, and local laws, ordinances, and regulations.

2.3.2 No person shall cause solid waste, except recyclables, to remain or to be stored in any collection or haulage vehicle. In case of inclement weather, acts of God or an emergency such as equipment breakdown or accident, no solid waste shall be allowed to remain or to be stored in any collection or haulage vehicle in excess of 24 hours. If an emergency arises or inclement weather occurs, the hauler is responsible for having the material removed to its intended destination in a timely manner.

2.3.3 No person shall cause a vehicle to be used for the collection or haulage of solid waste if the design of the vehicle is such that any material will be allowed to spill onto any roadway.

2.3.4 No person shall cause a vehicle used for hauling solid waste to be used beyond its design capabilities or in such a manner that littering or spillage of the materials could occur.

2.3.5 All work or collection crews operating solid waste collection systems shall take reasonable care to protect the property of customers being served. Any damage or spillage of materials, occurring as a result of the collector's actions shall be the collector's responsibility.

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2.3.6 No person shall collect, transport or deliver any solid waste in Washington County in such manner as to allow for littering, spillage or the creation of a nuisance in any other manner. All loads shall be secured and covered, if necessary.

2.3.7 No person shall collect, transport or deliver to any designated County facility any material that is or shows evidence of smoking, smoldering or burning.

2.3.8 In the event a person must dump materials in transit in an emergency due to smoking, smoldering or burning, that person shall be responsible for immediately notifying the Department of Public Works and the police and fire departments having jurisdiction and shall be responsible for cleanup of materials dumped during the emergency. Clean-up shall be accomplished promptly, but in no event later than 24 hours after dumping and the material shall then be properly disposed of.

2.3.9 No person shall manage or dispose of a part or fraction of the waste stream except in accordance with all applicable federal and state laws and regulations and this Ordinance.

2.3.10 No person shall use open burning as a means of solid waste management in Washington County unless permitted by the appropriate state or local regulatory authority. The Washington County Health Department is the permitting agency for any proposed burning.

2.3.11 No person shall manage or dispose of any part of the waste stream within Washington County in any manner which results in violation of local, state, or federal laws.

### **SECTION 3.0 SOLID WASTE ACCEPTANCE POLICIES**

3.1 Only solid waste generated in Washington County may be delivered to or disposed of at County-operated facilities. If the solid waste is a special handling waste, it may not be delivered to a County facility unless prior approval has been issued allowing the delivery and then, only in strict compliance with the terms thereof.

3.2 Any person delivering unacceptable waste, including waste generated outside Washington County, to a County facility will be responsible for the payment of any fine that may be assessed for the removal of the unacceptable waste from the site, clean-up and remediation of any damages resulting from such delivery, and reimbursement of all costs and damages incurred by the County as a result of such delivery in addition to payment of the applicable solid waste management fee.

3.3 The following are considered unacceptable wastes and no person shall deposit or cause to be deposited any of the following materials in any County sanitary landfill.

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- (1) Hot ashes or any material that shows evidence of smoking, smoldering or burning;
- (2) Guns, rifles, pistols, firearms or ammunition of any kind, except weapons as destroyed by law enforcement;
- (3) Explosive materials or other lethal wastes;
- (4) Gasoline, oil products, petroleum product waste and sludge or any combustible material;
- (5) Pipe measuring over four (4) feet in length or four (4) inches in diameter;
- (6) Special handling waste without a permit for same.
- (7) Motor vehicles, boats, campers, mobile homes without first being dismantled.
- (8) Hazardous wastes;
- (9) Sealed drums, closed large containers, and tanks of any size or type;
- (10) Liquids or wastes containing free liquids;
- (11) Intact bulky wastes;
- (12) Toxic wastes;
- (13) Pathological/Infectious or other medical wastes;
- (14) Radioactive wastes
- (15) Any substance prohibited by any other statute, rule, or regulation;
- (16) Dead animals
- (17) Wet paint
- (18) Pesticides
- (19) Chemicals that are hazardous waste

3.4 Delivery of special handling wastes to any County-operated solid waste acceptance facility without prior approval by the County is prohibited. All special handling wastes shall be segregated from other categories of waste from the point of generation and must meet all applicable federal, state, and local laws, rules, and regulations.

3.4.1 A person wishing to dispose of special handling wastes shall apply for approval from the County for that purpose and in the manner prescribed by the County giving sufficient time for the application to be reviewed and processed prior to the date of intended delivery. Application for a permit to dispose of special handling wastes must include a complete description of the waste in question and the required fee. The County may require the submission of additional data, including the results of County-specified laboratory analyses, prior to a consideration of permit issuance. **The County reserves the right to deny acceptance of any waste.**

3.4.2 A fraction of any category of special handling wastes found in a load of any other waste category delivered to any County facility shall be grounds for the County to designate the entire load, including other loads from which the waste originated, as unacceptable waste.

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### **3.4.3 SLUDGE**

No sludge will be accepted at County facilities unless the following conditions have been met:

- (a) A properly completed Request for Approval to Dispose of Sludge has been approved by both MDE and the County and a permit has been issued by MDE authorizing the disposal in the manner indicated in the permit.
- (b) Each load of sludge shall be delivered to the County landfill in a dewatered state, with a solids content consistent with the requirements of the landfill's Refuse Disposal Permit, with a cake-like texture. The sludge shall exhibit no liquid phase separation in a test which consists of either the EPA Gravity Test (as described in the Federal Register, Volume 47, No. 38, Page 8311, Thursday, February 25, 1982) or the EPA Plate Test (as described in the Federal Register, Volume 45, No. 98, Page 33214, Monday, May 19, 1980). Results of these tests shall be submitted to the County and a copy presented to the Landfill Official upon delivery for disposal.
- (c) County may require laboratory test results for each load from a laboratory and in a form acceptable to County.

Pursuant to the provisions of this section, sludge may be accepted at the appropriate County facility or may be disposed of pursuant to a permit issued by MDE. Sludge shall not be mixed with any other waste when delivered to a County facility.

### **3.4.4 ASH RESIDUE**

Non-hazardous ash residue from the combustion of fossil fuels, municipal solid waste or special medical waste may be accepted only at the County facility and only after County approval of applicable laboratory analyses. Ash residue shall not be mixed with any other waste when discharged into a County facility without prior County approval.

### **3.4.5 CONTAMINATED SOIL**

No contaminated soil will be accepted at County facilities unless the County has received relevant test data and approved of the disposal. Contaminated soil if approved for disposal may be accepted at the County facility only by appointment. Contaminated soil shall not be mixed with any other waste when discharged into a County facility unless approved first by the Washington County Solid Waste Department.

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### **3.4.6 ASBESTOS**

Asbestos disposal must meet current federal and state regulations. Asbestos and materials containing asbestos (defined as “any material that contains more than 1% asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure”) may be disposed of at County facilities only under the following conditions:

(a) The asbestos or material containing asbestos must be generated or originate in Washington County; and must have license remover number, job identification and must be dated on each container.

(b) Asbestos or materials containing asbestos shall be packaged in impermeable bags with a minimum thickness of six (6) mils. The containers shall be prominently labeled (in at least 16 point type) as:

<b>CAUTION, CONTAINS ASBESTOS</b>	<b>LICENSE #</b> _____
<b>AVOID OPENING OR BREAKING CONTAINER</b>	<b>JOB DESCRIPTION</b> _____
<b>BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH</b>	<b>DATE</b> _____

(c) Any container which does not meet the criteria enumerated above or which has not been adequately packaged, in the judgment of the County, shall not be accepted; and

(d) The County shall be notified at least forty-eight (48) hours in advance of the disposal of any asbestos or material containing asbestos.

(e) Large structural components containing asbestos that cannot be packaged as described in this Ordinance, will only be accepted for disposal if the component in question is itself acceptable for disposal and the asbestos is adequately wetted, encapsulated and handled in accordance with the provisions of 40 C.R.F (Code of Federal Regulations), Part 61, 1981 edition and C.O.M.A.R. 10.18.15 and 10.18.23, as those provisions may be amended from time to time.

(f) Any person hauling asbestos or materials containing asbestos to County facilities shall unload at the location designated by County's personnel. Asbestos or materials containing asbestos shall be unloaded in a manner which protects the containers from damage. No dumping of containers from vehicles is allowed and all asbestos must be unloaded manually.

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- (g) Any truck or other vehicle hauling asbestos or materials containing asbestos to County facilities shall have available on it protective equipment to be used in the event that accidental damage to containers of asbestos or materials containing asbestos occurs.
- (h) High volume/low weight - any waste which when compacted with standard equipment cannot be expected to be greater than 660 lbs per cubic yard.
- (i) Special waste requires prior approval before delivery.

### **3.5 RECYCLABLE MATERIALS**

A hauler who collects municipal solid waste must also collect or provide for the collection of recyclables separated from all other forms of solid waste. It is the responsibility of:

- a. a hauler who transports recyclables;
- b. a generator who transports recyclables; or
- c. a purchaser of recyclables

to furnish the County with annual reports on tonnages of recyclable materials hauled, generated, or purchased, their source and their destination. Information provided therein, concerning the source and destination of recyclable materials, is considered proprietary or confidential at the time a report is made. Upon clear designation that information contained in a report is proprietary and should remain confidential, the County will deny access to the information pursuant to State Government Article, Section 10-617(d), notify the provider of the information of any action filed to gain access to the information and the County will not disseminate the information beyond County staff or other government employees who agree to maintain the confidentiality of the information and who demonstrate a need to have the information to perform their duties. Failure to provide reports required by the County shall be sufficient grounds to suspend, revoke or deny a license issued hereunder and shall be a violation of this Ordinance. Haulers delivering solid waste to a County Facility shall segregate solid waste separately into any category as may be required by the County. Upon the passage of ninety (90) days from the County Commissioners' adoption of a resolution declaring that recycling is mandatory, haulers shall, at a minimum, provide a plan for implementation within ninety (90) additional days shall have the service implemented. Haulers shall be responsible for having all recyclables, at the time of delivery, segregated from all other waste. Plans will be reviewed and approved or rejected by the designee of the County Commissioners.

#### **3.5.1 YARD WASTE**

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No person shall dispose of yard waste by commingling it with other solid waste. If yard waste is to be disposed of at a County Facility, it may be disposed of at wood waste processing areas or sites as may hereafter be designated by the County Commissioners, but only in the location designated by the County.

### **3.5.2 TIRES**

Any individual desiring to dispose of four (4) or fewer tires within one (1) year may take the tires to any County landfill. Any non-commercial load containing more than four (4) tires or any commercial load may be delivered to the designated County facility. No more than 500 tires will be accepted from any generator or hauler in any one week. All tires must be removed from the rims and unloaded in designated tire unloading areas and segregated from other solid waste prior to delivery to the County facility. Tire haulers must be licensed by MDE and/or meet all requirements as stated in COMAR 26.04.08 concerning collection, storage, transferring, hauling, recycling and processing of scrap tires.

### **3.5.3 RECYCLABLE WHITE GOODS**

Recyclable white goods, if delivered to a County Facility, shall be unloaded in the designated White Goods unloading area and may not be disposed of in a Sanitary Landfill, except pursuant to an approval of the Director of Solid Waste or designee.

### **3.5.4 WOOD**

A generator shall separate tree branches, limbs and wood chips from the rest of the generator's waste and may make provision for collection and disposal at any designated area of a County sanitary landfill for processing. Treated wood shall not be considered clean wood waste for purposes of this Section. If separated from other waste, clean wood waste may be disposed of at a County facility in a designated area and in a designated manner; provided, however, clean wood waste shall not be delivered to a County facility unless it is separated from all other forms of solid waste.

3.6 Upon the request of the County, a hauler, purchaser of recyclables, or a commercial generator hauling its own solid waste shall provide the County with accurate and verifiable documentation of the types, quantities, and disposition of any solid waste which the hauler, generator, or purchaser has transported, or had transported, to any location. Information provided therein, concerning the source and destination of recyclable materials, to be considered proprietary or confidential, **MUST be clearly designated as proprietary or confidential at the time a report is made.** Upon clear designation that information contained in a report is proprietary and should remain confidential, County will deny access to the information pursuant to State Government Article, Section 10-617(d), notify the provider of the information of any action filed to gain access to

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the information, and the County will not disseminate the information beyond County staff or other government employees who agree to maintain the confidentiality of the information and who demonstrate a need to have the information to perform their duties.

### **SECTION 4.0 SOLID WASTE ACCEPTANCE FACILITIES**

4.1 All municipal solid waste shall be transported directly from the point of collection and delivered in accordance with this Ordinance to a solid waste acceptance facility (either a County facility or any other lawfully permitted facility), without any intervening transfer, unloading, processing, sorting, salvaging, scavenging, or reuse; except as may be allowed under the terms of the license issued hereunder.

#### **OFFICIAL COMMENT**

*The intent of this provision is to provide for licensing of intervening processing as part of the license required in Section 2.0 of this Ordinance. Again, the licensing is primarily for informational purposes, but in appropriate circumstances may take on enforcement characteristics. For example, if a hauler identified intervening processing, the County would use this information to determine proper zoning and to determine the type of information that may be required of the hauler for reporting purposes. It is not intended by this requirement that the County be unduly intrusive in the business of the hauler, but simply to ensure that the County gain sufficient information about its waste stream to provide necessary public services for its citizens over time.*

4.2 Special handling wastes shall be transported from the point of collection and delivered in accordance with this Ordinance to a facility authorized by law to accept it.

4.3 Upon reasonable advance notice to the hauler, the County may designate or change the site designation for disposal of any waste or recyclable material.

4.4 No person shall use any County facility without a valid license as may be required by this Ordinance and which has been obtained from the County or use any County facility in violation of this Ordinance. A license issued pursuant to this Ordinance may be revoked at any time for any cause determined sufficient by the County after reasonable notice and an opportunity for the licensee to be heard.

4.5 No person shall possess or consume any alcoholic beverage or beverages at any County facility.

4.6 No person shall operate a motor vehicle in a reckless or unsafe manner at a County facility.

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4.7 No person shall trespass on County Facility property. Only persons with valid permits shall be allowed on County Facility property and they shall be allowed only during operating hours.

4.8 Except in the course of law enforcement, no person shall discharge a firearm or other weapon such that it projects any object over or onto property of a County facility.

### **SECTION 5.0 FEES**

#### **5.1 SOLID WASTE MANAGEMENT FEES**

##### **5.1.1 AUTHORIZED FEES**

The County Commissioners are hereby authorized in their executive capacity to establish fees and penalties for the receipt of any solid waste or unacceptable waste at a County Facility. Fees or penalties established hereunder may be changed whenever the Commissioners deem it necessary or expedient to do so. The County Commissioners may authorize the Director of Finance to adjust fees to recover the actual cost of the operation of all solid waste management services provided by Washington County. If this authorization is given, the Director of Finance shall establish as the Solid Waste Management Fee a charge that is the result of his/her determination of the projected actual cost of solid waste services projected for the next fiscal year. [Actual cost is comprised of the proposed budgets of those agencies of County government whose duties are solely related to providing solid waste services, that portion of the budgets of agencies of County government that may be attributable to the provision of solid waste management services, any surplus or deficit, depreciation, annualized cost of future development and closing, annualized cost of future facilities, and if not previously accounted for herein the cost of hazardous waste disposal, composting, and recycling.] In addition, solid waste management fees may be calculated and established on any portion of the waste stream by providing different fees for different categories of waste. If separate fees are established for different categories of solid waste, the anticipated revenue from these fees shall be used by the Director of Finance in establishing the solid waste management fee. In addition, the Director of Finance, if authorized to adjust the solid waste management fee pursuant to this Section, may adjust any fee established hereunder and establish new fees.

##### **5.1.2 SOLID WASTE MANAGEMENT FEES**

###### **5.1.2.1 Solid Waste Management Fee.**

Solid Waste will be assessed a management fee when delivered to the County Landfill. This fee is in addition to any permit or license fee.

###### **5.1.2.2 Special Handling wastes.**

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Special handling wastes will be assessed a management fee when delivered to the County Landfill. This fee is in addition to any solid waste management fee, permit or license fee.

### 5.1.2.3 MRF Residue/Recycling Plant

Residue from the processing of an MRF or other manufacturing recycling business shall be subject to a solid waste management fee established by the County Commissioners of Washington County. The fee shall be established pursuant to 5.1.1 hereof. Any residue in excess of 20% of tonnage processed will not be accepted at any County facility.

### 5.1.2.4 Mixed Loads

The fee for any load containing more than one category of waste shall be equal to the fee that would be required for disposal of the load requiring the highest fee. County may reduce or waive this surcharge if the hauler demonstrates to the reasonable satisfaction of County that the mixing of waste was not due to the fault or negligence of the hauler and that the hauler has made best efforts to prevent such mixing in the future.

### 5.1.2.5 Additional fees

An additional fee of \$100.00 per hour may be assessed to the hauler of any load of waste which requires any assistance.

## 5.2 Customer Notice

A hauler shall include on each invoice to a residential customer a specific statement that informs the customer of the amount of the County's solid waste management fee. For example, if the fee is \$50.00 per ton the notice must read: "The fee charged by the County for each ton of solid waste we dispose of is \$50.00. It is estimated that each household generates one (1) to one and one-half (1 1/2) tons of solid waste per year without recycling."

## **SECTION 6.0 BILLING AND PAYMENT OF FEES**

### 6.1 Solid Waste Management Fee

6.1.1 A solid waste management fee shall be charged on each load of solid waste delivered to a County facility and payment shall be due prior to disposal of the waste. Categories of solid waste may be charged different fees, or the County may determine not to charge a fee for categories of solid waste. A hauler may enter into a written agreement with County to establish an account

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with County. County may require a hauler to provide security for the future payment of the fee in a form and amount satisfactory to County upon the establishment of a credit account and County may charge an administrative fee if a credit account is requested. All solid waste management fees shall be established by the County Commissioners of Washington County by resolution.

6.1.2 A municipality within Washington County that engages to collect all solid waste within its jurisdiction may elect to pay solid waste management fees upon a monthly basis pursuant to a schedule developed by the Director of Finance or that municipality may elect to have its hauler pay solid waste management fees pursuant to Section 6.1.1 hereof. In the event a municipality elects to pay its solid waste management fee, the municipality shall make arrangements with its hauler for providing County with a manifest identifying the source of the solid waste and the municipality's responsibility for payment of the fee. The hauler will be charged for all loads that are not properly identified as the responsibility of the municipality.

6.1.3. If a hauler has established an account with County, or if a municipality elects to pay its solid waste management fee to County directly, the hauler or the municipality, as the case may be, will be billed monthly and payment shall be due before the first of the following month of the date of the bill. County shall charge interest on unpaid balances and assess penalties for accounts that are past due.

6.1.4 Accounts not paid by the next billing period (1st of month following 60 days arrearage) after the statement date will be classified as delinquent and in addition to interest and penalties being assessed, credit will be suspended until full payment is made. (No dumping will be allowed.)

6.1.5 If an account becomes sixty (60) days delinquent a second time within 12 months, the person who has the account will lose the credit privilege for six months.

6.1.6 A person who has a credit account must charge at least \$200.00 per year to maintain a credit account.

6.1.7 All additional fees will be billed separately and will be due before the first of the following month from the date of the statement and shall be subject to penalties for late payment and interest as determined by the Director of Finance.

6.1.8 The County Commissioners shall have the right to waive solid waste management fees for non-profit organizations.

6.1.9 The County Commissioners shall have the right to initiate a residential coupon system or permit system for payment of solid waste management fees.

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### **SECTION 7.0 OPERATING AND SAFETY RULES FOR COUNTY FACILITIES**

7.1 Any users of County Facilities shall unload in designated areas and immediately thereafter leave the site.

7.2 All persons other than those actually participating in the unloading must remain in vehicles as a matter of safety. Children under age 13 and pets must also be kept in vehicles.

7.3 Salvaging and scavenging are prohibited at County Facilities except with the prior written approval of the County.

7.4 No fires or open burning are permitted in County Facilities;

7.5 No firearm, weapon of any type or hunting is permitted at a County Facility.

7.6 No person may dump solid waste, recyclables, special handling waste or other waste regulated hereunder in other than an area designated for the disposal of that waste or dump solid waste, recyclables, bulky waste, or special handling wastes without a permit if required by this Ordinance to have one.

7.7 Loitering and solicitation are prohibited at County Facilities.

7.8 Boxes or other containers will be allowed to be dropped from vehicles only in areas expressly designated as untarping or unloading areas.

7.9 Vehicles and containers may not be left at County Facilities without prior County approval.

7.10 Haulers must unload Solid Waste off the rear of the vehicle in designated tipping areas. Unloading of vehicles off the sides is prohibited.

7.11 Passengers shall be in the cab of the vehicle upon arrival at the scale. Riding on the bed or tailgate between the scale and tipping areas or during unloading is prohibited.

7.12 Operators of vehicles are required to leave a minimum of six feet between vehicles during unloading at the Landfill.

7.13 Licensed vehicles, containers and the contents of vehicles and containers are subject to inspection at any time by County.

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7.14 All persons unloading vehicles shall be appropriately dressed to prevent injury and shall be wearing shoes.

7.15 Owners and operators of licensed vehicles and containers shall be responsible to ensure that their vehicles are water tight, readily emptied, cleaned with sufficient frequency to prevent insect breeding or odors or other nuisances and shall be maintained in good repair and a safe condition; and all waste must be secured to the vehicle or container and enclosed or covered with secured tarpaulins to prevent leakage, spillage, dusting or litter. Such enclosures and tarpaulins must remain in place until arrival at the designated unloading or uncovering areas at the County Facility. After discharging a load of waste, the driver or operator of the vehicle is responsible for inspecting the vehicle and the container to ensure that all the waste from the vehicle and container has been discharged properly. In the event that all the waste has not been discharged, the driver or operator must remove all remaining waste or secure the remaining waste by tarping or enclosing the vehicle or container. In the event, a vehicle or container leaks, spills, dusts or litters on any County Facility, public road or private property, the Person hauling the waste will be responsible for all clean up and for paying any costs incurred or damages sustained by County in connection with performing or monitoring such clean up.

### **SECTION 8.0 LIABILITY**

The County will not be liable for any actions, errors or omissions of any (i) contractors of County, (ii) Persons authorized to use or enter County Facilities or (iii) trespassers at County Facilities. All Persons proceeding onto County Facilities do so at their own risk.

### **SECTION 9.0 VIOLATIONS AND PENALTIES**

9.1 Any person who violates any provision of this Ordinance by acting in a manner prohibited hereby or by failing to act as required hereby shall be liable, upon a finding by a court of competent jurisdiction that such violation has occurred, for a civil fine of up to one thousand dollars (\$1,000.00) for the first violation and up to five thousand dollars (\$5,000.00) for each subsequent violation.

9.2 In addition to and not in substitution for any other action authorized hereby, the County may revoke or suspend any person's permit or license upon a determination by the Director of Solid Waste that said person has violated any provision of this Ordinance or has otherwise engaged in conduct which is or may be detrimental to the solid waste acceptance facility, or to the health, safety and welfare of the citizens of Washington County.

9.3 In addition to and not in substitution for any other penalty imposed hereunder, any person who violates any provision of this Ordinance by acting in a manner prohibited hereby or by failing to act as required hereby shall be guilty of a misdemeanor and upon being found guilty by a

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court of competent jurisdiction may be fined up to one thousand dollars (\$1,000.00) or imprisoned for up to six (6) months in the Washington County Detention Center, or both fined and imprisoned.

9.3.1 The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by the County Commissioners of Washington County. It shall be a violation of this ordinance to interfere with a County employee or official in the performance of duties assigned hereunder.

9.4 In the discretion of a County employee or official to whom responsibility for enforcement of this Ordinance has been delegated by the County Commissioners, a notice of violation may be issued to any person in violation of this ordinance, or any rules and regulations adopted pursuant hereto. Such notice shall impose upon the person a penalty, pursuant to Section 9.1 hereof, as indicated by the County employee or official, which may be paid to any agency designated by the County Commissioners within thirty (30) days in full satisfaction of the violations or which may be appealed to the Director of Public Works pursuant to Section 9.3.3 hereof. In the event that the penalty is not paid within the time prescribed and no appeal is taken, the person to whom the notice of violation was issued shall be liable to the County for the full amount of the penalty established in the notice of violation and the County may institute suit in the appropriate court of this State to recover the penalty sum.

9.4.1 A person who receives a notice of violation may appeal by filing a written notice of appeal with the Director of Public Works within thirty (30) days of the date of the notice of violation.

9.4.2 The Director of Public Works shall conduct an informal hearing on the appeal in a timely manner and issue a written decision affirming, reversing or modifying the notice of violation. The decision shall be made and issued within thirty (30) days of the hearing.

9.4.3 A person aggrieved by the decision of the Director of Public Works may appeal the decision to the County Commissioners of Washington County within ten (10) days from the date of the decision of the Director. The County Commissioners shall conduct a hearing on any such appeal as soon as practical thereafter and issue a decision in writing on such appeal within thirty (30) days after the hearing thereof. A person aggrieved by the decision of the County Commissioners may appeal the decision to the Circuit Court pursuant to the Maryland Rules of Procedure within thirty (30) days of the date the decision was issued. Unless stayed by a court of competent jurisdiction, the decision of the Director of Solid Waste to suspend or revoke a license issued hereunder continues in effect until reversed or modified.

9.4 The Generator, the Person licensed, and the Person operating any vehicle shall be responsible and accountable for any non-compliance with this Ordinance, including reimbursing

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County for all fees and any and all costs and damages incurred by County as a result of such violation, including reasonable attorney's fees.

### **SECTION 10.0 SEVERABILITY**

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

### **SECTION 11.0 SECTION HEADINGS, TITLES**

Section headings, titles, etc., are for the purpose of description or ease of use and do not form a part of the text of this Ordinance or any Code or text adopted hereby.

### **SECTION 12.0 EXISTING LIABILITIES**

This Ordinance shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this Ordinance shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Ordinance had not become effective.

### **SECTION 13.0 OFFICIAL COMMENTS**

Where there appear "Official Comments" to portions of this Ordinance, those comments are included to reflect the intent of the drafters and the County Commissioners in the event it is necessary to construe that intent. These comments may be used for purposes of construction and interpretation only.

### **SECTION 14.0 EFFECTIVE DATE**

This Ordinance shall become effective on July 1, 1995, provided it is filed with the Clerk of the Court prior to that day and provided further that a fair summary of the contents of this Ordinance is published as required by Article 25, Section 4, of the Annotated Code prior to that date. Should there be a failure so to file or so to publish prior to July 1, 1995, then this Ordinance shall become effective immediately upon the happening of the latter of the filing or publishing.

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