

## **CHAPTER 50: SOLID WASTE**

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## **§ 50.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a

different meaning;

**ASBESTOS.** Any of the naturally occurring mineral fibers of the serpentine and amphibole series including actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

**BULKY WASTE.** Larger items of solid waste which because of their size or weight require handling other than normally used for typical household solid waste, or which do not readily compact or decompose in the landfill. **BULKY WASTE** includes but is not necessarily limited to such items as furniture and fixtures, mattresses and box springs, boats, campers and trailers, non-recyclable appliances, and other items not typically placed in traditional curbside waste collection containers. **BULKY WASTE** does not include construction and demolition materials, house trailers, or recyclable appliances or other large recyclable items for which recycling programs exist at the county solid waste acceptance facility and are placed in those areas for recycling. Application of this definition to incoming waste loads is at the discretion of the solid waste facility staff.

**CLEAN FILL.** An uncontaminated non-water-soluble, non-decomposable, inert solid such as rock, soil materials, and gravel.

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

**COMPTROLLER.** The Department of the Comptroller for Carroll County, or its successor agency.

**CONSTRUCTION/DEMOLITION WASTE.**

Waste items typically associated with construction or razing of buildings, roads, bridges and other structures, or interior and exterior projects on buildings or other structures.

CONSTRUCTION/DEMOLITION WASTE may include, but not be limited to, lumber, steel, concrete, blocks, brick (excluding refractory type), shingles and roofing materials, wall board, flooring and wall tile, asphalt, pipes and wiring, insulating materials, large carpets and pads, windows, doors, glass, empty containers from paint, caulk and other construction materials, whole or partial mobile home trailers, and contaminated excavated materials from the construction or demolition site.

Does not include the following if they are separated from other waste and used as clean fill:

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

**CONTAINER.** Any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

**CONTAMINATED SOIL.** A portion of solid waste consisting of hydrocarbon or other contaminated earth or fill, typically generated due to a spill, leak or industrial activity.

**CONTAMINATED SOIL** is a special handling waste.

**COUNTY.** Where appropriate to the context, the area located within the geographic boundaries of the county, including the municipalities located therein.

**COUNTY FACILITY.** Any solid waste acceptance facility owned or operated by or on behalf of the county.

**DEPARTMENT.** The Department of Public Works, or its successor agency.

**DISPOSAL.** 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.** A waste management facility used for the final disposal of residual materials not currently reusable or recyclable for either technological or economic reasons.

**ENVIRONMENTALLY UNSOUND.** 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.** Liquids which readily separate from the solid portion of a waste under ambient temperature and pressure. Free Liquid portion is determined using EPA Method SW846 9095 or most recent published version.

**FRIABLE ASBESTOS MATERIAL.** 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 or otherwise could become airborne.

**GENERATOR.** Any person who produces any waste materials regulated by this subchapter.

**HAULAGE VEHICLE.** A vehicle designed for and used to transport solid waste between one solid waste facility and another; a transfer vehicle.

**HAULER.** A person engaged in the act of collection of solid waste and/or transporting such waste between solid waste facilities.

**HAZARDOUS WASTE.** Any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semisolid, liquid, or gaseous form, which, because of its quantity, concentrations, or chemical, physical, or infectious characteristics, as defined in 40 C.F.R. Part 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, flammables, oxidizers, and reactive wastes, poisons, irritants, and corrosives.

**HOUSEHOLD HAZARDOUS WASTE.** Hazardous waste, as defined above, generated in a residential household, that 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.

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

**MATERIALS RECOVERY FACILITY (MRF).** A solid waste facility, such as a waste processing or sorting facility, that is designed, operated, and permitted to process a nonhazardous waste stream by utilizing manual and/or mechanical methods to separate from the incoming waste stream categories of useful, reusable, or recyclable material for reprocessing, marketing and/or reuse.

**MUNICIPAL SOLID WASTE (MSW).** Garbage, refuse, rubbish, trash, and other solid waste from residential, commercial, industrial, institutional and community generators which is collected in aggregate, but does not include special handling

wastes, hazardous waste, household hazardous waste, recyclables, residual waste, auto hulks, ash, construction and demolition debris, mining wastes, sludge, agricultural wastes, tires, and other materials collected, processed, and disposed of as separate waste streams.

**OPEN BURNING.** 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; or
- (3) Control of emission of the gaseous combustion products.

**PERSON.** 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.

**PUBLICLY OWNED TREATMENT WORKS (POTW).** Any device or system which is owned by the state, a municipality or a public authority and used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a **POTW** providing treatment.

**RECYCLABLE WHITE GOODS.** Consist of large appliances (i.e., generally weighing more than 50 pounds), including but not necessarily limited to the following: air conditioners, clothes washing and drying machines, dish washers, water heaters, refrigerators and freezers, or stoves and ovens.

**RECYCLABLES** or **RECYCLABLE MATERIALS.** Those materials that can readily be separated from the waste stream and readily reused in their present form or can be converted into raw materials from which new products can be manufactured.

**RECYCLING** or **RECLAMATION.** Any lawful method, technique, or process used to collect, store, separate, process, modify, convert, treat, or otherwise prepare recyclable materials.

**RESIDUE.** Any material that remains after completion of manual, thermal, mechanical, chemical or other processing.

**RESOURCE RECOVERY FACILITY.** Any place, equipment, device, or plan designed and/or operated to separate or process solid or liquid waste into usable or marketable secondary materials, including fuel and energy.

**SALVAGING.** The controlled removal of any solid waste or recyclables from a solid waste disposal or recycling facility for reuse.

**SANITARY LANDFILL.** 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.

**SCAVENGE** or **SCAVENGING.** Removal of recyclables or other items from the waste stream without the prior approval of the generator or disposal facility or, if removed by the generator or disposal facility and placed for delivery to a hauler or committed to a hauler, without the prior permission of the appropriate party; or removal in a manner not authorized in this subchapter. It does not include separation or segregation of waste for purposes of implementing the county's recycling program.

**SLUDGE.** Any solid, semisolid, 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 flue gas scrubber. **SLUDGE** includes fecal matters from whatever source.

**SMALL BUSINESS.** Any business that has fewer than 25 full-time employees. The business may be constituted under any legal form.

**SOLID WASTE.** Garbage, refuse, residue, sludge, recyclables and other nonliquid discarded materials resulting from personal, residential, community, mining, agricultural, industrial, or commercial activity, including recyclables. **SOLID WASTE** does not include solids or dissolved materials found in domestic sewage or other untreated pollutants (i.e., silt or other dissolved or suspended solids found in water or wastewater and any hazardous waste). This definition is intended to reflect the definition as published by the Maryland Department of the Environment.

**SOLID WASTE ACCEPTANCE FACILITY.** Any sanitary landfill, combustion plant (i.e., incinerator), transfer station, resource recovery facility, or MRF, which has a primary purpose to dispose of, treat, or process solid wastes. These

facilities are those which typically require a federal or state regulatory agency operating permit.

**SOLID WASTE MANAGEMENT.** The systematic and integrated administration of activities involving the collection, separation, storage, transportation, transfer, reuse, or disposal of solid wastes considering adequate measures for environmental protection, sound engineering, and efficient economics.

**SPECIAL HANDLING WASTES.** A portion of municipal solid waste which consists of sludge, ash residue, contaminated soil, asbestos waste, or other waste designated by the county or by regulatory agencies.

**TRANSFER STATION.** An intermediate facility at which mixed municipal solid waste or other materials are temporarily deposited before being transported to a processing facility or final disposal site. Does not include public use areas unless defined as such by the Maryland Department of the Environment.

**TREATMENT.** 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 as to render such waste nonhazardous, or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, amenable for storage, or reduced in volume.

**WASTE STREAM.** All MSW, industrial waste, hazardous waste, medical waste, recyclables, and sludge in any form (i.e., solid, liquid, or gaseous) that is disposed of by the generator.

**YARD WASTE/YARD TRIM.** 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.

**YARD WASTE/YARD TRIM** does not include other tree waste, land clearing debris, waste pavement, or soil. (2004 Code, § 185-1) (Ord. 94, passed 5-21-1992; Ord. 02-08, passed 4-25-2002)

## **§ 50.02 LICENSING REQUIREMENTS.**

### **(A) License required.**

(1) After June 30, 1992, no person shall engage or continue to engage in the collection, haulage, or disposal of solid wastes, including the purchase of recyclables, within the county without first filing for and obtaining a license from the county. Hauler licenses may not be assigned to any other person without the prior consent of the county, which consent will not be unreasonably withheld.

(2) After June 30, 1992, no licensee shall collect or transport any solid wastes to or from any solid waste acceptance facility in any vehicle or container that has not been licensed by the county for that use.

(3) Vehicle licenses issued hereunder in the form of a sticker may not be transferred to any other vehicle and must only be affixed to the vehicle for which it is issued. 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 to the scale house operator.

(4) Hauler licenses shall be issued for one year on a fiscal-year basis (July 1 through June 30). Vehicle licenses may be issued for two years on a fiscal-year basis (July 1 through June 30). There will be no pro rata of fees for licenses issued during the course of the fiscal year.

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

(6) The failure to provide the information required by division (A)(5) above shall be grounds and sufficient cause to revoke summarily the license.

(7) The county may refuse to issue, suspend, or revoke a license for any vehicle which does not comply with MDE, Maryland Department of Transportation (MDOT), United States Department of Transportation (USDOT) regulations and county specifications; for any vehicle for which insurance coverage is not maintained in accordance with this subchapter; or for any vehicle owned, used, or leased by a person who violates, or whose employees or agents violate, any provision of this subchapter or any license issued hereunder. In addition, the county may bar vehicles or containers from county facilities if in the county's opinion the vehicle or container may cause a nuisance.

(8) The following persons are not required to obtain a license required by this section:

(a) Persons transporting solid wastes and recyclables generated in such person's primary residence or in such person's small business. Any officer, owner, or *bona fide* employee of a small business which generates solid waste may haul waste generated by the small business for the small business;

(b) A farm owner, operator, or *bona fide* employee hauling agricultural wastes and recyclables generated on any single farm; or

(c) Persons transporting solid wastes or recyclables in interstate commerce which were not generated or are not to

be disposed of in the county.

**(B) Application for license.**

(1) Applications for licenses issued hereunder shall be made on forms supplied by the Comptroller 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:

- (a) Name of the applicant;
- (b) Applicant's mailing address, and physical address if different from mailing address;
- (c) List of the vehicles and equipment owned and leased by the applicant which are to be permitted hereunder;
- (d) Proof of insurance;
- (e) Name, address and email address of the primary contact acting as representative for the applicant;
- (f) The appropriate fee based on the fee schedule supplied by the Comptroller; and
- (g) A description of the hauler's plan for the collection and disposal of solid waste including recyclables.

(2) Within 30 days of filing the application for license, the applicant will be notified by the Comptroller whether or not the application is complete.

(3) Applications for license renewals must also be filed with the Comptroller no later than April 30 of each year. Short-form renewals are available from the Comptroller if the data listed under division (B)(1) above has not changed. If the information has changed, a modified full application must be filed.

(4) A licensee shall notify the Comptroller within 30 days of any change of information supplied on its application for a license.

(5) 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.

(2004 Code, § 185-2) (Ord. 94, passed 5-21-1992; Ord. 02-08, passed 4-25-2002)

**§ 50.03 GENERAL WASTE HANDLING REQUIREMENTS.**

Any person, regardless of whether he or she is required to be licensed, who collects, hauls, or disposes of solid waste shall comply with the following requirements.

(A) No person shall deposit solid waste except in approved solid waste acceptance facilities in accordance with § 50.04; no person shall scavenge; and upon the passage of 90 days from the county's adoption of a resolution declaring that recycling is mandatory, no person shall deposit recyclables except in a separate container designated for that purpose, nor shall any person commingle recyclables with any other type of solid waste.

(B) 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, act of God, or 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.

(C) 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 could spill onto any roadway.

(D) 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.

(E) 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.

(F) No person shall collect, transport, or deliver any solid waste in the 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/or covered, if necessary. No person shall collect, transport, or deliver recyclables if the recyclables are commingled with any other waste, except pursuant to the provisions of a license issued hereunder; and upon the passage of 90 days from the county's adoption of a resolution declaring that recycling is mandatory.

(G) No person shall collect, transport, or deliver to any designated county facility any material that is or shows evidence of smoking, smoldering, or burning.

(H) 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 and the police and fire departments having jurisdiction and shall be responsible for cleanup of materials dumped during the emergency. Cleanup shall be accomplished promptly, but in no event later than 24 hours after dumping, and the material shall then be properly disposed of.

(I) 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 subchapter.

(J) No person shall use open burning as a means of solid waste management in the county, unless permitted by the appropriate state or local regulatory authority.

(K) No person shall manage or dispose of any part of the waste stream within the county in any manner which results in or may result in the creation of any potential for contamination of existing natural environmental resources (i.e., surface water and groundwater quantity and quality and air quality, or that could result in any environmentally unsound condition).

(L) The county is hereby authorized to require that recyclables be disposed of separately from all other waste; provided, however, that the exercise of the authority hereby granted shall not be effective until the passage of 90 days from the day on which the county adopts a resolution declaring recycling mandatory. The county shall cause notice to be published in a newspaper of general circulation in the county outlining in substance the effect of their resolution declaring recycling mandatory. No person shall dispose of recyclables except as allowed under the provisions of this subchapter.

(M) No person shall collect or otherwise handle solid waste in a manner not consistent with other applicable County codes and ordinances, federal, state and local laws and regulations, and other applicable guidelines.

(2004 Code, § 185-3) (Ord. 94, passed 5-21-1992; Ord. 114, passed 4-14-1994; Ord. 02-08, passed 4-25-2002) Penalty,  
see § 50.99

## **§ 50.04 SOLID WASTE ACCEPTANCE POLICIES.**

(A) **County waste only for disposal.** Only solid waste generated in the county may be disposed of at the county's landfill. Solid waste generated in the Town of Mt. Airy that conforms to a contract between the Town of Mt. Airy and the county may be disposed of at county facilities. If the solid waste is a special handling waste, it may not be delivered to a county facility unless a permit or other authorization has been issued by the Department of Public Works or its representative, allowing the delivery and then, only in strict compliance with the terms thereof.

**(B) Fines for unacceptable wastes.** Any person delivering unacceptable waste, including waste generated outside the 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, cleanup, 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.

**(C) Unacceptable wastes.**

(1) 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, transfer station, or other solid waste management facility. This list is intended to reflect federal and state regulations and landfill operating permits, and may be revised as necessary:

- (a) Hot ashes or any material that shows evidence of smoking, smoldering, or burning;
- (b) Guns, rifles, pistols, firearms, or ammunition of any kind;
- (c) Explosive materials or other lethal wastes;
- (d) Electric arc furnace dust;
- (e) Tree stumps;
- (f) Logs, branches, or timbers with dimensions as determined by the County Department of Public Works;

- (g) Concrete slabs, curbing, brick bats, stone, or similar material of any dimension which is greater than twelve inches, unless otherwise approved by the solid waste facility
- (h) Gasoline, oil products, petroleum product waste and sludge, or any combustible material;
- (i) Pipe measuring over four feet in length or four inches in diameter, unless otherwise approved by the solid waste facility;
- (j) Special handling waste without authorization for same;
- (k) Motor vehicles or any part thereof;
- (l) Hazardous wastes;
- (m) Sealed drums, closed large containers, and tanks of any size or type;
- (n) Liquids or wastes containing free liquids;
- (o) Intact bulky wastes other than those meeting the definitions contained herein;
- (p) Toxic wastes;
- (q) Pathological/infectious or other medical wastes;
- (r) Radioactive or chemotherapeutic wastes;
- (s) Any substance prohibited by any other federal, state or local statute, rule, or regulation;
- (t) Yard waste/Yard Trim unless delivered to a designated recycling area; and

(u) Upon the passage of 90 days from the county's adoption of a resolution declaring that recycling is mandatory, recyclables.

- (2) If permitted by law, the county may issue permits to allow any of the foregoing as special handling wastes.

**(D) Special handling wastes.** Delivery of special handling wastes to any county-operated solid waste acceptance facility without a special permit or authorization issued by the county is prohibited. All special handling wastes shall be segregated from other categories of waste from the point of generation.

(1) **Permit.** A person wishing to dispose of special handling wastes shall apply for a permit to do so on a form provided by 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.

(2) **Fractional load.** 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, or charge the entire load at the higher material rate.

**(3) Sludge.**

- (a) No sludge will be accepted at county facilities unless the following conditions have been met:

1. A properly completed request for approval to dispose of sludge has been approved by both MDE and the county and a permit or Authorization has been issued by the county authorizing the disposal in the manner indicated in the permit.

2. Each load of sludge shall be delivered to the county landfill in a dewatered state, passing the Paint Filter Test under SW846 (or equivalent), with a solids content consistent with the requirements of the landfill 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 (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 gatekeeper upon delivery for disposal.

3. The county may require laboratory test results for each load from a laboratory and in a form acceptable to the county. The county shall develop and maintain a list of laboratories acceptable to the county and shall provide a form for the reporting of sludge test results so that the test parameters are known in advance.

(b) Pursuant to the provisions of this section, sludge may be accepted at county landfills or may be disposed of pursuant to a permit issued by MDE. Sludge shall not be mixed with any other waste when discharged into a county

facility.

(4) **Ash residue.** Nonhazardous (or exempted) ash residue from the combustion of fossil fuels or municipal waste may be accepted only at the county landfills and only after county approval of applicable laboratory analyses. Ash residue shall not be mixed with any other waste prior to discharge into a county facility.

(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 landfills only by appointment. Contaminated soil shall not be mixed with any other waste prior to discharge into a county facility.

(6) **Asbestos.** Friable Asbestos and materials containing Friable **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 landfills only under the following conditions:

(a) The friable asbestos or material containing friable asbestos must be generated or originate in the county.

(b) Asbestos or materials containing asbestos shall be packaged in impermeable bags with a minimum thickness of six mils and then placed in corrugated or fiberboard drums sealed so that they are leakproof. The containers shall be prominently labeled (in at least 16-point type) as follows:

CAUTION, CONTAINS ASBESTOS AVOID OPENING OR BREAKING CONTAINER  
BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH.

(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.

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

(e) Large structural components containing asbestos that cannot be packaged in drums, as described in this subchapter, only will 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.F.R. Part 61, 1981 edition and COMAR 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 obtain an asbestos disposal form from the county and submit a properly completed form to county personnel prior to entering the solid waste acceptance facility.

(g) 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.

(h) 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.

(E) **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..

Haulers delivering solid waste to a county facility shall segregate solid waste separately into any category as may be required by county. Upon the passage of 90 days from the county's adoption of a resolution declaring that recycling is mandatory, haulers shall be responsible for having all recyclables, at the time of delivery, segregated from all other waste.

- (1) **Yard waste/Yard Trim.** No person shall dispose of yard waste/yard trim by commingling it with other solid waste. If yard waste/trim is to

be disposed of at a county facility, it may be disposed of at the Northern Landfill or at other sites as may hereafter be designated by the county, but only in the location designated by the county for its disposal at the Northern Landfill or otherdesignated site. Loads of yard waste containing any material other than yard waste will not be accepted as yard waste and in addition to the solid waste management fee may be subject to penalties upon acceptance at a county facility if the contamination affected the county's yard waste collection program adversely in any way.

(2) **Tires.** Any individual disposing of five or fewer tires within a year may take the tires to any county-designated facility. Any individual disposing of more than five tires within a year shall comply with MD. Code, Environment Article, § 9-228, and COMAR 26.04.08.

(3) **Recyclable white goods/scrap metal.** Recyclable white goods or scrap metal, if delivered to a county facility, shall be unloaded in the designated unloading area and may not be disposed of in a sanitary landfill, except pursuant to an approval of the Director of the Department or their assignee.

(F) **Documentation and Reporting.** By February 1st of each year, or upon the request of the county, a waste or recyclables collector, hauler, purchaser of recyclables, processor or a commercial generator hauling its own solid waste shall provide the county with accurate and verifiable documentation of the types, quantities, origin, and disposition of any solid waste or recyclables which the hauler, generator, processor or purchaser has transported, or had transported, to any location during the prior calendar year or period requested. Reporting shall be made to the Bureau of Solid Waste and on forms provided by the County or the Maryland Department of the Environment. Information provided herein, concerning the source and destination of recyclable materials, 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, the county will denyaccess to the information pursuant to Md. Code, State Government Article, § 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 meet the requirements herein may result in revocation of a hauler permit or other actions as deemed appropriate by the County.

(2004 Code, § 185-4) (Ord. 94, passed 5-21-1992; Ord. 114, passed 4-14-1994; Ord. 02-08, passed 4-25-2002)

## **§ 50.05 PROHIBITED ACTIONS AT SOLID WASTE ACCEPTANCE FACILITIES.**

(A) All municipal solid waste shall be transported directly from the point of collection and delivered in accordance with this subchapter to a solid waste acceptance facility (either a county facility or any other lawfully permitted facility), withoutany intervening transfer, unloading, processing, sorting, salvaging, scavenging, or reuse, except as may be allowed underthe terms of the license issued hereunder.

(B) Special handling wastes shall be transported from the point of collection and delivered in accordance with thissubchapter to a facility authorized by law to accept them.

(C) Upon reasonable advance notice to the hauler, the county may designate or change the site designation fordisposal of any waste or recyclable material.

- (D) No person shall use any county facility without a valid license as may be required by this subchapter and which has been obtained from the county or use any county facility in violation of this subchapter. A license issued pursuant to this subchapter 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.
- (E) No person shall possess or consume any alcoholic beverage or beverages at any county facility.
- (F) No person shall operate a motor vehicle in a reckless or unsafe manner at a county facility.

(G) No person shall trespass on county facility property. Approved visitors shall be allowed only during operating hours and when accompanied by authorized county personnel. The operator of a county facility shall take precaution to secure its property against trespassers.

(H) 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.

(2004 Code, § 185-5) (Ord. 94, passed 5-21-1992) Penalty, see § 50.99

## **§ 50.06 FEES.**

- (A) **Authorized fees.**

(1) The county is hereby authorized in its executive capacity to establish fees and penalties for the receipt of any solidwaste or unacceptable waste at a county facility. Fees or penalties established hereunder may be changed whenever the county deems it necessary or expedient to do so.

(2) The County Commissioners may authorize the Department to adjust fees to be effective at least thirty (30) days following approval to recover the estimated cost of the operation of all solid waste management services provided by the county. If this authorization is given, the Department shall establish as the solid waste management fee a charge that is the result of the Department's determination of either the prevailing market disposal cost for the material, or the projected actual cost of solid waste services divided by the total tonnage of municipal solid waste projected to enter the county landfill in 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.)

(3) 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 solidwaste, the anticipated revenue from these fees shall be used by the Department in establishing the solid waste management fee. In addition, the Department, if authorized to adjust the solid waste management fee pursuant to this section, may adjust any fee established hereunder and establish new fees.

**(B) Types of fees.**

(1) **Solid waste management fee.** Solid waste, including any component of the waste stream, may be assessed a management fee when delivered to the county landfill or other county facility. These fees are in addition to any permit or license fee.

(2) **Special handling wastes.** Special handling wastes may 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.

(3) **MRF residue.** Residue from the processing of a MRF may be subject to a solid waste management fee in an amount established in a contract between the county and the operator of the MRF. If there is no contract or the contract does not address a fee for MRF residue, the fee shall be as established pursuant to division (A) above.

(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. The county may reduce or waive this surcharge if the hauler demonstrates to the reasonable satisfaction of the 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) Additional fees.**

- An additional fee of up to \$100 per occurrence may be assessed to the person or hauler of any load of waste or recyclables which requires any assistance at the facility including frozen load dig out or stuck vehicle pull out.
- An additional fee of \$25 per occurrence may be assessed to the person or hauler of any load of waste or recyclables which is not tared or secured in accordance with this Ordinance

(C) **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 \$40 per ton, the notice must read: "The fee charged by the county for each ton of solid waste we dispose of is \$40. It is estimated that each household generates one and one-half tons of solid waste per year without recycling."

(2004 Code, § 185-6) (Ord. 94, passed 5-21-1992; Ord. 114, passed 4-14-1994; Ord. 02-08, passed 4-25-2002)

#### **§ 50.07 BILLING AND PAYMENT OF FEES.**

(A) A solid waste management fee shall be charged on each load of solid waste delivered to a county landfill, and payment shall be due upon disposal of the waste. Categories of solid waste or types or sizes of vehicles delivering 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 with the county. The 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, the county may charge an administrative fee if a credit account is requested, and the county may set a minimum monthly charge level for a hauler to maintain an account.

(B) A municipality within the county, that engages to collect all solid waste within its jurisdiction, may elect to pay solidwaste management fees upon a monthly basis pursuant to a schedule developed by the Department, or that municipality may elect to have its hauler pay solid waste management fees pursuant to division (A) above. In the event a municipality elects to pay its solid waste management fee, the municipality shall make arrangements with its hauler for providing the

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.

(C) If a hauler has established an account with the county, or if a municipality elects to pay its solid waste management fee to the county directly, the hauler or the municipality, as the case may be, will be billed monthly and payment shall be due within 30 days of the date of the bill. The county may charge interest on unpaid balances and assess penalties for accounts that are past due.

(D) Accounts not paid by the thirty-fifth day 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.

(E) If an account becomes delinquent a second time within a rolling 12 month period, the county may choose to revoke credit privileges and close the account.

(F) A person who has a credit account must charge at least \$250 per month to maintain a credit account.

(G) All additional fees will be billed separately and will be due 30 days from statement date and shall be subject to penalties for late payment and interest as determined by the Comptroller.

(2004 Code, § 185-7) (Ord. 94, passed 5-21-1992; Ord. 02-08, passed 4-25-2002)

## **§ 50.08 OPERATING AND SAFETY RULES FOR COUNTY FACILITIES.**

(A) Any users of the county facilities shall unload in designated areas and immediately thereafter leave the site.

(B) 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.

(C) Salvaging and scavenging are prohibited at the county facilities except with the prior written approval of the county.

(D) No fires or open burning are permitted in county facilities.

(E) No hunting is permitted at any solid waste acceptance facility owned or operated by or on behalf of Carroll County.

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

(G) Smoking is prohibited at county facilities except in designated smoking areas.

(H) Loitering and solicitation are prohibited at county facilities.

(I) Boxes or other containers will be allowed to be dropped from vehicles only in areas expressly designated as untarping, unloading or staging areas.

(J) Vehicles and containers may not be left at county facilities without prior county approval.

(K) All sorting and separation of solid waste by a hauler must be performed at designated areas and not in the tipping areas.

(L) Haulers must unload solid waste off the rear of the vehicle in designated tipping areas. Unloading of vehicles off the sides is prohibited. No vehicles will be allowed to discharge waste through the tailgate. All tailgates must be removable, laydown, or swing to an open position.

(M) 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.

(N) Operators of vehicles are required to leave a minimum of six feet between vehicles during unloading at the landfill and MRF.

(O) Licensed vehicles, containers, and the contents of vehicles and containers are subject to inspection at any time by the county.

(P) All persons unloading vehicles shall be appropriately dressed to prevent injury and shall be wearing shoes.

(Q) Owners and operators of licensed vehicles and containers shall be responsible to ensure that their vehicles are

watertight, 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. All waste must be secured in or to the vehicle or container and enclosed or covered with secured tarpaulins, straps or other means to prevent leakage, spillage, dusting, or litter. Such enclosures, tarpaulins, straps, or other features 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 cleanup and for paying any costs incurred or damages sustained by the county in connection with performing or monitoring such cleanup.

- (R) County solid waste staff may revise operating and safety rules at county solid waste and recycling facilities as deemed necessary at their discretion to protect customer and employee health and safety.

(2004 Code, § 185-8) (Ord. 94, passed 5-21-1992; Ord. 2013-08, passed 8-29-2013)

#### **§ 50.09 LIABILITY.**

The county will not be liable for any actions, errors, or omissions of any contractors of the county, persons authorized to use or enter county facilities, or trespassers at county facilities. All persons proceeding onto county facilities do so at their own risk.

(2004 Code, § 185-9) (Ord. 94, passed 5-21-1992) Penalty, see § 50.99

#### **§ 50.10 VIOLATIONS.**

(A) **Revocation or suspension of permit.** In addition to and not in substitution for any other action authorized hereby, the county may revoke or suspend any person's account, permit or license upon a determination by the Director, that said person has violated any provision of this subchapter 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 the county.

(B) **Enforcement.** The civil and criminal provisions of this subchapter shall be enforced by those persons or agencies designated by the County Commissioners of the county. It shall be a violation of this subchapter to interfere with a county employee or official in the performance of duties assigned hereunder.

**(C) Notice of violation; appeal.**

(1) In the discretion of a county employee or official to whom responsibility for enforcement of this subchapter has been delegated by the County Commissioners, a notice of violation may be issued to any person in violation of this subchapter, or any rules and regulations adopted pursuant hereto. Such notice shall impose upon the person a penalty, pursuant to § 50.99(B)(1), as indicated by the county employee or official, which may be paid to any agency designated by the County Commissioners within 30 days in full satisfaction of the

violations or which may be appealed to the Director of the Department, or its successor agency, pursuant to division (C)(2) below. 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.

(2) A person who receives a notice of violation may take an appeal to the Director of the Department, by filing a notice of appeal with the Director of the Department, within 30 days of the date of the notice of violation.

(3) The Director of the Department 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 30 days of the hearing.

(4) A person aggrieved by the decision of the Director of the Department, may appeal the decision to the County Commissioners within ten 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 30 days after the hearing thereon. A person aggrieved by the decision of the County Commissioners may appeal the decision to the Circuit Court for Carroll County pursuant to the Maryland Rules of Procedure within 30 days of the date the decision was issued. Unless stayed by a court of competent jurisdiction, the decision of the Director of the Department to suspend or revoke a license issued hereunder continues in effect until reversed or modified.

(D) **Liability.** The generator, the person licensed, and the person operating any vehicle shall be responsible and accountable for any noncompliance with this subchapter, including reimbursing the county for all fees and any and all

costs and damages incurred by the county as a result of such violation, including reasonable attorney's fees.

(2004 Code, § 185-10) (Ord. 94, passed 5-21-1992; Ord. 114, passed 4-14-1994; Ord. 02-08, passed 4-25-2002) Penalty, see § 50.99

## **SOLID WASTE MANAGEMENT PLAN**

### **§ 50.25 AMENDED PLAN DECLARED OFFICIAL.**

The amended Carroll County Ten-Year Solid Waste Management Plan is hereby declared to be the county's official Solid Waste Management Plan ("the Plan").

(2004 Code, § 185-11) (Res. 444-99, passed 8-3-1999)

### **§ 50.26 FILING WITH STATE.**

The county government is directed to forward the amended Plan to the Maryland Department of the Environment for approval in accordance with Md. Code, Environment Article, § 9-507.

(2004 Code, § 185-12) (Res. 444-99, passed 8-3-1999)

### **§ 50.27 CHANGES.**

If the Maryland Department of the Environment requires changes to any part of the Plan approved by this subchapter, the county may make any necessary changes to the Plan by resolution adopted by the County Commissioners.

(2004 Code, § 185-13) (Res. 444-99, passed 8-3-1999)

### **§ 50.99 PENALTY.**

(A) Any person who violates any provision of §§ 50.01 through 50.10 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 \$1,000 for the first violation and up to \$5,000 for each subsequent violation.

(B) In addition to and not in substitution for any other penalty imposed hereunder, any person who violates any provision of §§ 50.01 through 50.10 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 court of competent jurisdiction shall be fined up to \$1,000 or imprisoned for up to six months in the Carroll County Detention Center, or both fined and imprisoned.

(2004 Code, § 185-10) (Ord. 94, passed 5-21-1992)