

**ORDINANCE REGULATING THE MANAGEMENT OF
SOLID WASTE IN WAKE COUNTY, NORTH CAROLINA**
TABLE OF CONTENTS

Section I.	Purpose and Statutory Authority	Page 2
Section II.	Definitions	Page 2
Section III.	General Conditions	Page 6
Section IV.	Storage and Disposal.....	Page 6
Section V.	Licensing of Solid Waste Collectors.....	Page 7
Section VI.	Collection and Transportation	Page 8
Section VII.	Revocation of Solid Waste Collectors License	Page 9
Section VIII.	Sanitary Landfill Licensing	Page 10
Section IX.	Sanitary Landfill Management	Page 10
Section X.	Land-clearing and Inert Debris Landfill Permit	Page 12
Section XI.	Operation of Land-clearing and Inert Debris Landfill.....	Page 12
Section XII.	Revocation of Land-clearing and Inert Debris Landfill Permit	Page 13
Section XIII.	Open Dumps	Page 14
Section XIV.	Licensing of Hazardous and Low Level Radioactive Waste Facilities.....	Page 14
Section XV.	Wake County Solid Waste Convenience Centers.....	Page 14
Section XVI.	Residential Backyard Composting.....	Page 15
Section XVII.	Recyclable Corrugated Cardboard Surcharge Program	Page 16
Section XVIII.	Construction and Demolition Surcharge Program.....	Page 16
Section XIX.	Enforcement.....	Page 17
Section XX.	Effective Date	Page 17

**ORDINANCE REGULATING THE MANAGEMENT OF
SOLID WASTE IN WAKE COUNTY, NORTH CAROLINA**

Section I. Purpose and Statutory Authority.

The purpose of this ordinance is to regulate the storage, collection, and disposal of solid waste in Wake County. This ordinance is adopted pursuant to the authority contained in G.S. 153A-121, -132.1, -136, -274 through -278, and -291 through -293, and 130A-309.09, -309.09A, -309.09B, and -309.09D. Unless otherwise indicated, the ordinance applies to both publicly-owned and privately-owned solid waste management facilities located in the unincorporated areas of Wake County.

Section II. Definitions.

1. **Board**: Board of Commissioners of Wake County.
2. **Bulky Waste**: Large items of solid waste such as household appliances, furniture, large auto parts, trees, branches, stumps, and other oversized wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.
3. **Collection**: The act of removing solid waste from a point of generation to a central storage point or to a disposal site, and from a central storage point to a disposal site.
4. **Commercial Solid Waste**: Solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities excluding residential, industrial, and institutional wastes.
5. **Construction and Demolition Waste**: Solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, including pallets, but does not include inert, land-clearing or yard waste debris or used asphalt mixed with dirt, sand, gravel, rock, concrete, or similar non-hazardous material.
6. **Department**: The North Carolina Department of Environment and Natural Resources.
7. **Division**: The Wake County Division of Solid Waste Management, Environmental Services.
8. **Garbage**: All putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
9. **Hazardous Waste**: Solid waste, or combination of solid wastes, that because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when properly treated, stored, transported, disposed of or otherwise managed.
10. **Incineration**: The process of burning solid, semi-solid or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.
11. **Industrial Solid Waste**: Solid waste generated by manufacturing or industrial processes that is not hazardous waste regulated under Subtitle C of RCRA. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by products; inorganic chemicals iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic

products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and waste treatment. This term does not include mining waste or oil and gas waste.

12. Inert Debris: Solid waste that consists solely of material that is virtually inert, such as brick, concrete, rock, and clean soil.

13. Infectious Waste: A solid waste capable of producing an infectious disease. The types of waste designated as infectious are: microbiological waste, pathological waste, blood products and sharps.

14. Institutional Solid Waste: Solid waste generated by educational, health care, correctional, and other institutional facilities, excluding residential, commercial and industrial waste.

15. Land-clearing Debris: Solid waste that is generated solely from land clearing activities such as stumps, trees, etc.

16. Landfill: A disposal facility or part of a disposal facility where waste is placed in or on land and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

17. Medical Waste: Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 Code of Federal Regulations 261.4(b) (1), or those substances excluded from the definition of "solid waste" in this ordinance.

18. Municipal Solid Waste Landfill Unit: A discrete area of land or an excavation that receives household waste, and is not a land application unit, surface impoundment, injection well, or waste pile, as defined under 40 CFR Part 257. Such a landfill may be publicly or privately owned. A MSWLF unit may also be permitted to receive other types of non-hazardous solid waste. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.

19. Open Burning: The combustion of solid waste without:

- (a) control of combustion air to maintain adequate temperature for efficient combustion
- (b) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- (c) control of the emission of the combustion products.

20. Open Dump: A solid waste disposal site that does not have a permit and/or does not comply with the rules set forth in this ordinance.

21. Pallet: A portable platform for storing or moving freight usually made of wood.

22. Pathological Wastes: Human tissues, organs, body parts, secretions and excretions, blood and body fluids that are removed during surgery and autopsies, and the carcasses and body parts of any animals that were exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

23. Person: An individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

24. Processing: Any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.

25. Putrescible: Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses.

26. Radioactive Waste Material: Waste containing any material, whether solid, liquid, or gas, that limits ionizing radiation spontaneously.

27. Recyclable Corrugated Cardboard: Cardboard that consists of two outer layers of linerboard with corrugating medium between the two outer layers of linerboard, that is recyclable.

28. Recycling: The process by which solid waste or recovered materials are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.

29. Refuse: Solid waste, other than garbage or ashes, from residences, commercial establishments, and institutions.

30. Regulated medical waste: Blood and body fluids in individual containers in volumes greater than 20 ml., microbiological waste, and pathological waste that has not been treated pursuant to rules promulgated by the Department.

31. Resource Recovery: The process of obtaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling or energy generation.

32. Respondent: The person against whom an administrative penalty has been assessed.

33. Reuse: A process by which resources are reused or rendered usable.

34. Sanitary Landfill: A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to G.S. Ch.130A, article 9.

35. Scrap Tires: A tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.

36. Septage: Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids and sludge of human or domestic origin which is removed from a septic tank system.

37. Sharps: Needles, syringes, and scalpel blades.

38. Sludge: Any solid, semi-solid or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effect.

39. Solid Waste: Any hazardous or nonhazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

(a) fecal waste from fowls and animals other than humans

(b) solid or dissolved material in:

(i) domestic sewage and sludges generated by the treatment thereof in sanitary

(ii) sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters

- (iii) irrigation return flows
 - (iv) wastewater discharges and the sludges incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under Section 402 of the Federal Waste Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission; except that any sludges that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall also be a solid waste for the purpose of this definition
- (c) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall also be a solid waste for the purpose of this Article
- (d) Any source special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C 2011); (e) Mining refuse covered By the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission. However, any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580), as amended, shall also be a solid waste for the purposes of this definition.

40. Solid Waste Collector: Any person who collects or transports solid waste.

41. Solid Waste Container: Container used for the temporary storage of solid waste or recyclables while awaiting collection.

42. Solid Waste Container Site: Any place owned, leased, or operated by Wake County at which solid waste containers have been placed.

43. Solid Waste Director: The Solid Waste Director of the Wake County Department of Environmental Services or his authorized representative.

44. Solid Waste Disposal Site: A location at which solid waste is disposed of by incineration, sanitary landfill, or other approved method.

45. Solid Waste Management: Purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.

46. Solid Waste Management Facility: Land, personnel, and equipment used in the management of solid waste.

47. Special Wastes: Solid wastes that can require special handling and management, including white goods, whole tires, used oil, lead-acid batteries, and medical waste.

48. Transfer Facility: A permanent structure with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of solid waste for final disposal.

49. Used Oil: Any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose.

50. White Goods: Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

51. Yard Waste: Solid waste consisting solely of vegetative matter resulting from landscaping maintenance, such as leaves, grass, limbs, trimmings, etc.

Section III. General Conditions.

A. All solid waste management in Wake County shall be in accordance and in compliance with "Solid Waste Management Rules" as set forth by the Department, as from time and time amended.

B. All solid wastes shall be stored, collected, transported, treated and processed, reclaimed, recycled and disposed of in a manner consistent with the requirements of this ordinance.

C. The Division shall be charged with the responsibility for administration, supervision, execution and enforcement of regulations pertaining to management of solid waste.

Section IV. Storage and Disposal.

A. No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid waste on his property that is not stored or disposed of in a manner prescribed by this ordinance.

B. The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid waste from his property at least once each week (7-day period).

C. Garbage shall be stored only in a container that is durable, rust resistant non-absorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in place with adequate handles or bails to facilitate handling. Solid waste receptacles, as defined by this ordinance, may also be used for storage provided they meet the requirements of this subsection. The number of containers shall be adequate to store one week's accumulation of garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.

D. Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this subsection includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture, and other bulky waste, and white goods.

E. No owner, occupant, tenant, or lessee of a building or dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than 72 hours.

F. No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended ice box, freezer, refrigerator, or other receptacle that has an airtight door without first removing the door.

G. Solid waste shall be disposed of only in one of the following ways:

1. In a sanitary landfill approved and permitted by the Department.
2. In an incinerator that has all required local, state, and federal control permits.
3. By any other method, including recycling and resource recovery, that has been approved by the Department.

H. In addition to the methods listed in subsection G., above, refuse may be disposed of in solid waste receptacles provided by the County.

I. No person may discard, dispose, leave, or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.

J. Construction wastes must be disposed of at disposal sites approved and permitted by the Department.

K. Regulated medical, hazardous, and radioactive waste must be disposed of according to written procedures approved by the Department.

L. Any person collecting and transporting solid waste generated on such person's property for disposal at an approved disposal site shall comply with section VI.C. of this ordinance concerning vehicles and containers.

M. All sharps shall be placed in a sealed, puncture-proof container prior to disposal.

N. Open burning of solid waste is prohibited.

O. It is anticipated that each person in Wake County will be offered collection service by a collector of solid waste. Any person not using a collector or choosing not to utilize such services, will be required, upon request, for cause or as a result of complaints received by Wake County, to explain and show to the Division the method and means of disposal of his or her solid waste and where such refuse is being disposed.

P. No person shall dump or deposit yard waste, white goods, used oil, scrap tires, or lead acid batteries into any County-owned sanitary landfill. Any person found to have done so shall remove such waste immediately upon being requested to do so by a representative of the County. If the person depositing any such waste fails to remove it upon request of the County, the waste will be removed by County representatives and deposited in an appropriate waste management facility. The person who illegally deposited the waste shall be billed by the County for its cost in removing the waste from the sanitary landfill, for the cost of transporting the waste to an appropriate waste management facility, and for the standard disposal fee for a load of the requisite size to accommodate the removal. In addition to any other penalties and remedies available hereunder, any person depositing prohibited waste into a sanitary landfill of the County shall be subject to a \$100.00 civil penalty for the initial deposit and a \$50.00 per day civil penalty for each day the waste remains in the sanitary landfill after its removal has been ordered.

Section V. Licensing of Solid Waste Collectors.

A. Every person, firm, and corporation engaged in the collection of garbage, refuse, solid wastes, or recyclables in Wake County, except for one's self, one's firm or corporation, shall first make application to and secure from the Division a privilege license which shall be in the sum of \$100.00 per year per person, firm, or corporation applying for a privilege license for the collection of garbage, refuse, solid wastes, and recyclables.

B. All licenses issued under this ordinance shall be for one year which shall be for the fiscal year beginning July 1, and ending June 30, except that licenses issued to collectors of garbage, refuse,

solid wastes, and recyclables and to operators of disposal facilities for such garbage, refuse, and solid wastes, within a fiscal year shall only be for a period beginning on the date such license is issued and ending the immediately following June 30.

C. The Board shall regulate and govern the fees to be charged by licensed collectors of garbage, refuse, solid wastes or recyclables and of licensed operators of disposal facilities for such garbage, refuse, solid wastes, and recyclables.

D. The applicant for a Solid Waste Collection License shall furnish the following information:

1. Name and address of the applicant and whether a sole proprietorship, corporation or partnership, with disclosure of the ownership interest
2. A list of the equipment possessed, available, or to be obtained by the applicant including motor vehicle license tag numbers
3. The physical address of business where vehicles and equipment can be inspected
4. Number of employees the applicant expects to use in the business
5. Experience of the applicant in solid waste collection
6. Balance sheet or equivalent financial statement as of close of the applicant's last business year showing the net worth of the business shall be made available by the applicant for review by the County
7. Planned routes and areas of the County the applicant expects to serve
8. Range of fees the applicant expects to charge
9. Evidence of liability insurance coverage
10. Listing of collection services to be provided by applicant
11. Name and location of the facility in which collected waste is to be disposed
12. Letter of intent to include upon compensation curbside and commercial recycling services if requested by the customer.

E. Licenses for collection and transportation of solid waste in Wake County may be revoked in accordance with Section VII of this Ordinance by the Solid Waste Director for violations of regulations pertaining to the management of solid waste.

Section VI. Collection and Transportation.

A. No person shall for hire collect or transport solid wastes without first having obtained the appropriate license and paid the appropriate privilege license fee to be set by the Board.

B. No person shall for hire transport solid waste upon the public roads by any mode of conveyance that has not been inspected and approved for use by the Division.

C. Vehicles or containers used for the collection and transportation of garbage refuse, or recyclables shall be covered, leak proof, durable and easily cleaned. Open body trucks or other vehicles used in collection and transportation of solid waste shall be covered with canvas or other substantial material to prevent contents from falling, leaking, spilling or being blown from the vehicle. If spillage or leakage should occur, the material shall be recovered immediately by the licensed solid waste collector and returned to the vehicle or container, and the area properly cleaned.

D. All licensed solid waste collectors for hire shall display plainly visible decals or lettering on the vehicle showing name and address or phone number of the owner. Such information shall be on file with the Division.

E. Solid waste collectors for hire shall remove garbage or refuse from the premises of their customers at least once a week.

F. All solid waste collected shall be disposed of daily in a licensed sanitary landfill or other approved disposal facility.

G. Licensed solid waste collectors are required to notify the Division 30 days prior to any addition or discontinuance of collection routes or portions thereof.

H. No collector for hire shall dispose of solid waste in the solid waste containers provided by Wake County.

I. Applicants denied a license by the Division, within 15 days of denial may request a hearing before the Solid Waste Director who shall hear the appeal within 15 days. Within one week after the hearing, the Solid Waste Director shall give the applicant written notice of his decision. If the decision is denial, the applicant may then appeal to the Board by giving written notice to the County Manager within ten days following receipt of the Solid Waste Director's decision. After a hearing on the appeal, the Board shall either affirm the denial or direct the Solid Waste Director to issue the license.

J. A license may be transferred, without the need for a new license or revocation of the existing license being required, if:

1. the licensee notified the Solid Waste Director of the proposed transfer at least thirty (30) days before the proposed date of the transfer
2. a written agreement containing a specific date of transfer of license responsibility is submitted to the Solid Waste Director;
3. the transferee provides proof that he is, or will be, the owner or operator of the vehicle(s) previously identified by the licensee
4. the transferee provides proof that he is or will be able to comply with all licensing, collection, transportation, storage, and disposal requirements of this Ordinance.

Section VII. Revocation of Solid Waste Collectors License.

A. Any license issued for collection and transportation of solid waste may be revoked for violations of applicable regulations pertaining to the management of solid waste. Whenever, upon inspection of facilities, equipment or operating methods or practices of any person licensed and performing collection and transportation services, the Division finds that conditions or practices exist which are not in compliance with applicable regulations the Solid Waste Director will give notice in writing to such person that unless such conditions or practices are corrected or remedied within ten days, then the collector's license may be revoked. The notice shall include date, time and place of reinspection by the Division. If, after reinspection, the Division finds conditions or practices not corrected, the collector will be notified that his license has been revoked. Upon receipt of this notice of revocation, the licensee shall immediately stop collecting and transporting solid waste for hire. The

Solid Waste Director may reinstate a revoked license after revocation has been in effect for 30 days if he finds that the conditions causing the violation have been corrected. The license holder may request in writing to the Solid Waste Director a hearing before the Board in order that the license holder may justify why such license should not be revoked. Such requests shall be received by the Solid Waste Director no later than ten days following notice of license revocation. After hearing of the appeal, the Board shall affirm the revocation or direct the Solid Waste Director to reinstate the license. Reinstatement or reissuance of a license to collect and transport solid waste will be subject to review and rehearing by the Board.

B. Any solid waste collector for hire observed dumping at a solid waste container site shall be warned by Certified Mail from the Solid Waste Director that unless the practice is topped, the collector's license will be revoked. If the solid waste collector is again observed dumping at a solid waste container site, his license shall be immediately revoked. After receipt of notice of revocation, the license holder may request a hearing as outlined in Section VII-A above.

Section VIII. Sanitary Landfill Licensing.

A. The written application for a license to locate and operate a publicly-owned or privately-owned sanitary landfill in the unincorporated areas of Wake County shall show in detail the site proposed for such facility, the method of its operation, the equipment to be used and such other and further information as the Board may require.

B. Prior to the Board's issuance of approval of a license, the person making the application must comply with all current requirements of the Department pertaining to sanitary landfill approvals. Further, prior to approval and license issuance by the Board, evidence of such satisfactory compliance shall be furnished to the Board in writing.

C. Any person before locating and operating any publicly-owned or privately-owned sanitary landfill in the unincorporated areas of Wake County shall first obtain from the Board a privilege license which shall be renewed on an annual basis for each disposal facility. The Board from time to time shall adopt annual privilege license fees.

D. A license to operate a sanitary landfill shall be automatically revoked whenever conditions exist that cause the Department to close down the facility.

Section IX. Sanitary Landfill Management.

A. County-owned landfills may be used only for the disposal of solid waste by County residents.

B. In order to determine residency in Wake County, the landfill attendant is authorized to ask for identification. Anyone refusing to provide the information requested will be denied use of the solid waste facilities. Solid waste shall be disposed of at the landfills in the manner and according to procedures established by the County Solid Waste Director or the Director's representative.

C. The following wastes may not be disposed of in County-owned or operated sanitary landfills or any privately-owned or publicly-owned solid waste landfills located in unincorporated areas of Wake County:

1. Radioactive waste
2. Untreated regulated medical waste
3. Burning or smoldering materials, or any other materials that would create a fire hazard
4. Hazardous waste
5. White goods
6. Lead acid batteries
7. Whole scrap tires
8. Used oil
9. Yard waste

D. The following waste may be accepted on a conditional basis only:

1. Asbestos
2. Barrels
3. Sludges
4. Special Wastes

E. Conditionally acceptable wastes may be disposed of in accordance with Department regulations and policies promulgated by the Solid Waste Director. Generators of conditionally acceptable waste shall obtain prior approval from the Solid Waste Director at least three working days before transporting conditionally approved wastes to the landfill.

F. No person may loiter or rummage about the landfill or remove articles there from.

G. No person may deposit material at any point in the landfill except where indicated by authorized agents of the County or by official signs.

H. No person may discharge firearms, fireworks, or explosives on landfill property.

I. A disposal fee shall be charged to all Commercial, Industrial, Institutional and Governmental users of the landfill. No disposal fee will be charged to individual household residents except for the disposal of tires, white goods, and yard waste or items requiring special handling. The Board shall adopt a schedule of fees from time to time which shall be effective until amended or replaced.

J. The Board, at its discretion, may exempt the disposal of certain designated materials from the fee requirements. The North Carolina Department of Transportation shall not be charged a fee for disposing of roadside garbage and litter.

K. No tires, lead acid batteries, used motor oil, white goods, or yard waste shall be disposed of at the landfill. However, tires, lead acid batteries, used motor oil, white goods, yard waste, and other materials shall be accepted by waste reduction and recycling programs at the landfill and a fee shall be charged to all Commercial, Industrial, Institutional, Governmental, and residential users.

Section X. Land-clearing and Inert Debris Landfill Permit.

A. No person may operate a land-clearing and/or inert debris landfill without first obtaining a permit from the Division. A permit fee shall be adopted, from time to time, by the Board which shall be effective until amended or replaced.

B. Applications to locate and/or operate land-clearing debris landfills shall contain the following information and shall be submitted to the Division:

1. zoning approval from the local governing body
2. a preliminary site plan (4 copies) containing
 - a. map or aerial photo providing the following information within ¼ mile of the site
 1. entire property owned by applicant on which disposal site will be located;
 2. location of all homes, buildings, public or private utilities, roads, wells, watercourses, and general topography; (iii) whether all or a portion of site is in Flood Hazard Area (FEMA or Flood Hazard Soils), and location of the Flood Hazard area.
 - b. location of site on County road map.
 - c. all information required in Section 1-1(B) (1) of the Wake County Code.
 - d. any other pertinent information, requested by the Division.
3. Upon approval of the preliminary site plan, a final site and operation plan (6 copies) showing:
 - a. a plot plan of the proposed site showing the property boundary, proposed land filling limits, access controls, roads and streams.
 - b. erosion and sedimentation control plan which conforms to the standards set forth in the Wake County Erosion and Sedimentation Control Ordinance.
 - c. a description of the site that would be sufficient as a description in an instrument of conveyance (copy of deed).
 - d. type of material to be disposed of at the site.
 - e. name, address, and phone number for party responsible for operation and maintenance of the site.
 - f. projected use after completion of the fill.
 - g. all information required in Section 1-1-12(D) of the Wake County Code.
 - h. any other pertinent information including limits of the 100-year flood plain where applicable.

C. Prior to receiving land-clearing and inert debris on any new site, the license shall be:

1. record the permit as required by GS 130-66.21
2. complete site preparation according to the approved operational plan.
3. submit to an inspection by a representative of the Division.

Section XI. Operation of Land-clearing and Inert Debris Landfill.

A. Any person who maintains or operates a land-clearing and/or inert debris landfill shall maintain and operate the site in conformance with the following practices unless otherwise directed by the Division:

1. approved operational plans shall be followed as specified.

2. sedimentation and erosion control measures shall be constructed according to the operational plan and maintained as necessary.
3. access to the site shall be barricaded or manned when not in use by the operator.
4. dust control measures shall be implemented where necessary,
5. surface water shall be diverted from the operational area.
6. debris shall not be disposed of in water.
7. open burning of land-clearing and inert debris is prohibited.
8. equipment shall be provided to control accidental fires or arrangements shall be made with the local fire protection agency to immediately provide fire-fighting service when needed.
9. no hazardous or liquid wastes shall be accepted or disposed.
10. prior to termination of operation and before earth moving equipment is removed from the site the Division shall be notified in order that a site inspection may be made.
11. within one month after final termination of disposal operations at the site or a major part thereof or upon revocation of a permit, the area shall be covered with at least two feet of suitable compacted earth adequately sloped to allow surface water runoff in a controlled manner without on-site erosion and off-site siltation.
12. the finished surface of the filled areas shall be stabilized according to the approved operational plan immediately after completion or as soon as practical but not later than 45 calendar days.
13. once a land-clearing and inert debris landfill site has been closed future necessary maintenance shall be the responsibility of the owner.

Section XII. Revocation of Land-clearing and Inert Debris Landfill permit.

A. Any permit issued by the Division for operation of a land-clearing and/or inert debris landfill in Wake County may be revoked and a fine levied for violation of the regulations pertaining to operation and management of land-clearing and inert debris landfills. Whenever, upon inspection of land-clearing and inert debris disposal facilities, or associated operating methods, or practices, the Division finds that conditions exist which violate any part of this ordinance, the Solid Waste Director shall give notice in writing by Certified Mail to the person responsible for operation of the facility that unless such conditions or practices are corrected or remedied within twenty days, then the permit for operation of the facility will be revoked. The notice shall set forth the measures necessary to bring the site back into compliance with the ordinance. If after reinspection, the Division finds that the condition or practices have not been corrected, the operator will be notified that his license has been revoked. Upon receipt of this notice of revocation, the operator of the facility shall terminate operations immediately. The operator may request in writing to the Solid Waste Director a hearing before the Board in order that the operator may justify why such permit should not be revoked. Such requests shall be received by the Solid Waste Director no later than ten days following notice of permit revocation. The hearing shall be scheduled for the next regular meeting of the Board. After hearing of the appeal, the Board shall affirm the revocation or direct the Solid Waste Director to reinstate the permit. Reinstatement or reissuance of a permit to operate a land-clearing debris landfill will be subject to review and rehearing by the Board.

Section XIII. Open Dumps.

A person operating or having operated an open dump for disposal of solid waste or a person who owns land on which such an open dump is or has been operating shall immediately close the site in accordance with the following requirements:

A. Implement effective vector control, including baiting for at least two weeks after closing, to prevent vector migration to adjacent properties.

B. If the site is deemed suitable by the Division, compact and cover existing solid waste in place with two feet or more of suitable compacted earth; a condition of closing the site by compacting and covering the waste in place shall be recordation of the waste disposal location by the property owner with the County Register of Deeds. Copies of the recordation procedure may be obtained from and inspected at the Division.

C. If the site is deemed unsuitable by the Division, remove and place solid waste in an approved disposal site or facility.

D. Implement erosion control measures by grading and seeding; and

E. Prevent unauthorized entry to the site by means of gates, chains, berms, fences, and other security measures approved by the Division and post signs indicating closure for a period designated by the Division not to exceed one year.

Section XIV. Licensing of Hazardous and Low Level Radioactive Waste Facilities.

A. In accordance with G.S. 153A-152.1, any person must obtain an annual privilege license from Wake County in order to site and operate a hazardous or low level radioactive waste site within the jurisdiction of this Ordinance.

B. The rate or rates of a tax levied under authority of this section shall be established in accordance with the provisions of G.S. 143A0152.1 as it is from time to time amended.

C. Any person or firm taxed pursuant to this section may appeal the tax rate to the Governor's Waste Management Board, but shall pay the tax when due, subject to a refund when the appeal is resolved by the Governor's Waste Management Board or in the courts.

Section XV. Wake County Solid Waste Convenience Centers.

A. Solid waste convenience centers are maintained at numerous sites throughout the County for the convenience of County residents. Solid wastes may be deposited in the solid waste convenience centers only in accordance with the provisions of this ordinance.

B. All solid wastes shall be deposited inside the solid waste container. No solid waste may be left at the solid waste disposal site outside the container.

C. Commercial, industrial, institutional and governmental solid wastes may be deposited in solid waste containers only upon the written authorization of the Solid Waste Director.

- D. The following wastes may not be deposited in solid waste containers:
1. hazardous wastes
 2. liquid wastes
 3. regulated medical wastes
 4. radioactive wastes
 5. land-clearing debris
 6. dead animals
 7. concrete
 8. herbicides
 9. pesticides
 10. burning or smoldering materials, or any other materials that would create a fire hazard
 11. yard waste
 12. scrap tires
 13. white goods
 14. out-of-County waste
 15. sharps not properly contained
 16. sludges
 17. used oil
 18. lead acid batteries
 19. asbestos, or any other material designated by the Division.

E. No person shall loiter and/or congregate on any convenience centers property and no vehicle shall be left unattended on said property.

F. Solid waste containers shall not be used by licensed solid waste collectors as a means of disposal for solid waste collected from commercial, institutional, industrial, or residential customers.

G. No person shall remove any contents from solid waste containers.

Section XVI. Residential Backyard Composting.

Backyard composting is considered a means of waste reduction in the residential community. Every person engaged in backyard composting in unincorporated areas of Wake County shall comply with all rules and regulations concerning proper composting procedures.

- A. Proper Composting Procedures:
1. Waste materials being composted must be generated on the property on which the composting is to take place.
 2. Composting activity shall not occur within 25 feet of any structure used for dwelling which is located on adjacent property.
 3. Composting activity shall not create any conditions which are conducive to the existence and breeding of rodents and insects or otherwise creates a condition which is hazardous to the health of the community.

4. Composting activity shall not produce any odor whatsoever which is offensive to individuals living in the vicinity that is detectable by an odor detection and measurement device when such device is used on adjacent properties. If composting is being done on a property on which more than one dwelling exists, the composting shall not create any detectable odor which offends the other inhabitants on the property.
5. Composting activity shall not create any condition in which the material being composted may be blown from the property on which the composting is taking place.
6. Materials being composted which may be attractive to animals such as dogs, cats, skunks, opossums, or raccoons shall be protected in such a manner so as to prevent access to the composting material by such animals.
7. Materials being composted shall not include human body wastes, fecal wastes from dogs, cats and other household pets, and meat or dairy waste products.

Section XVII. Recyclable Corrugated Cardboard Surcharge Program.

A. No Commercial, Industrial, Institutional or Governmental establishments shall dispose of ten percent (10%) or more recyclable corrugated cardboard of the solid waste disposed of in Wake County landfills without being assessed a surcharge.

B. Public or private haulers servicing Commercial, Industrial, Institutional and Governmental establishments and disposing of solid waste loads at County facilities which constitutes ten percent (10%) or more of recyclable corrugated cardboard by weight or volume shall pay:

1. double the tipping fee per ton at the facility.

C. The County Manager is authorized by the Board to promulgate administrative procedures to carry out this program.

D. If local waste paper and corrugated cardboard stock dealers refuse to accept recyclable corrugated cardboard, or, if Commercial, Industrial, Institutional and Governmental establishments must pay local waste paper and corrugated cardboard stock dealers to recycle recyclable corrugated cardboard, then a review of the program will be conducted by the Board and the continued viability of the Recyclable Corrugated Cardboard Program will be determined.

Section XVIII. Construction and Demolition Surcharge Program.

A. No Commercial, Industrial, Institutional or Governmental establishments shall dispose of ten percent (10%) or more construction and demolition debris of the solid waste disposed of in Wake County facilities without being assessed a surcharge or pay a construction and demolition debris disposal fee.

B. Public or private haulers servicing Commercial, Industrial, Institutional and Governmental establishments and disposing of solid waste loads at County facilities which constitutes ten percent (10%) or more of construction and demolition debris by weight or volume shall pay one of the following:

1. Double the tipping fee at the Transfer Facility.

2. The construction and demolition debris tipping fee at the municipal solid waste landfill, until such time as a Construction and Demolition landfill becomes operational.
3. Double the tipping fee at the Municipal Solid Waste landfill contingent upon the North Wake Construction and Demolition Landfill being operational.

C. The County Manager is authorized by the Board to promulgate administrative procedures to carry out this program.

Section XIX. Enforcement.

A. Criminal Penalty: Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500) or imprisonment for not more than thirty (30) days, or both. Each day's violation shall be treated as a separate offense.

B. Civil Penalty: Any person who is found in violation of this ordinance shall be subject to a civil penalty of not to exceed five hundred dollars (\$500) as provided in G.S. 153A-123. Each days violation shall be treated as a separate offense.

C. Remedies: This ordinance may be enforced by equitable remedies, and any unlawful condition existing or in violation of this ordinance may be enforced by injunction and order or abatement in accordance with G.S. 153A-123.

D. This ordinance may be enforced by the Wake County Environmental Services, Solid Waste Management Division and the Wake County Sheriff's Department.

Section XX. Effective Date.

This ordinance shall become effective at 12:01 a.m., December 8, 2009 and supersedes and nullifies the former "Ordinance Regulating the Management of Solid Waste in Wake County, North Carolina" which was adopted by the Wake County Board of Commissioners on August 21, 2000.

Adopted this 7th day of December, 2009

Commissioner Ward made a motion that the above ordinance be adopted.

Commissioner Bryan seconded the motion and upon vote the motion carried this the 7th day of December, 2009.