

**SUSQUEHANNA COUNTY MUNICIPAL
WASTEFLOW CONTROL ORDINANCE
ORDINANCE NO. 92-001**

WHEREAS, the County of Susquehanna, Commonwealth of Pennsylvania, has determined that the appropriate legal mechanism for achieving the objectives of Section 102 and 303(a) and (e) of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of July 28, 1988, P.L. No. 528 (hereinafter referred to as "Act 101"), and for ensuring the proper disposal of County generated municipal waste is the enactment of a County Waste Flow Control Ordinance that provides for the disposition of municipal solid waste at [selected disposal facilities] which are the designated processing and disposal facilities in the Susquehanna County Municipal Waste Management Plan; and

WHEREAS, Act 101 gave the County of Susquehanna, Commonwealth of Pennsylvania (the "County") primary responsibility for planning for municipal waste processing and disposal within its boundaries and the primary authority to control the flow of municipal waste generated within its boundaries; and

WHEREAS, Act 101 authorizes a County with an approved municipal waste management plan that was submitted under the Act to require that all municipal wastes generated within its boundaries shall be processed or disposed at a designated processing or disposal facility; and

WHEREAS, Act 101 authorizes a County, in carrying out its duties under Section 303, to adopt ordinances, resolutions,

regulations and standards for the processing and disposal of municipal waste;

NOW, THEREFORE, it is hereby enacted and ordained by the County of Susquehanna as follows:

SECTION 1. Definitions.

Unless the context clearly indicates otherwise, the following terms used in this ordinance shall have the following meanings:

- a) "Act 101" - The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 528, No. 101, as now or hereafter amended.
- b) "Disposal" - The deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.
- c) "Existing Contract" - Means any agreement of contract (1) fully executed and delivered and in effect, and (2) in reliance upon which there has been a material change in position by any Person who is a party thereto or beneficiary thereof, prior to the effective date of this Ordinance for the collection, transportation or disposal of Municipal Waste generated within the County.
- d) "Facility" - Any establishment used explicitly for the processing or disposal of solid waste.
- e) "Municipal Waste" - Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials.

- f) "Municipal Waste Collector and Transporter" - Any person collecting and/or transporting municipal waste for a fee.
- g) "Municipal Waste Flow Control Ordinance" - Provides and ensures the delivery of municipally generated solid waste to the disposal facilities listed in the Susquehanna County Municipal Solid Waste Management Plan.
- h) "Municipality" - Any city, borough, incorporated town, township or home rule municipality located in the County.
- i) "Permit" - Permit number issued by the Department of Environmental Resources for the operation of the Landfill by Operator.
- j) "Person" - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- k) "Recycling" - The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.
- l) "Solid Waste Management Act" - Act 97 of 1980, 35 P.S. 6018.101 et seq., and the Department regulations promulgated thereunder.
- m) "Municipal Waste Disposal Capacity Agreement" - Agreement developed between a municipal waste disposal facility and Susquehanna County for disposal of County generated municipal waste for a 10-year period.

SECTION 2. Licensing of Collectors and/or Transporters.

County-wide licensing is governed by a separate ordinance.

SECTION 3. Disposal of Municipal Waste at Designated Municipal Waste Processing or Disposal Facility.

All municipal waste collectors and transporters shall deliver and dispose of all municipal waste generated within the

County, other than recyclable materials as designated in a municipality's recycling ordinance, at the sites designated in the Susquehanna County Municipal Waste Management Plan, including both contracted and non-contracted sites.

Nothing in this ordinance shall be construed to interfere with, impair, or in any way modify, the provisions of any pre-existing contract prior to the enactment date of this ordinance.

SECTION 4. Regulations.

All collectors and transporters shall comply with the County Licensing Ordinance pursuant to Act 101 and the Waste Flow Control Ordinance No. 92-001.

SECTION 5. New Municipal Waste Processing or Disposal Facilities Prohibited; Continuation of Existing Facilities.

(a) Prohibition of Municipal Waste Processing and Disposal Facilities. No person other than the County, shall use or permit to be used, any property owned or occupied by that person within the County as a municipal waste processing or disposal facility for the processing or disposal of waste generated within Susquehanna County, without the express written approval of the County and the Department of Environmental Resources.

(b) Recycling. The prohibition set forth in Section 5(a) of this Ordinance shall not interfere with the operation of any program adopted by a municipality for recycling.

SECTION 6. Unlawful Activity; Nuisance.

(a) Unlawful Conduct. It shall be unlawful for any person to:

(1) Violate, cause or assist in the violation of any provision of this Waste Flow Control Ordinance No. 92-001 or any rule, regulation or order promulgated by the County pursuant to this Ordinance;

(2) or cause to be processed, treated or disposed of municipal waste generated within this County at a facility other than stipulated, pursuant to the Susquehanna County Waste Disposal Agreements and the Susquehanna County Solid Waste Management Plan;

(3) collect or transport municipal waste generated within this County without a valid County license;

(4) hinder, obstruct, prevent or interfere with this County in the performance of its duties under this Ordinance, Act 101 or any enforcement of this Ordinance;

(5) act in any matter that is contrary to Act 101, the County's Municipal Waste Management Plan, this County Waste Flow Control Ordinance No. 92-001, or any County or Municipality rule or regulation promulgated pursuant to this Ordinance or the terms of any licenses issued by the County.

(b) Public Nuisance. Any unlawful conduct set forth in Section 6(a) hereof shall constitute a public nuisance.

SECTION 7. Penalties.

Any person, other than a municipal official exercising his official duties, who violates any provision of this Ordinance, shall, upon conviction in a summary proceeding, be sentenced for each violation to pay a fine of not less than One Hundred Dollars (\$100) nor more than Six Hundred Dollars (\$600) and any costs incurred with the violation, including prosecution costs, or imprisonment not to exceed ten (10) days or both.

SECTION 8. Injunction; concurrent remedies.

(a) Restraining Violations. In addition to any other remedy provided in this Ordinance, the County may institute a suit in equity if unlawful conduct or a public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this Ordinance, or rules, regulations, orders issued pursuant to this Ordinance No. 92-001. In addition to an injunction, the court may impose penalties as authorized by Section 7 hereof.

(b) Concurrent Remedies. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent, the existence or exercise of any remedy shall not prevent the County from exercising any other remedy provided by this Ordinance or otherwise provided at law or equity.

SECTION 9. Construction.

The terms and provisions of this Ordinance are to be liberally construed, so as to best achieve and effectuate the goals and purpose hereof. This Ordinance shall be construed in pari materia with the County Ordinance No. 92-001 and Act 101.

SECTION 10. Severability.

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance within a part of the County is held invalid, said invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provisions or application of the Ordinance and any other part of the County.

SECTION 11. Repealer.


All provisions of any other ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 12. Effective Date.

This Ordinance shall take effect on November 1,
1992. **ENACTED AND ORDAINED** an Ordinance this 22nd day
of October, 1992.

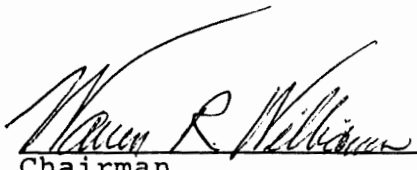
BOARD OF SUSQUEHANNA COUNTY COMMISSIONERS

ATTEST:




County Solicitor or
Chief Clerk

BY:



Chairman



SEAL: