

CHAPTER 20

SOLID WASTE

Part 1

Municipal Waste Flow Control

- \$101. Definitions
- \$102. Licensing of Collectors and/or Transporters
- \$103. Disposal of Municipal Waste at Designated
Municipal Waste Processing or Disposal Facility
- \$104. Regulations
- \$105. New Municipal Waste Processing or Disposal
Facilities Prohibited; Continuation of Existing
Facilities
- \$106. Unlawful Activity; Nuisance
- \$107. Penalties
- \$108. Injunction; Concurrent Remedies
- \$109. Construction

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Part 1

Municipal Waste Flow Control

§101. Definitions. Unless the context clearly indicates otherwise, the following terms used in this Part shall have the following meanings:

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.

DISPOSAL - the disposition, 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.

LANDFILL - a facility using land for disposing of municipal waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads and transportation and storage facilities. The term does not include construction/demolition waste landfills or a facility for the land application of sewage sludge.

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.

MUNICIPAL WASTE LANDFILL - any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the Pennsylvania Department of Environmental Resources under the Solid Waste Management Act. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

MUNICIPALITY - any city, borough, incorporated town, township or home rule municipality located in the County of Beaver.

PERMIT - Permit No. _____ issued by the Pennsylvania Department of Environmental Resources for the operation of the landfill by operator.

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.

RECYCLING - the collection, separation, recovery and sale or reuse of metals, glass, papers, 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 fuel for the operation of energy.

SOLID WASTE MANAGEMENT ACT - Act 97 of 1980, 35 P.S. §§6018.101 et seq., and the Pennsylvania Department of Environmental Resources regulations promulgated thereunder.

(Ord. 269, 4/5/1994, §1)

§102. Licensing of Collectors and/or Transporters. Not later than one hundred twenty (120) days after the effective date of Beaver County Ordinance No. 082092-SWM all persons collecting and/or transporting waste within the Borough of East Rochester shall be required to obtain a Beaver County license pursuant to Beaver County Ordinance No. 082092-SWM. (Ord. 269, 4/5/1994, §2)

§103. 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 Borough of East Rochester, other than recyclable materials as designated in the Borough's recycling ordinance, at the sites designated by the Borough of East Rochester. The Borough of East Rochester has contracted for the waste disposal capacity with Joseph J. Brunner, Inc., Landfill, New Sewickley Township, Beaver County, Pennsylvania; Northwest Sanitary Landfill, Inc., Butler County, Pennsylvania; Brooke County Sanitary Landfill, Colliers, West Virginia; Browning-Ferris Industries Waste Systems, Carbon Limestone Polland Sanitary Landfill, Mahoning County, Ohio; William H. Martin, Inc., Arden Landfill, Washington County, Pennsylvania; Browning-Ferris Industries Waste Systems of Pennsylvania, Imperial Landfill, Findlay Township, Allegheny County, Pennsylvania, for a period of five (5) years with the option to renew said contract for an additional five (5) years. (Ord. 269, 4/5/1994, §3)

§104. Regulations. All collectors and transporters shall comply with all Beaver County rules and regulations adopted by Beaver County and the Borough of East Rochester pursuant to Act 101, Beaver County Ordinance No. 082093-SWM or this Part. (Ord. 269, 4/5/1994, §4)

§105. New Municipal Waste Processing or Disposal Facilities Prohibited; Continuation of Existing Facilities.

1. Prohibition of Municipal Waste Processing and Disposal Facilities. No person other than the County of Beaver, the United States of America, the Commonwealth of Pennsylvania or the Borough of East Rochester shall use or permit to be used any property owned or occupied by that person within the Borough of East Rochester as a new municipal waste processing or disposal facility, for the processing or disposal of waste generated within Beaver County, without the express written approval of Beaver County and the Pennsylvania Department of Environmental Resources.

2. Existing Facilities. The prohibition set forth in subsection (1) of this Part shall not interfere with the operation of any existing facility provided:

A. The owner/operator of the facility has an approved permit or has submitted a permit application to the Pennsylvania Department of Environmental Resources prior to April 9, 1990.

B. The facility does not accept municipal waste from any source within the County of Beaver other than those authorized by the facility's permit.

3. Recycling. The prohibition set forth in subsection (1) of this Section shall not interfere with the operation of any program adopted by the Borough of East Rochester for recycling.

(Ord. 269, 4/5/1994, §5)

§106. Unlawful Activity; Nuisance.

1. Unlawful Conduct. It shall be unlawful for any person to:

A. Violate, cause or assist in the violation of any provision of this Part, Beaver County Ordinance No. 082092-SWM or any rule, regulation or order promulgated by Beaver County pursuant to Beaver County Ordinance No. 082092-SWM.

B. Cause to be processed, treated or disposed of municipal waste generated within the Borough of East Rochester at a facility other than those listed in §103 hereof, pursuant to the East Rochester Borough Waste Disposal Agreement and the Beaver County Solid Waste Management Plan.

C. Collect or transport municipal waste generated within the Borough of East Rochester without a valid Beaver County license.

D. Hinder, obstruct, prevent or interfere with the Borough of East Rochester in the performance of its duties under this Part, Act 101 or any enforcement of this Part.

E. Act in any matter that is contrary to Act 101, Beaver County's Municipal Waste Management Plan, Beaver County Ordinance No. 082092-SWM, this Part, or any Beaver County or East Rochester Borough rule or regulation promulgated pursuant to this Part or Beaver County Ordinance No. 082092-SWM or the terms of any licenses issued by Beaver County.

2. Public Nuisance. Any unlawful conduct set forth in subsection (1) hereof shall constitute a public nuisance.

(Ord. 269, 4/5/1994, §6)

§107. Penalties. Any person who engages in unlawful conduct as defined in this Part shall be subject upon conviction thereof to a fine not to exceed one thousand dollars (\$1,000.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 269, 4/5/1994, §7)

§108. Injunction; Concurrent Remedies.

1. Restraining Violations. In addition to any other remedy provided in this Part, the Borough of East Rochester may institute a suit in equity if unlawful conduct or a public nuisance exists as defined in this Part for an injunction to restrain a violation of this Part or rules, regulations or orders issued pursuant to this Part or Beaver County Ordinance No. 082092-SWM. In addition to an injunction, the court may impose penalties as authorized by §107 hereof.

2. Concurrent Remedies. The penalties and remedies prescribed by this Part shall be deemed concurrent and the existence or exercise of any remedy shall not prevent the Borough of East Rochester from exercising any other remedy provided by this Part or otherwise provided at law or equity.

(Ord. 269, 4/5/1994, §8)

§109. Construction. The terms and provisions of this Part are to be liberally construed, so as to best achieve and effectuate the goals and purposes hereof. This Part shall be construed in pari materia with the Beaver County Ordinance No. 082092-SWM and Act 101. (Ord. 269, 4/5/1994, §9)