

BOARD OF COUNTY COMMISSIONERS

ST. MARY'S COUNTY

LEONARDTOWN, MARYLAND



RULES AND REGULATIONS

FOR

USE OF SOLID WASTE DISPOSAL FACILITY

IN

ST. MARY'S COUNTY, MARYLAND

DEPARTMENT OF PUBLIC WORKS

POST OFFICE BOX 508

CALIFORNIA, MARYLAND

RESOLUTION NO. 91-20

Adopted: 06/25/91

Effective Date: 08/01/91

REVISED:

RESOLUTION NO. 96-24

Adopted: 08/08/96

Effective Date: 08/12/96

AMENDED

RESOLUTION NO. 98-13

Adopted: 03/09/98

Effective Date: 03/09/98

AMENDED:

RESOLUTION NO. 04-30

Adopted: 05/25/04

Effective Date: 07/01/04

AMENDED:

RESOLUTION NO. 2006-40

Adopted: 05/23/06

Effective Date: 07/01/06

AMENDED:

RESOLUTION NO. 2012-43

Adopted:

Effective Date:

RULES AND REGULATIONS FOR USE OF SOLID WASTE DISPOSAL FACILITY
ST. MARY'S COUNTY, MARYLAND

SECTION 1: PURPOSE

The purpose of these Rules and Regulations is to establish the conditions under which the Solid Waste Acceptance Facilities in St. Mary's County will be used. The Rules and Regulations herein adopted will be enforced and violations will be punishable by law, as set forth in the Solid Waste Ordinance.

SECTION 2: APPLICABILITY, OPERATIONS AND PERMITTING

- A. All Commercial Waste Haulers will be required to obtain an annual license and will be required to use only the St. Mary's County Sanitary Landfill. All Transfer Stations are closed to Commercial Trash Haulers.
- B. Authorized use of the Solid Waste Acceptance Facilities shall be restricted to residents and commercial businesses of St. Mary's County and those Commercial Waste Haulers servicing residents, commercial businesses and institutional customers within St. Mary's County.
- C. Solid Waste generated from outside the territorial limits of St. Mary's County shall not be disposed of in any Solid Waste Acceptance Facility in St. Mary's County.
- D. Residents of St. Mary's County are authorized to dispose of their own domestic and agricultural refuse at the Solid Waste Transfer Stations and the Sanitary Landfill and shall be subject to the Regulations contained herein; and they shall obtain an annual permit to use such facilities. Residents using the Solid Waste Acceptance Facilities for recycling purposes only shall not be required to obtain an annual permit.

Residents of St. Mary's County shall be assessed a user's fee in accordance with the Fee Schedule for the County's Solid Waste Acceptance Facilities. Residential vehicles entering the Transfer Stations shall observe a disposal limitation of a maximum equivalent of four 35-gallon containers of solid waste during any one trip. Any volume in excess of the above equivalent limit shall be deposited at the Sanitary Landfill and appropriate fees assessed and collected.

- E. Persons in Commercial or Industrial businesses hauling solid waste in connection with their individual commercial or industrial endeavors shall be subject to the Regulations contained herein and shall be required to obtain an annual license.
- F. Commercial Waste Haulers and persons in commercial or industrial businesses hauling solid waste in connection with their individual industry or commercial endeavors shall be required to use only the Sanitary Landfill.
- G. All persons using the Solid Waste Acceptance facilities shall do so under the supervision of the on-site attendant provided by St. Mary's County. Failure to dispose of solid waste as directed by said attendant shall constitute a violation under these Regulations, and violators shall be subject to the penalties of the Solid Waste Ordinance.
- H. No person shall deposit or place any solid waste in any street, alley, river or other public place within the County, nor shall any person deposit or place any solid waste upon private property of another without permission. Solid waste shall be stored in a suitable watertight can, vessel or container equipped with a closely fitted cover, which cover shall not be removed except when necessary to deposit garbage or rubbish therein, or to empty such can, vessel or container.

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SECTION 2: APPLICABILITY, OPERATIONS AND PERMITTING (Cont'd.)

- I. It shall be unlawful for any person to place in any receptacle for collection of, or to deposit in the Solid Waste Acceptance Facility, any materials that might either endanger the collection personnel or that would be detrimental to the normal operation of disposal such as gaseous, solid or liquid poisons, dead animals, ammunition, explosives or any material that possesses heat sufficient to ignite other collection materials.
- J. No persons shall engage in the business of collecting, transporting or disposing of garbage for compensation within the County without first obtaining a license. Licenses shall be issued upon application and payment of fees to the Department of Public Works. No such license shall be issued except upon determination by the Department of Public Works that the equipment and the ability of the licensee is such that said licensee is able to conduct a solid waste collection business in accordance with these Rules and Regulations. The Department of Public Works shall adopt or amend such Rules and Regulations governing the operation of the business of solid waste collection, transportation and disposition as deemed necessary. The Department of Public Works shall revoke the license of any commercial hauler who fails to abide by any such Rule or Regulation adopted by the County, or any provision of the Solid Waste Ordinance. Prior revocation of a license shall be sufficient grounds for the refusal by the County to approve any future application for such license.
- K. No commercial licenses, under these Regulations, shall be issued unless the applicant first gives satisfactory proof of having met all necessary requirements for the handling of solid waste as required by these Regulations, the Solid Waste Ordinance and by State Law.

No individual disposal permits shall be issued to individuals unless proof of residency is shown.
- L. Burning of materials at the Solid Waste Acceptance Facilities in St. Mary's County will only be as conducted by the Department of Public Works in accordance with the applicable burning permit. Facilities for burning will be provided only at the Sanitary Landfill.
- M. No scavenging, or loitering, will be permitted at any Solid Waste Acceptance Facility. Violators shall be subject to the penalties of the Solid Waste Ordinance.
- N. Access to the Solid Waste Acceptance Facilities shall be controlled at all times. Entrances shall be closed and locked when the facilities are not in operation to prevent the entry of unauthorized persons. Any person or vehicle present at a Solid Waste Facility outside of the published operation schedule is in violation of these Regulations and subject to prosecution for illegal trespass.
- O. The following Rules and Regulations must be strictly adhered to by all users for the Transfer Stations:
 - 1) Disposal of solid waste is permitted only by those vehicles displaying the appropriate disposal permit on their vehicles. The permit shall be displayed in the lower right-hand corner of the windshield. Vehicles using the Transfer Stations for recycling purposes only will not be required to display a disposal permit.
 - 2) Dumping is permitted only when the Transfer Stations are manned by a County authorized attendant. Dumping of materials outside of the gates of the Transfer Stations constitutes a violation of these Rules and Regulations. Violators shall be subject to the penalties of the Solid Waste Ordinance.
 - 3) Dump only in Refuse Container provided.
 - 4) No one is allowed in the Container, or Pit Area.
 - 5) No loitering, or scavenging, is permitted.

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SECTION 2: APPLICABILITY, OPERATIONS AND PERMITTING (Cont'd.)

- 6) Disposal of solid waste is permitted only during stated hours posted at the facilities.
 - 7) Dumping is performed under the direction of the attendant in charge.
 - 8) All Transfer Stations are CLOSED TO COMMERCIAL HAULERS.
 - 9) Unacceptable Materials:
 - Rubber Tires (in excess of six per vehicle load)
 - Brush or Stumps
 - Liquid Wastes
 - Dead Animals
 - Human and Animal Waste
 - Rubble
 - Oversized Bulky Waste
 - Hazardous Wastes
 - Any other items or materials prohibited from disposal in the Sanitary Landfill as defined by permit and the Solid Waste Ordinance.
 - 10) POSITIVELY NO DUMPING OF BURNED MATERIAL (ASHES)
- P. The County reserves the right to prohibit persons from disposing of solid waste at the Transfer Stations if persons using the County facilities appear to be engaged in commercial waste hauling as evidenced by frequency of use of the disposal facility and volume of solid waste disposal.

SECTION 3: SOLID WASTE DISPOSAL SYSTEM

The County's Solid Waste Disposal System consists of the following Solid Waste Acceptance Facilities.

Final Disposal Facilities

- 1) St. Andrew's Sanitary Landfill.

Intermediate Disposal Facilities

- 1) Valley Lee Transfer Station
- 2) Ridge transfer Station
- 3) Oakville Transfer Station
- 4) Clements Transfer Station
- 5) St. Andrews Transfer Station
- 6) Charlotte Hall Transfer Station

SECTION 4: ACCEPTABLE SOLID WASTE

Materials acceptable for disposal in the Sanitary Landfill are as follows:

- A. Solid waste from domestic, municipal, commercial, industrial, agricultural, silvicultural, construction and other community sources, except as restricted by these Regulations or by the Sanitary Landfill Disposal Permit.
- B. Other acceptable items, which may be deposited in specially designated areas of the Sanitary Landfill, include old rubber tires and wood.

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SECTION 4: ACCEPTABLE SOLID WASTE (Cont'd.)

- C. Recyclable items such as stoves, refrigerators, appliances, etc. known as "white goods" shall be deposited in specially designated areas. There shall be no charge for the disposal of such white goods by individuals.
- D. Rubble from household activities will be acceptable when disposed of by private residents of St. Mary's County and those residents shall be assessed the appropriate user fees.

Materials acceptable at the Transfer Stations are limited solely to household solid wastes and identified as follows:

- A. Solid waste from households of St. Mary's County.
- B. Other acceptable items, which will be received at Transfer Stations, include tires, limited to six per vehicle load.
- C. Recyclable material as defined in COMAR, Section 26.13.02.02.

SECTION 5: NON-ACCEPTABLE WASTE

Non-acceptable waste, or any waste which, cannot be disposed of in the Sanitary Landfill, regardless of its origin, are as follows:

- A. Controlled hazardous substances regulated by COMAR 10.51.02.
- B. Liquid waste or any waste containing free liquids as determined by the EPA Gravity Test outlined in the Federal Register, Volume 47, Number 38, Page 8311, February 25, 1982.
- C. Special medical waste from hospitals, clinics and other similar institutions as defined by the Department of Health and Mental Hygiene, in COMAR, Title 10, Subtitle 06.
- D. Radioactive materials.
- E. Septic or sewage scavenger waste.
- F. Automobiles.
- G. Drums or tanks, unless empty and flattened or crushed, with ends removed.
- H. Chemical petroleum spill cleanup materials.
- I. Animal carcasses resulting from medical research activities or destruction of diseased animals.
- J. Rubber tires in a quantity in excess of six per vehicle load.
- K. Dead animals.

Acceptance of controlled hazardous substances and sewage scavenger wastes at the landfill site is prohibited unless specifically permitted and authorized by the Director of Public Works.

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SECTION 6: USER FEES

The user fee charged for the sanitary landfill will be based upon the quantity of solid waste received and the fee schedule as established by the Board of County Commissioners by Resolution. The schedule of fees so established may be amended from time to time by the Board of County Commissioners to reflect the costs of ongoing solid waste operations. User fees will be assessed to all residents disposing of acceptable solid waste material at the County's Solid Waste Acceptance Facilities and will be as established by the Board of St. Mary's County Commissioners.

The Board of County Commissioners reserves the right to provide a subsidy to the residents of St. Mary's County and those Commercial Haulers providing residential and commercial collection services to the residents of St. Mary's County. The subsidy will reflect the contribution from General County Revenues used in the operation of the Solid Waste Acceptance Facilities.

The Director of Public Works reserves the right to waive the imposition of fees for various classes of clean fills, rubble or other materials when it is determined that the acceptance of the materials has a benefit to the County.

SECTION 7: PENALTIES

Penalties for the improper use of Solid Waste Acceptance Facilities shall include those provided in the Solid Waste Ordinance.

Residential users of the Solid Waste Transfer Stations may be refused access and directed to the Sanitary Landfill and assessed the appropriate user fee for failure to observe these Rules and Regulations or the Solid Waste Ordinance.

RESOLUTION

FOR THE PURPOSE OF AMENDING THE SOLID WASTE RULES & REGULATIONS TO SET FEES FOR THE USE AND OPERATION OF THE SOLID WASTE ACCEPTANCE FACILITIES AND DELEGATE AUTHORITY TO THE DIRECTOR OF PUBLIC WORKS & TRANSPORTATION TO SET THE HOURS OF OPERATION FOR SOLID WASTE ACCEPTANCE FACILITIES.

WHEREAS, Article 25, Section 14A, Paragraph (a), subparagraph (1) of the Annotated Code of Maryland empowers the County Commissioners to prescribe and enforce Rules and Regulations concerning the operation and manner of use of the disposal areas or facilities; and

WHEREAS, the Board of County Commissioners adopted Rules and Regulations governing the use of the County Solid Waste Acceptance Facilities by Resolution No. 71-4, effective March 1, 1971, amended via Resolution No. 91-20, effective August 1, 1991, amended via Resolution # 96-24, effective August 12, 1996; and Resolution #98-13, effective March 9, 1998, (correctively, the "Solid Waste Rules & Regulations"); and

WHEREAS, the Solid Waste Ordinance was adopted by the Board of St. Mary's County Commissioners as Ordinance Number 85-14 on June 25, 1985, amended by Ordinance Number 88-32 on November 29, 1988 (the "Solid Waste Ordinance"); and

WHEREAS, the Solid Waste Ordinance, in §3, authorizes the County Commissioners to establish, by Resolution, a schedule of fees as they deem necessary in connection with the use and operation of the Solid Waste Acceptance Facilities; and

WHEREAS, the Solid Waste Ordinance, in §8, authorizes the Department of Public Works to set the hours of operation of the Solid Waste Acceptance Facilities; and

WHEREAS, the Board of County Commissioners believes that it is in the best interest of public health, safety and welfare if the fees collected by St. Mary's County for solid waste disposal shall be adjusted to reflect the prevailing tipping/gate fee rate at the selected disposal/transfer facility in accordance with the adopted Comprehensive Solid Waste Management and Recycling Plan by Ordinance Number 2001-15, as amended from time to time; and

WHEREAS, the Board of County Commissioners wish to delegate authority to the Director of the Department of Public Works and Transportation authority to establish and manage convenience center and sanitary landfill operations daily for hours selected by the Director of Public Works & Transportation between the hours of 8:00 a.m. and 7:00 p.m.; and

WHEREAS, it is the intent of the Board of County Commissioners that all other terms and conditions in the Rules and Regulations remain in effect.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby amends the Solid Waste Rules & Regulations by repealing and readopting with amendment the "Fee Schedule" of the Solid Waste Rules & Regulations attached hereto as Exhibit "A."

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that the Director of Public Works & Transportation shall establish and manage convenience center and sanitary landfill daily hours of operation between the hours of 8:00 a.m. and 7:00 p.m., which hours shall be selected for the convenience of the citizens of the County balanced against the management of costs of providing the services offered through these facilities.

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that, should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not effect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that the foregoing recitals are hereby adopted as written above.

Effective Date: July 1, 2004

RESOLUTION

FOR THE PURPOSE OF AMENDING THE SOLID WASTE
RULES & REGULATIONS TO SET FEES FOR THE USE AND
OPERATION OF THE SOLID WASTE ACCEPTANCE
FACILITIES.

WHEREAS, Article 25, Section 14A, Paragraph (a), subparagraph (1) of the Annotated Code of Maryland empowers the County Commissioners to prescribe and enforce Rules and Regulations concerning the operation and manner of use of the disposal areas or facilities; and

WHEREAS, the Board of County Commissioners adopted Rules and Regulations governing the use of the County Solid Waste Acceptance Facilities by Resolution No. 71-4, effective March 1, 1971, amended via Resolution No. 91-20, effective August 1, 1991, amended via Resolution # 96-24, effective August 12, 1996; amended via Resolution #98-13, effective March 9, 1998; and amended via Resolution #04-30, effective July 1, 2004, (correctively, the "Solid Waste Rules & Regulations"); and

WHEREAS, the Solid Waste Ordinance was adopted by the Board of St. Mary's County Commissioners as Ordinance Number 85-14 on June 25, 1985, amended by Ordinance Number 88-32 on November 29, 1988 (the "Solid Waste Ordinance"); and

WHEREAS, the Solid Waste Ordinance, in §3, authorizes the County Commissioners to establish, by Resolution, a schedule of fees as they deem necessary in connection with the use and operation of the Solid Waste Acceptance Facilities; and

WHEREAS, the Board of County Commissioners believes that it is in the best interest of public health, safety and welfare if the fees collected by St. Mary's County for solid waste disposal shall be adjusted to reflect the prevailing tipping/gate fee rate at the selected disposal/transfer facilities in accordance with the adopted Comprehensive Solid Waste Management and Recycling Plan by Ordinance Number 2001-15, as amended from time to time; and

WHEREAS, it is the intent of the Board of County Commissioners that all other terms and conditions in the Rules and Regulations remain in effect.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby amends the Solid Waste Rules & Regulations by repealing and readopting with amendment the "Fee Schedule" of the Solid Waste Rules & Regulations attached hereto as Exhibit "A."

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that, should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not effect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that the foregoing recitals are hereby adopted as written above.

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that this Resolution shall be effective at the date written below.

Those voting aye:	<u>all</u>
Those voting nay:	<u>-0-</u>
Those abstaining or absent:	<u>-0-</u>

Date of Adoption:	<u>May 23, 2006</u>
Effective Date:	<u>July 1, 2006</u>

RESOLUTION

TO SET FEES FOR SOLID WASTE ACCEPTANCE FACILITIES

WHEREAS, pursuant to Article 25, sec. 14(a)(3) of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to fix and collect reasonable service charges or fees from any person, firm, corporation, municipal corporation, special district or other county for the use of areas or facilities for the disposal of refuse, garbage, and rubbish; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, finds that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to fix and collect reasonable service charges and fees for the use of areas or facilities for the disposal of refuse, garbage, and rubbish,

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners for St. Mary's County, pursuant to Article 25, sec. 14(a)(3) of the *Annotated Code of Maryland* that the "Fee Schedule" in the St. Mary's County Solid Waste Rules & Regulations be, and hereby is, amended to read as follows:

FEE SCHEDULE
 ST. MARY'S COUNTY
 PUBLIC SOLID WASTE ACCEPTANCE FACILITIES

RECEIPT FEE 0.00
 TOTAL 0.00
 Rec#3002 Rcpt#000000
 JMM SKB R164493
 Jun 05, 2012 10:40 am

CLASSIFICATION	FEE	REMARKS
Residential	No Fee: Permit Required	Convenience Centers
****Residential Flat Fee	\$10.00 Per Pick-up (1/4 ton) Load	Sanitary Landfill Only
****Residential Excessive Loads	\$65.00 Per Ton	Sanitary Landfill Only
****Green Waste Excessive Loads	\$40.00 Per Ton	Sanitary Landfill Only
****Commercial/Industrial MSW	Not Applicable All Transfer Stations / Convenience Centers are closed to Commercial Haulers	Prohibited
Tire Disposal	Up to Five (5) Tires Free Per Trip (Passenger/Light Truck Tires only) In Excess - \$158.00 Per Ton (>5 and/or Heavy Truck/Agriculture)	Sanitary Landfill Only
Appliances	No Fee	Sanitary Landfill Only

****Fees shall be adjusted by Resolution of the Board of County Commissioners for St. Mary's County to reflect the prevailing tipping/gate fee rate at the selected disposal/transfer facility in accordance with the Comprehensive Solid Waste Management and Recycling Plan.

WINTER HOURS OF OPERATION (November 1 – April 30)

FACILITY	DAYS OF OPERATION	HOURS OF OPERATION
Sanitary Landfill	Monday – Saturday Sunday	8:00 a.m. – 4:30 p.m. Closed
Convenience Centers	Monday – Friday Saturday – Sunday	9:30 a.m. – 5:00 p.m. 8:00 a.m. – 5:00 p.m.

SUMMER HOURS OF OPERATION (May 1 – October 31)

FACILITY	DAYS OF OPERATION	HOURS OF OPERATION
Sanitary Landfill	Monday – Saturday Sunday	8:00 a.m. – 4:30 p.m. Closed
Convenience Centers	Monday – Friday Saturday – Sunday	11:00 a.m. – 6:30 p.m. 8:00 a.m. – 5:00 p.m.

HOLIDAY CLOSURES

The St. Andrews Landfill and Convenience Centers are closed in observance of the following holidays: New Years, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. The Department of Public Works and Transportation reserves to the right to modify and adjust the holiday closure schedule.

BE IT FURTHER RESOLVED, by the Commissioners of St. Mary's County that this Resolution shall be effective upon the date written below.

Those voting Aye: 5


Those voting Nay: 0

Those Abstaining: 0

Date of Adoption: 5/22/12


Effective Date: 7/1/12

ATTEST:



John Savich
County Administrator

COMMISSIONERS OF ST. MARY'S COUNTY



Francis Jack Russell, President


Lawrence D. Jarboe, Commissioner


Cynthia L. Jones, Commissioner


Todd B. Morgan, Commissioner


Daniel L. Morris, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


George R. Sparling
County Attorney