

**LOCAL GOVERNMENT
3 YEAR SW PLAN UPDATE
CHECK LIST**

County or Municipality Name: Ashe

WMS name Summers
Date Reviewed: 7/2/03

GENERAL COMPONENTS

- Update covers 10-year time frame (FY 03/04 thru 13/14).
- Good faith effort to achieve State's waste reduction goal (achievable for area politics/economics?).
(With justification for local waste reduction goals [economics, markets, etc])
- Comply with State comprehensive solid waste management plan (does local plan attempt to make positive strides in waste reduction?).
- Include a description of the process by which the update was developed.
- Description of public participation process (signed resolution from **all** local govt or municipality required to produce separate plan if no resolution).
- Copy of public meeting advertisement (newspaper ad, article, flyer).
- Description and assessment of the full cost of solid waste management (can use 2nd page of most recent local government annual report).
- Consider the use of facilities and other resources that may be available through private enterprise.
- Planning Element* sheets with descriptive assessment for each sheet (supporting text especially if sheets are sketchy).

SPECIFIC COMPONENTS

- Evaluation of the solid waste stream in the geographic area covered by the plan (own study or Quick Waste Stream Analysis) (Includes municipal solid waste (MSW), construction and demolition (C & D) debris, land clearing and inert debris (LCID) whether the planning entity physically controls all portions or not).

GOAL

- Compare previous per capita waste reduction and adjust goal as necessary.
- Establish a new per capita waste reduction goal to cover 10 years of planning (worksheet provided but can use alternative method).
- Update is designed to achieve the solid waste reduction goal** through various programs and methods.

PLANNING ELEMENT SHEETS:

(Assessment of initial plan with current status & new/revised actions to achieve goals through 10 year planning period)

- Reduction at the source
- Collection
- Recycling and Reuse
- Composting and mulching
- Incineration with energy recovery
- Incineration without energy recovery
- Transfer outside the geographic area covered by the plan
- Disposal capacity (10 yr capacity for **all** waste types)(if no capacity for specific waste must have plan for handling the waste)
- Education with the community and through the schools
- Special waste (tires, white goods, yard waste, septage, household hazardous waste)
- Illegal disposal/litter
- Purchasing recycled products
- Disaster response (list of contacts and approved staging areas or disposal sites)

goals by swap shops, conv ctrs & education



County Of Ashe
Environmental Services

PO Box 1327

West Jefferson, NC 28694

(336) 246-3721

Fax (336) 246-2874

environmentalservices@ashecountygov.com

Scott Hurley, Director



Mr. Bill Patrakis
Environmental Biologist
1646 Mail Service Center
Raleigh, NC 27699-1646

Dear Bill;

As stated in your September 8th letter, that Ashe County needed to revise their three year Solid Waste Plan, the plan is as follows.

Ashe County Department of Environmental Services has 7 locations where White Goods are collected. Each location has a 40 yard container for which White Goods can be discarded. Once one of these containers are full, one of the department's employee's is dispatched out to pick the container up. After the container is picked up it's delivered to the Ashe County Recycling Center for processing. The first procedure is an employee will take our 242-B CAT skid steer loader that we just purchased, and pick up any CFC containing White Goods, and place them in the recycling building where CFC removal is to begin. Once all CFC white goods are inside building, 5 certified employees are capable of removing the CFC's. We purchased a Freon removal machine along with different tanks to perform this procedure. After all CFC's have been removed, we then again use the skid steer to remove white goods out of building, and placed in our scrape metal yard. The tanks that have used CFC's in them are stored until full. Once they are full we transport them to C.C. Dickson of Wilkesboro where they swap out new tanks, for our full ones, then the procedure starts over. Once in the scrape yard another employee will utilize a 315-CL Trac Hoe to place all white good materials in a 48 foot open top trailer. When the trailer has been loaded another employee will utilize a Kenworth road tractor to deliver to main processing plant. The processing plant the county of Ashe uses is Atlantic Scrap & Processing in Kernersville NC. We receive \$120.00 per ton as of to date. This price can vary at times due to demand of metal.

These are the procedures the County Of Ashe uses to maintain their White Goods Program.



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North Carolina
Department of Environment and Natural Resources

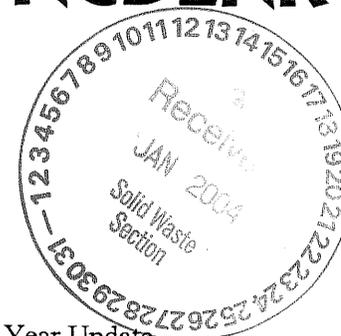
Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary
Dexter R. Matthews, Director



January 9, 2004

Dan McMillan, Ashe County Manager
150 Government Circle
Suite 2500
Jefferson, NC 28640



SUBJECT: Local Government Solid Waste Management Plan Three Year Update
Ashe County, Non-Facility

Dear Mr. McMillan:

The Solid Waste Section has completed the compliance review of your most recent update to the 10-year comprehensive solid waste management plan. It appears that the update has addressed the requirement of GS 130A-309.09A(b). We encourage your local government to implement the programs as stated in the update and to continually review the effectiveness of the plan in meeting local goals and the waste reduction goals of the State.

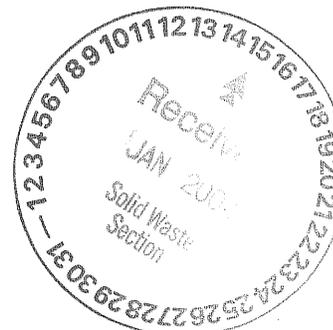
North Carolina General Statute 130A-309.09A(b) requires that each plan shall be updated at least every three years. Any of the significant changes noted below justify earlier updates:

- Changes that affect a local government's strategy toward achieving their waste reduction goal.
- Changes that affect a local government's infrastructure (e.g., transfer station, collection system).
- Changes that affect a local government's disposal capacity.
- Changes in interlocal agreements or service agreements/contracts (multi-jurisdictional, public or private).
- Changes in any solid waste facilities, such as new facilities or major modifications of existing facilities requiring Solid Waste Section permits.

If you have any questions or need assistance regarding this matter, please contact me by telephone at 336-771-4608 extension 208 or e-mail wendy.simmons@ncmail.net.

Sincerely,

Wendy Simmons
Waste Management Specialist
Solid Waste Section



cc: Mark Poindexter, Field Operations Branch Head
Brent Rockett Western District Supervisor
Cheryl Hannah, Waste Management Analyst

RECEIVED
N.C. Dept. of EHNR

JUN 30 2003

Winston-Salem
Regional Office



**ASHE COUNTY
SOLID WASTE MANAGEMENT PLAN UPDATE
JUNE 30, 2003**

Donald R. Houck, Director
Ashe County Environmental Services
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Update prepared with assistance from:
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INTRODUCTION

In June 1997 the Ashe County Board of Commissioners adopted a Solid Waste Management Plan in accordance with North Carolina General Statute 130A-309.09A. The plan covered all aspects of solid waste management in Ashe County, including the Towns of Jefferson, Lansing, and West Jefferson for a ten-year planning period (FY 1996/97 through FY 2005/06). The General Statute requires an update every three years. The plan was updated in 2000 for the period FY 2000/01 through FY 2009/10. This update (2003) covers the planning period FY 2003/04 through FY 2013/14.

UPDATE DEVELOPMENT & PUBLIC PARTICIPATION

The update was developed by employees of the Ashe County Department of Environmental Services and Ashe County administration, with assistance from High Country Council of Governments. Drafts of the update were presented to management of the Towns of Jefferson, Lansing, and West Jefferson for comment and input. Copies of the draft were made available to the public for review, and a public meeting was held to gather citizen input on the draft update.

GENERAL GOALS & OBJECTIVES

1. To provide everyone with waste collection services and waste reduction opportunities.
2. To increase the efficiency and cost-effectiveness of the solid waste program.
3. To meet established local waste reduction goals, and thus help meet statewide waste reduction goals.
4. To decrease improper waste disposal.
5. To protect public health and the environment.

EVALUATION OF WASTE STREAM COMPONENTS

Ashe County estimates the components of the waste stream in FY 2001-2002 to be as follows:

Residential	60%
Commercial	27%
Industrial	8%
Construction & Demolition	5%

Nonresidential Waste Generators & Estimated Tons, FY 2001-2002

<u>Sources</u>	<u>Tons</u>	<u>Major Materials</u>
Gates Rubber	1,446.77	rubber
NCDOT Bridge Maintenance	554.22	wood
United Chemi-Con	175.86	plastic, paper, food wastes
Sam Miller roofing	138.79	roofing shingles
Vannoy Construction	96.25	wood, sheetrock

Shatley Springs	74.15	paper, plastics, food wastes
Oldham	154.48	
Miscellaneous retail stores, restaurants, & other businesses	3,594.14	metal, plastic, paper, cardboard, glass, pallets, food waste, wood

A copy of the county's Quick Waste Stream Analysis is attached.

No particular waste stream presents unusual problems for the County, as shown by these statistics and the county characteristics described below.

ASHE COUNTY CHARACTERISTICS & THE IMPACT ON SOLID WASTE GENERATION

Ashe County is located in the northwestern mountains of the state. With a land area of 428 square miles and a population of 24,809 (58.22 per sq. mile), the county is overwhelmingly rural. Three small incorporated municipalities are located in the county- the adjacent towns of Jefferson (pop= 1,422) and West Jefferson (pop= 1,081), and Lansing (pop= 151).

The largest workforce sectors in Ashe County are manufacturing (31%), retail (17.4%), service (17.0%), and government (14.6%). The rural landscape of the county supports a significant Christmas tree industry and beef cattle production. Ashe County's rural nature also attracts a notable number of tourists. Travel attractions include two state parks and the Blue Ridge Parkway. The major industries in the county manufacture wiring devices, saw blades, electronic capacitors, emergency vehicle bodies, and motor vehicle parts.

While the impact of tourism can be a challenge to measure, the data above show that retail trade and service-related jobs are a significant part of the county's economy. The 2000 census shows a 10% growth in Ashe County's population since 1990, despite the fact that job opportunities have been minimal. This implies an increase in the number of retirees in the county, which would also indicate an increase in the construction of second homes. While retirees who move permanently to Ashe County are, of course, included in the county's population numbers, seasonal residents are not. Second- home construction and seasonal residents generate a significant amount of solid waste, but the seasonal residents are not included in the County's official population figure, resulting in an unusually high per capita solid waste disposal rate that does not reflect the true situation. In other words, *all* of Ashe County's solid waste is accounted for, while only *part* of the population is included in the per capita formula.

Evidence of seasonal residents-generated solid waste can be seen in the variation of waste disposal at specific convenience centers. For example, Ashe County solid waste personnel note that the volume of waste disposed at the Baldwin and Bare Creek convenience centers varies considerably between summer and winter due to large populations of second-home residents near these sites.

In addition to seasonal residents, a significant number of tourists visit the county each year and, in a similar manner, generate a significant amount of solid waste, but are not counted in the county's official population figures. The growth of tourism can be seen in revenue figures obtained from the

N.C. Dept. of Commerce. The county has experienced a steady gain in tourism-related spending- from \$13.52 million in 1990 to \$30.23 million in 2001. Tourists, in general, actually create more solid waste per capita than permanent residents; due to the need for and convenience of disposable and prepackaged goods in traveling.

PLANNING ELEMENTS

Reduction Element

Ashe County encourages solid waste source reduction through the promotion of swap shops. This program allows county residents to leave unwanted-but still useful- items at specific locations. These items vary considerably, from lawn mowers to furniture. Anyone may pick up items at the swap shops. Swap shops are available to county residents at two convenience centers. The swap shops are very popular among county citizens, and have been overwhelmingly successful in reducing the volume of such items in the waste stream. If funding becomes available, Ashe County will place swap shops at all convenience centers.

Individual counties, especially rural counties, are somewhat limited in the amount of solid waste reduction that can be realized, regardless of programs that could be implemented. Packaging by manufacturers and national consumer preferences for convenience determine a great deal of the waste stream in any county. Even the most conscientious efforts to reduce waste are limited by the fact that many goods can be obtained only in wasteful packaging. Rural counties (such as Ashe) do not have a sufficient number of businesses and industries to effectively promote waste exchanges, financial incentives, or other programs that would result in a significant source reduction.

Collection Element

Waste collection throughout Ashe County is handled by private contractors and county personnel. Garbage Disposal Service (GDS) has contracts with the Towns of Jefferson and West Jefferson for curbside collection of residential waste. GDS also has contracts with various businesses and residents throughout the county as well.

Ashe County provides collection service at five convenience centers. The convenience centers are staffed, and accept residential solid waste and recyclables. The centers are open Mondays 6 AM to 7 PM; Tuesdays, Thursdays, Fridays, and Saturdays from 7 AM to 7 PM. The household hazardous waste collection center on Doggett Road is open 8 AM to 6 PM Monday, Thursday, Friday, and Saturday. Ashe County provides personnel and equipment for operation of the convenience centers and transport of materials to the county landfill.

Solid waste personnel see the need for two additional convenience centers in the southern portion of the county, within the next ten years. The Baldwin convenience center is heavily used, and additional growth in the vicinity would necessitate more collection sites.

The Town of Lansing does not provide curbside collection. Town residents utilize the nearest county convenience center.

	<u>Ashe County</u>	<u>Jefferson</u>	<u>West Jefferson</u>
# of households served	12,515	550	580
annual tonnage	21,509.77	363	352.7
collection costs	\$480,705	\$27,720	\$62,619
cost per household	\$38.40	\$50.40	\$107.96
cost per ton	\$22.34	\$76.36	\$177.74

Recycling & Reuse Element

Recyclables are accepted at all convenience centers and at the landfill. Consequently, all households (12,515) in the county are served by the drop-off recycling program, with approximately 5,006 households (40%) actively using the program. The materials accepted are brown glass, clear glass, green glass, #2-#7 plastics, single-ply cardboard, corrugated cardboard, newsprint, aluminum cans, and steel cans. The County stockpiles recyclables at the landfill, and hauls them to various destinations based on current market values. Following are tonnage & sales figures for recyclables:

Plastic	13.88 tons	\$219.25
Newspapers	188.40 tons	\$8,946.60
Clear glass*	8.96 tons	\$0
Cardboard	377.73 tons	\$24,824.44
Brown/green glass*	25.34 tons	\$0
Aluminum cans		\$3,756.15

*Ashe County delivers glass to a recycling facility, but receives no compensation.

Ashe County encourages recycling through its solid waste ordinance which prohibits “Disposing of recyclable materials co-mingled with garbage with contents that amount to 25% or more by weight or volume...” Ashe County Schools recently established a recycling program.

The Town of West Jefferson has a recycling drop-off site, and recovered 0.5 ton of recyclables in the past year.

The Town of Jefferson offers curbside recycling and operates a recycling drop-off site for cardboard. Jefferson recovered 36.22 tons of recyclables in the last year, at a cost of \$13,612 (\$24.75/household or \$375.81/ton).

Three nonprofit reuse programs exist in the county (none sponsored by the county solid waste department). The Sharing Center in West Jefferson accepts used clothing, mattresses, and other household items. The Helping Hands Ministries in Jefferson accepts clothes, household items, and furniture. BROC in Warrensville accepts used clothing. All three distribute donated items to the needy.

For recycling education information, see the Education Element.

Composting & Mulching

Yard waste is accepted at the county land clearing & inert debris (LCID) landfill. Christmas trees are also collected and ground. The resulting mulch is offered to county residents free of charge.

The Towns of Jefferson and West Jefferson collect yard waste within their town limits. West Jefferson owns a chipper to dispose of yard waste.

The types of natural disasters likely to affect Ashe County and the solid waste stream are winter storm events, and occasional remnants of hurricanes, that could result in a great deal of vegetative debris. County solid waste employees have identified an area at the landfill that will serve as a

staging area for the processing of vegetative debris, in the event of a natural disaster. Due to the overwhelmingly rural nature of the county, however, it is unlikely that the Dept. of Environmental Services will be inundated with vegetative debris, even if a storm uproots or breaks a large number of trees. Rural property owners usually dispose of such debris on their own land, or utilize fallen timber for firewood. For example, Hurricane Hugo passed over the county in 1989 and resulted in much vegetative debris. Solid waste personnel report, however, that the storm did not result in additional waste at the landfill.

The Town of Jefferson has a staging area near the town's water tank where debris could be collected in the event of a natural disaster. The Town of West Jefferson has identified a cleared site behind the Town's maintenance building that could be used to collect natural disaster debris.

Although a formal composting program is not in place, rural residents often utilize organic materials on gardens and fields. Due to the rural nature of the county, a formal composting program does not appear to be practical.

Incineration

Incineration is not part of the county's current program, nor planned. The county considers it an inappropriate waste management option due to the relatively low level of local waste flow, public opinion, and capital/operating costs.

Transfer Outside Geographic Area

Ashe County owns and operates a Subtitle D lined landfill and, therefore, does not transfer solid waste outside of the county. The landfill will continue to operate beyond the time frame of this plan. Consequently, the county will not need to transfer solid waste within that time.

Disposal

Ashe County began operation of a 220-acre Subtitle D lined landfill in 1992. The total permitted landfill area is expected to last 40 years (beginning in 1992), based on current disposal rates, current regulations, and allowing for lateral expansions every 5-7 years. The County also operates a permitted LCID landfill that is expected to last 20-25 years, based on current disposal rates.

One private LCID landfill exists in Ashe County.

The cost of solid waste disposal (cost to operate landfill) for Ashe County was \$954,613 for the past fiscal year. Jefferson's and West Jefferson's disposal costs were \$19,840 and \$13,969, respectively.

Ashe County does not accept any imported solid waste at its landfill.

The North Carolina State Data Center projects 13.8% growth in the county's population by 2020 (2000 pop. = 24,384; 2020 projected pop. = 27,757). Even considering this growth rate and consequently reducing the life expectancy of the landfill by 13.8%, the existing landfill will meet Ashe County's disposal needs within the timeframe of this planning document.

Education

Ashe County employs a solid waste enforcement officer who also acts as a solid waste education specialist. The officer visits schools approximately six times per year in order to educate children on various solid waste issues, including recycling, and distribute brochures and coloring books that

underscore these issues. The officer meets with various civic groups as well. Numerous teachers make an annual field trip with their class to the landfill.

Special Wastes

Tires

Tires are collected at the county landfill site and hauled to various markets depending on current costs. The primary destination is Tires, Inc. in Winston-Salem. The county received 36,701 tires at the landfill in FY 2001-2002. Total cost for tire disposal in FY 2001-2002 was \$25,319. Funds distributed from the statewide tire tax pays for the tire recycling program. Ashe County received \$53,897.12 from the Scrap Tire Disposal Tax Program FY 2001-2002.

Solid waste personnel report that tire disposal is increasing slightly.

White goods

White goods are accepted at the county convenience centers and landfill. The county hauls the white goods to various destinations based on current market prices. The county received 407.96 tons of white goods at the landfill in FY 2001-2002. North Carolina's White Goods Disposal Tax Program distributed \$22,063.96 to Ashe County in FY 2001-2002.

Solid waste personnel report major increases in the disposal of white goods.

Lead-acid batteries

Lead-acid batteries are collected at the county convenience centers and the landfill, with 593 collected in FY 2001-2002. The batteries are stockpiled and eventually sold to private recycling contractors. No significant increase or decrease in the number of batteries disposed has been noted.

Used motor oil

Used motor oil is collected at the county convenience centers, with 5,305 gallons collected in FY 2001-2002. The oil is sold to private refineries who pick-up the oil at the centers. No significant increase or decrease in the amount of used motor oil collected has been noted.

Household hazardous waste

Ashe County has a certified household hazardous waste (HHW) handler. HHW is collected at the City-County Household Hazardous Waste & Recycling Center on Doggett Road four days per week. In FY 2001-2002, 12,620 pounds of HHW were collected at a cost of \$5,500. The amount of HHW collected has been increasing slightly.

Illegal Disposal/Litter

Ashe County has a Solid Waste Management Ordinance that addresses illegal disposal of waste. The ordinance defines illegal disposal, outlines enforcement, and sets fines for offenders.. The County has designated a Solid Waste Enforcement Officer approximately five years ago, and all county convenience center staff have authority to enforce the ordinance. In addition, the County's Codes Enforcement Officers and the Sheriff's Department cooperate with solid waste personnel in handling illegal dumping.

Purchasing Recycled Products

No recycled product purchasing program is in place at this time. The relatively small volume of products used by the County would make such a program uneconomical and have a relatively insignificant impact.

Disaster Response

The types of natural disasters likely to affect Ashe County and the solid waste stream are winter storm events that could result in a great deal of vegetative debris. County solid waste employees have identified an area at the landfill that will serve as a staging area for the processing of vegetative debris, in the event of a natural disaster. Due to the overwhelmingly rural nature of the county, however, it is unlikely that the Dept. of Environmental Services will be inundated with vegetative debris, even if a storm uproots or breaks a large number of trees. Rural property owners usually dispose of such debris on their own land, or utilize fallen timber for firewood.

The Town of Jefferson has a staging area near the town's water tank where debris could be collected in the event of a natural disaster. The Town of West Jefferson has identified a cleared site behind the Town's maintenance building that could be used to collect natural disaster debris.

COST ASSESSMENT
FY 2001-2002 Budget

Ashe County's solid waste management programs are primarily financed through tipping fees. Additional revenue comes from reimbursements from the state's tire tax and white goods tax, as well as from the sale of recyclables. Contributions from the Environmental Services Enterprise Fund and the General Fund are appropriated as needed to cover expenditures.

Revenues

Tipping fees & recycling revenues	\$768,000
Scrap tire & white goods tax reimbursements	\$ 74,000
Interest	\$ 15,000
General fund	\$228,318
Enterprise fund appropriated	\$333,000
TOTAL REVENUES	\$1,418,318

Expenditures

Collection	\$480,705
Disposal	\$937,913
TOTAL EXPENDITURES	\$1,418,318

EXECUTIVE SUMMARY

EXPLANATION OF WASTE REDUCTION GOALS

National & Statewide Trends

Like most North Carolina counties and the state as a whole, Ashe has been unable to reach the statewide goal of a 40% reduction in the amount of waste landfilled (from the 1991 baseline year). The North Carolina Solid Waste Management Annual Report for FY 2001/02 describes several national trends, waste economics, and general societal characteristics that make waste reduction difficult for almost all counties, including Ashe. Many factors are beyond the control of county officials. Individual counties, especially rural counties, are somewhat limited in the amount of solid waste reduction that can be realized, regardless of programs that could be implemented. Packaging by manufacturers and national consumer preferences for convenience determine a great deal of the waste stream in any county. Even the most conscientious efforts to reduce waste are limited by the fact that many goods can be obtained only in wasteful packaging.

New Goals

Ashe County's baseline year per capita disposal rate was 0.81 tons. With a per capita rate of 0.88 (9% increase) in FY 1998-99, the County established a goal of reducing the increase to 0% in FY 2005-06. In FY 2001-02, the per capita rate exhibited an even greater increase from the baseline year: 0.93 or a 13% increase.

Clearly, Ashe County must work toward reaching the baseline year rate before considering a goal of actually reducing the per capita rate; i.e. the County must reduce the increase per capita before realistically being able to reduce the baseline year rate. Therefore, the County set a FY 2005-06 goal of reducing the increase in tonnage per capita from 13% to 5%. The new FY 2012-13 goal will be a return to the baseline rate of 0.81 per capita, or a 0% increase.

Limiting Factors

These goals are established with the knowledge that the County has few options in reducing the volume of solid waste further. The size, rural nature, and dispersed population of Ashe County limits the number of feasible and effective actions the County can take (in addition to actions already implemented) to reduce, reuse, and recycle solid waste. The relatively small number of commercial establishments offers few opportunities for waste exchanges, collective reuse efforts, or other programs requiring significant volumes of specific types of solid waste. Rural residents customarily compost (informally) and dispose of organic wastes and vegetative debris on their own property- with few negative consequences- meaning that a formal composting program would likely be ineffective and unneeded. Recycling opportunities are currently offered to all county residents through the widely-distributed convenience centers, as well as through programs offered by the towns.

Reaching the New Goals

To reach the new goals, the County plans to open additional swap shops if funding is available. Current recycling and solid waste education efforts through the schools will presumably have an effect on the volume of solid waste in the coming years as the next generation of adults will be more conscientious concerning waste disposal. The possible opening of two additional convenience centers will make recycling opportunities more accessible for at least a portion of the county's population.

Effect of Seasonal Residents & Tourism

Ashe County is unable to achieve significant waste reduction, as measured by the per capita formula, due to the attraction of the county to second-home residents and tourists. As described in the section titled "Ashe County Characteristics," second-home residents and tourists contribute significantly to the waste stream, but are not counted in the population, resulting in a per capita disposal rate for the county that does not take all these factors into consideration and thus, will continue to be unrealistically high.

Ashe County will continue its good faith effort of reducing solid waste by providing all county citizens with waste recycling opportunities through the collection convenience centers, and through education efforts in the schools and elsewhere. The County will continue to dispose of solid waste at the existing landfill for the time period covered by this planning document. Facilities exist for processing and disposing of waste resulting from a natural disaster. Existing procedures for handling and disposing of special wastes will continue.

APPENDICES

ASHE COUNTY

RESOLUTION TO APPROVE THE 2003 ASHE COUNTY SOLID
WASTE MANAGEMENT PLAN UPDATE

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, and control the cost of solid waste management;

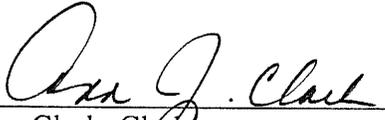
WHEREAS, North Carolina General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a ten-year comprehensive solid waste management plan;

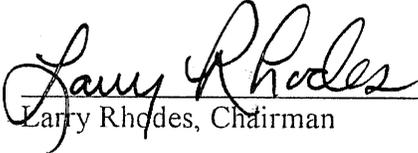
WHEREAS, Ashe County developed the Ashe County Solid Waste Management Plan, approved in 1997;

WHEREAS, three-year updates to the Plan, submitted to the North Carolina Division of Solid Waste Management, are mandatory.

NOW, THEREFORE, BE IT RESOLVED that Ashe County hereby approves the 2003 Ashe County Solid Waste Management Plan Update.

Adopted this 16th day of June 2003.


Ann Clark, Clerk
Board of Commissioners


Larry Rhodes, Chairman

SEAL



TOWN OF JEFFERSON

**RESOLUTION TO APPROVE THE 2003 ASHE COUNTY SOLID
WASTE MANAGEMENT PLAN UPDATE**

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, and control the cost of solid waste management;

WHEREAS, North Carolina General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan;

WHEREAS, Ashe County developed the Ashe County Solid Waste Management Plan, approved in 1997;

WHEREAS, three-year updates to the Plan, submitted to the North Carolina Division of Solid Waste Management, are mandatory;

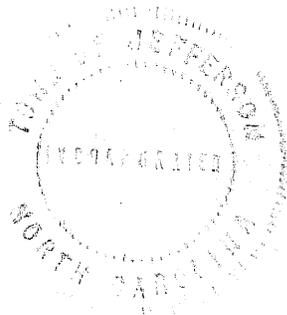
NOW THEREFORE, BE IT RESOLVED that the Town of Jefferson hereby approves the 2003 Ashe County Solid Waste Management Plan Update.

Adopted this 27th day of May, 2003.

Meredith Ballou

Stanley

SEAL



MAYOR:

Dale Baldwin

TOWN MANAGER:

Ken McFadyen

CHIEF OF POLICE:

James Williams



ALDERMEN:

Ted Huffman

Bob McCoy

Earl McNeill

Grant Price

Brett Summey

Town of West Jefferson

"Prosperity, Growth, Achievement"

Resolution to Approve the 2003 Ashe County Solid Waste Management Plan Update

Whereas, better planning for solid waste will protect the public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, and control the cost of solid waste management;

Whereas, North Carolina General Statutes 130A-309.09A (b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan;

Whereas, Ashe County developed the Ashe County Solid Waste Management Plan, approved in 1997;

Whereas, the Town of West Jefferson has assisted Ashe County in the development and operation of the Doggett Road convenience center and currently appropriates funding to the convenience center's operation;

Whereas, three-year updates to the Plan, submitted to the North Carolina Division of Solid Waste Management, are mandatory;

Now, Therefore, Be It Resolved that the Board of Aldermen for the Town of West Jefferson hereby approves the 2003 Ashe County Solid Waste Management Plan Update.

Adopted this Fifth day of June, 2003.

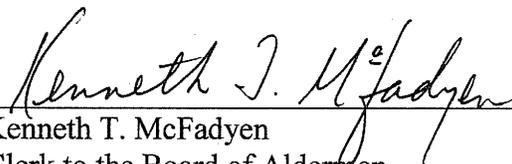
Board of Aldermen

[Signature]
[Signature]
[Signature]
Earl F. McNeill
Brett Summey, Jr.

CERTIFICATION

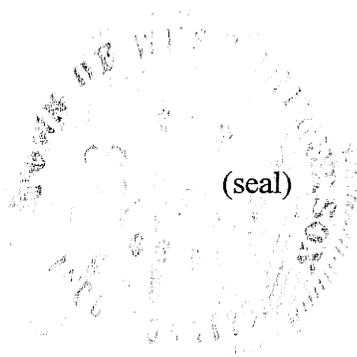
I, Kenneth T. McFadyen, Clerk to the Board of Aldermen for the Town of West Jefferson, hereby certify that the attached resolution is a true copy of the original adopted by the Board of Aldermen on June 5, 2003.

Signed this the 20th day of June, 2003.



Kenneth T. McFadyen
Clerk to the Board of Aldermen

(seal)



HIGH COUNTRY COUNCIL OF GOVERNMENTS

REGION D

E-Mail Address: kcoffey@regiond.org

James Coffey
Chairman of the Board

Charles Vines
Vice-Chairman

Glenn Johnson
Secretary

Velma Burnley
Treasurer

Richard Fender
Executive Director

May 7, 2003

Dayna Brown
Town of Lansing
PO Box 266
Lansing, NC 28643

Dear Dayna:

Enclosed is a draft of Ashe County's Solid Waste Management Plan Update for your review and comments. Keep in mind that this is a draft document and may be modified based on your comments.

If you have comments, questions, and/or want to make changes in the update, please contact Don Houck, Dan McMillan or me by May 23rd. The update must be approved by all town governing boards, as well as the county board of commissioners, and submitted to the Division of Solid Waste Management in Raleigh by June 30, 2003. I have enclosed a sample resolution.

Sincerely,



Mr. Kelly Coffey
Regional Planner

Enclosure

PUBLIC NOTICE

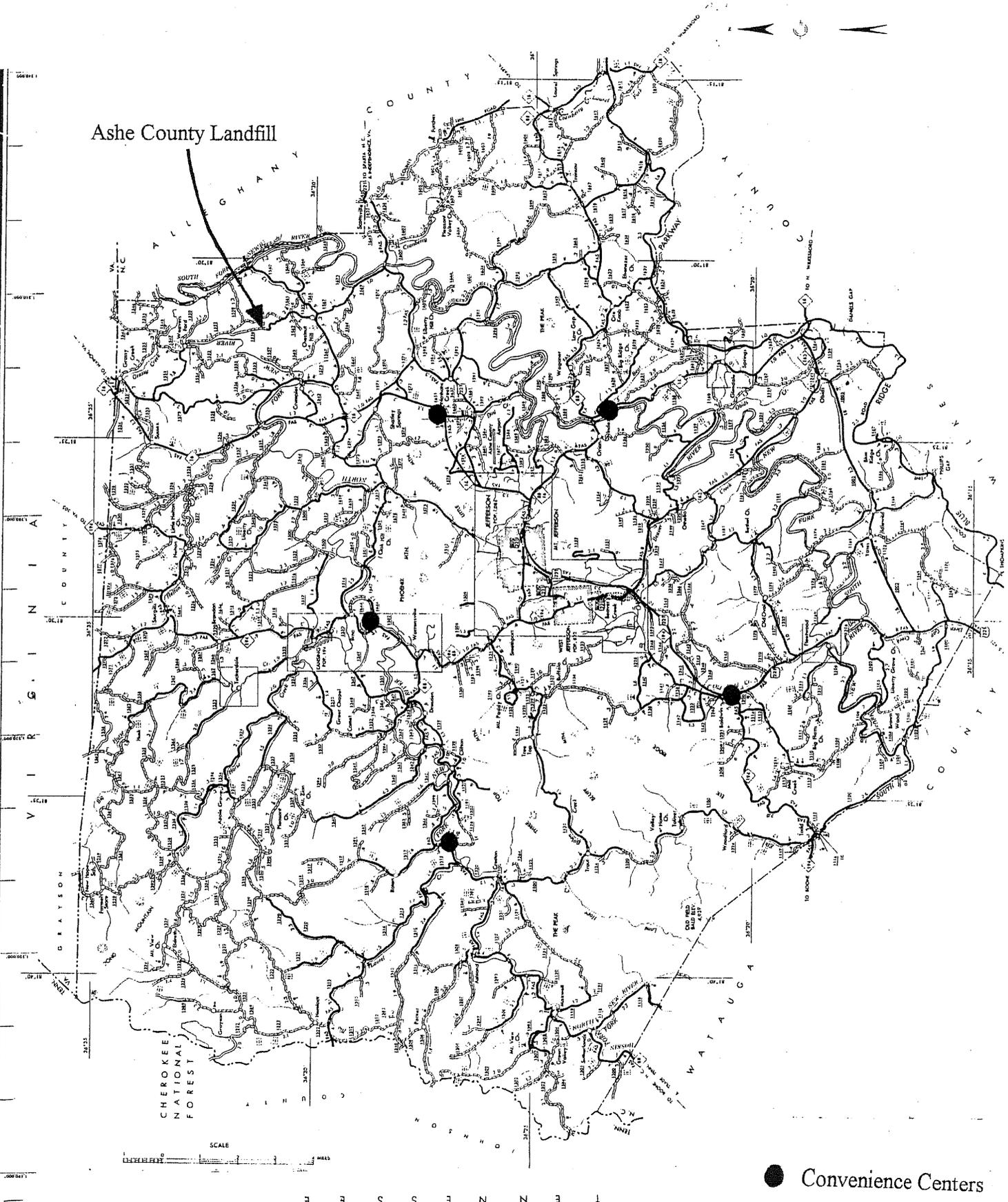
The County of Ashe will hold a public hearing on Monday, June 16, 2003 at 3:35 p.m. in the small courtroom on the third floor of the Courthouse. The purpose of the public hearing will be to gather citizen input on Ashe County's Solid Waste Management Plan Update. The update is required by state law every three years as a means for counties and municipalities to make changes to the Ten-Year Solid Waste Management Plan. Ashe County's Solid Waste Management Plan was adopted in 1997, updated in 2000, and outlines all aspects of solid waste collection and disposal in the county. Copies of the Solid Waste Management Plan Update are available for public examination at the County Manager's office in the Courthouse.

Ann Clark

Clerk, Board of Commissioners

06/03/03

Ashe County Planning Area



Ashe County Landfill

● Convenience Centers

CHEROKEE
NATIONAL
FOREST

SCALE
0 1 2 3 4 5
MILES

T E N N E S S E E

Quick Waste Stream Analysis

This analysis seeks to identify the presence of basic materials in a community's waste stream. The analysis uses waste stream factors from the North Carolina Market Assessment report and data from the 2001-02 Local Government Solid Waste Management Annual Reports. County reports include all municipal recycling tonnages (unless noted). "Local Tonnage" represents estimated generation from residential, institutional, commercial sources. The whole waste stream is not represented here. "Current recovery" reflects LG recycling efforts only and is taken from the Local Government Solid Waste Management Annual Reports; no private sector recovery is included. "Total Recovery" does not include special wastes. If a local government's recycling is performed by the county or another municipality, recovery numbers may not be accurately represented in this analysis. This sheet may contain errors due to rounding and may not include all materials recovered by a local government. It should be noted that private sector recovery in your community may be substantial.

Quick Waste Stream Analysis For:		ASHE COUNTY			
STATISTICS		Recovery (lbs/capita):		79.49	
Community Population (7/1/01):	24,806	Ave. Municipal Recovery (lbs/capita):		106.44	
Total FY 01-02 Recovery (tons):	985.93	Ave. County Recovery (lbs/capita)*:		107.26	
* (County recovery includes municipalities)					
Material	Local Tonnage	Current Recovery	Tons Left In Waste Stream	Percent Recovered	Average LG Recovery
Total Paper	6,749.65	512.47	6,237.18	7.6%	12.0%
Newsprint	908.80	201.40	707.40	22.2%	48.0%
Corrugated Cardboard	2,744.20	311.07	2,433.13	11.3%	9.9%
Magazines	228.66	-	228.66	0.0%	5.0%
Office Paper	601.03	-	601.03	0.0%	1.4%
Mixed Paper	2,183.03	-	2,183.03	0.0%	3.3%
Other Paper	83.93	-	83.93	0.0%	16.2%
Total Glass	900.40	42.90	857.50	4.8%	16.1%
Clear	450.20	12.74	437.46	2.8%	14.1%
Green	234.10	1.98	232.13	0.8%	14.5%
Amber	216.10	28.18	187.92	13.0%	22.1%
Total Plastic	1,267.62	16.71	1,250.91	1.3%	3.9%
PETE	234.70	11.16	223.54	4.8%	12.5%
HDPE	426.20	5.55	420.65	1.3%	4.7%
Other Plastic	606.72	-	606.72	0.0%	10.0%
Aluminum Cans	142.52	4.89	137.63	3.4%	10.5%
Steel Cans (Bi-Metal)	250.55	1.00	249.55	0.4%	8.8%
White Goods	362.29	407.96	-45.67	112.6%	52.2%
Pallets and Wood Crates	1,431.59	-	1,431.59	0.0%	2.8%
Food Wastes	2,775.71	N/A	N/A	N/A	N/A
Textiles (post consumer)	590.52	-	590.52	0.0%	0.1%
Electronics	161.94	-	161.94	0.0%	0.4%
Commingled Tonnage	N/A	-	N/A	N/A	N/A
Other Materials Collected					
Other Metal	N/A	-	N/A	N/A	N/A
Other Wood	N/A	-	N/A	N/A	N/A
-	N/A	-	N/A	N/A	N/A
-	N/A	-	N/A	N/A	N/A
-	N/A	-	N/A	N/A	N/A
Special Wastes					
Used Oil (Gallons)	43,855.25	5,305.00	38,550.25	12.1%	6.0%
Used Oil Filters (# Filters)	40,112.19	-	40,112.19	0.0%	0.3%
HHW (tons)	N/A	6.16	N/A	N/A	N/A

WASTE REDUCTION GOAL SHEET

NC LOCAL GOVERNMENT TEN YEAR SOLID WASTE MANAGEMENT PLAN

Local government name Ashe County

Previously established FY 2005-2006 waste reduction goal reduce increase to 0 %

After considering your government's current and projected solid waste activities, resources, population and economic growth will the FY 2005-2006 waste reduction goal change?

Yes X No _____

If Yes, what is the revised FY 2005-2006 waste reduction goal? reduce increase to 5 %

Establish a new FY 2012-2013 waste reduction goal reduce increase to 0 %

NOTE: If the Plan is based on dates other than FY 2005-2006 and FY 2012-2013 please change waste reduction goal dates.

WASTE REDUCTION CALCULATIONS

To provide 10 years of solid waste management planning, as per General Statute 130A-309.09A(b), waste reduction goals are up-dated. Use the following chart to determine the tonnages needed to manage without landfilling, to meet waste reduction goals for FY 2005-2006 and FY 2012-2013.

CALCULATIONS	FY 2005-2006	FY 2012-2013
1. Baseline year per capita disposal rate (FY 1991-1992 unless alternate approved by Section) 0.81		
2. Percent waste reduction goal	-5 %	0 %
3. Targeted per capita disposal rate (Subtract line 2 from 1.0 and multiply result by line 1)	0.85	0.81
4. Estimated population for July 2006 and July 2013 (available at http://www.osbm.state.nc.us/osbm/index.html)	25,484	26,700
5. Projected tonnage for disposal at baseline disposal rate (Multiply line 1 by line 4)	20,642	21,627
6. Targeted annual tonnage for disposal (Multiply line 3 by line 4)	21,661	21,627
7. Targeted annual tonnage to reduce (Subtract line 6 from line 5)	reduce tonnage increase to 5%	reduce tonnage increase to baseline disposal rate

PLAN OF ACTION:

Reduction

ACTIONS BASED ON 10 YR PLAN		COMPLETED ACTIONS	COMPLETION DATE	INCOMPLETE ACTIONS	WHY NOT COMPLETE?	NEW OR REVISED ACTIONS	DATE DUE
<p>KEY ACTIONS County will examine the cost of obtaining and distributing "Curtain Your Junk Mail" program kits.</p>	<p>DATE DUE No specific date set.</p>				<p>Lack of funds & staff resources to implement</p>	<p>KEY ACTIONS Establishment of swap shops at all convenience centers if funding becomes available.</p>	

PLAN OF ACTION:

Disaster Response

ACTIONS BASED ON 10 YR PLAN	DATE DUE	COMPLETED ACTIONS	COMPLETION DATE	INCOMPLETE ACTIONS	WHY NOT COMPLETE?	NEW OR REVISED ACTIONS	DATE DUE
<p>KEY ACTIONS</p> <p>The county has adequate room at its landfill site to stockpile waste resulting from a natural disaster. Upon evaluation of the materials, the county will utilize a grinder, if necessary, to process the trees and clean wood. The remaining materials will be disposed of properly.</p>		<p>KEY ACTIONS</p> <p>Planning completed; actions will be taken as necessary</p>					

PLAN OF ACTION:

Collection

ACTIONS BASED ON 10 YR PLAN		COMPLETED ACTIONS	COMPLETION DATE	INCOMPLETE ACTIONS	WHY NOT COMPLETE?	NEW OR REVISED ACTIONS	DATE DUE
<p>KEY ACTIONS</p> <p>No new actions proposed in the original plan.</p>		<p>KEY ACTIONS</p>		<p>KEY ACTIONS</p>		<p>KEY ACTIONS</p> <p>Potential need for two additional convenience centers in the southern portion of the county.</p>	<p>DATE DUE</p> <p>Prior to FY 2013/14</p>

PLAN OF ACTION:

Composting and Mulching

ACTIONS BASED ON 10 YR PLAN		COMPLETED ACTIONS	COMPLETION DATE	INCOMPLETE ACTIONS	WHY NOT COMPLETE?	NEW OR REVISED ACTIONS	DATE DUE
						KEY ACTIONS No new or revised actions are proposed.	

PLAN OF ACTION:

Incineration with Energy Recovery

ACTIONS BASED ON 10 YR PLAN		COMPLETED ACTIONS	COMPLETION DATE	INCOMPLETE ACTIONS	WHY NOT COMPLETE?	NEW OR REVISED ACTIONS	DATE DUE
<p>KEY ACTIONS</p> <p>The county does not plan to use incineration with energy recovery.</p>	<p>DATE DUE</p>	<p>KEY ACTIONS</p>	<p>COMPLETION DATE</p>	<p>KEY ACTIONS</p>	<p>WHY NOT COMPLETE?</p>	<p>KEY ACTIONS</p>	<p>DATE DUE</p>

PLAN OF ACTION:

Incineration without Energy Recovery

ACTIONS BASED ON 10 YR PLAN		COMPLETED ACTIONS	COMPLETION DATE	INCOMPLETE ACTIONS	WHY NOT COMPLETE?	NEW OR REVISED ACTIONS	DATE DUE
<p>KEY ACTIONS</p> <p>The county does not plan to use incineration without energy recovery.</p>	<p>DATE DUE</p>	<p>KEY ACTIONS</p>	<p>COMPLETION DATE</p>	<p>KEY ACTIONS</p>	<p>WHY NOT COMPLETE?</p>	<p>KEY ACTIONS</p>	<p>DATE DUE</p>

PLAN OF ACTION:

Transfer Outside Geographic Area

ACTIONS BASED ON 10 YR PLAN	DATE DUE	COMPLETED ACTIONS	COMPLETION DATE	INCOMPLETE ACTIONS	KEY ACTIONS	WHY NOT COMPLETE?	NEW OR REVISED ACTIONS	DATE DUE
<p>KEY ACTIONS</p> <p>The county will continue to operate its landfill beyond the time frame of this plan and will not need to transfer solid waste within that time.</p>								

PLAN OF ACTION:

Disposal

ACTIONS BASED ON 10 YR PLAN		COMPLETED ACTIONS	COMPLETION DATE	INCOMPLETE ACTIONS	WHY NOT COMPLETE?	NEW OR REVISED ACTIONS	DATE DUE
<p>KEY ACTIONS</p> <p>The county will continue operating its lined solid waste landfill beyond the time frame of this planning document.</p>	<p>DATE DUE</p>	<p>KEY ACTIONS</p>	<p>COMPLETION DATE</p>	<p>KEY ACTIONS</p>	<p>WHY NOT COMPLETE?</p>	<p>KEY ACTIONS</p>	<p>DATE DUE</p>

PLAN OF ACTION:

Special Waste

ACTIONS BASED ON 10 YR PLAN		COMPLETED ACTIONS	COMPLETION DATE	INCOMPLETE ACTIONS	WHY NOT COMPLETE?	NEW OR REVISED ACTIONS	DATE DUE
<p>KEY ACTIONS Tire hauling & collection will remain the same.</p>	<p>DATE DUE</p>	<p>KEY ACTIONS</p>	<p>COMPLETION DATE</p>	<p>KEY ACTIONS</p>	<p>WHY NOT COMPLETE?</p>	<p>KEY ACTIONS</p>	<p>DATE DUE</p>
<p>White goods collection and hauling will remain the same.</p>							
<p>The lead-acid battery collection program will remain the same.</p>							
<p>Used oil collection and contracting for processing will remain the same.</p>							
<p>household hazardous wastes collection will remain the same</p>							

PLAN OF ACTION:

Purchasing Recycled Products

ACTIONS BASED ON 10 YR PLAN		COMPLETED ACTIONS		INCOMPLETE ACTIONS	WHY NOT COMPLETE?	NEW OR REVISED ACTIONS	DATE DUE
<p>KEY ACTIONS</p> <p>There are no plans at this time for purchase of recycled materials programs.</p>	<p>DATE DUE</p>	<p>KEY ACTIONS</p>	<p>COMPLETION DATE</p>	<p>KEY ACTIONS</p>	<p>WHY NOT COMPLETE?</p>	<p>KEY ACTIONS</p>	<p>DATE DUE</p>

*Ashe
County*

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

CHAPTER 50: SOLID WASTE

<p>Section</p> <p style="text-align: center;"><i>General Provisions</i></p> <p>50.01 Short title</p> <p>50.02 Purpose</p> <p>50.03 Definitions</p> <p>50.04 Recovery of costs incurred in correction of violations</p> <p>50.05 State Solid Waste Management Rules adopted</p> <p>50.06 Provisions to be minimum requirements.</p> <p>50.07 Amendments</p> <p style="text-align: center;"><i>Storage and Disposal of Solid Waste</i></p> <p>50.20 Approved storage and disposal</p> <p>50.21 Open burning</p> <p>50.22 Disposal of dead domesticated animals</p> <p>50.23 Disposal of scrap tires</p> <p>50.24 Use of county landfill, county convenience/recycling centers</p> <p>50.25 Operation policies of county solid waste facilities</p> <p>50.26 Use of recycling container sites</p> <p>50.27 Testing of land where solid waste has been deposited</p> <p>50.28 Closing of illegal dumps</p> <p style="text-align: center;"><i>Commercial Collection, Transport and Disposal; Licensing</i></p> <p>50.40 Definitions</p> <p>50.41 Authority to grant licenses</p> <p>50.42 License required; exceptions</p> <p>50.43 Licenses subject to provisions of ordinance, amendments to ordinance; unauthorized licenses void</p> <p>50.44 Application, issuance, revocation of license</p> <p>50.45 License fee</p>	<p>50.46 Sale, transfer of license</p> <p>50.47 Bond, insurance requirements for licensees</p> <p>50.48 Responsibilities of licensee</p> <p>50.49 Collection and transportation of waste</p> <p style="text-align: center;"><i>Fees</i></p> <p>50.60 Authority to establish fees</p> <p>50.61 Annual review</p> <p>50.62 Formula for establishing fees</p> <p>50.63 Fee application and remedy</p> <p>50.64 Tipping fees</p> <p style="text-align: center;"><i>Administration and Enforcement</i></p> <p>50.75 Enforcement</p> <p>50.76 Equitable enforcement</p> <p>50.99 Penalty</p> <p style="text-align: center;">GENERAL PROVISIONS</p> <p>§ 50.01 SHORT TITLE.</p> <p style="padding-left: 20px;">This chapter may be cited as the "Ashe County Solid Waste Management Ordinance." (Ord. passed 8-7-95)</p> <p>§ 50.02 PURPOSE.</p> <p style="padding-left: 20px;">The purpose of this chapter is to regulate the storage, collection, transportation, and disposal of all forms of solid waste that is generated in the county, to insure the proper safe handling and provide for the general health of its citizens. This ordinance is adopted pursuant to G.S. §§ 153A-121, 153A-132.1, and 153A-136. (Ord. passed 8-7-95)</p>
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§ 50.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not specifically defined in this section shall be defined as set forth in the State Solid Waste Management Rules, 10 NCAC 10 G, section .0100, as amended from time to time.

BOARD. The Ashe County Board of Commissioners.

BULKY WASTE. Large items of solid waste such as household appliances, furniture, automobiles, large automobile or vehicle parts, branches, stumps, and other oversize waste, the large size that precludes or complicates its handling by normal solid waste collection, processing or disposal methods.

COLLECTION. The act of removing solid waste (or other materials that have been separated for the purpose of recycling) from the point of generation to a solid waste convenience center, processing facility, or disposal facility.

COMMERCIAL SOLID WASTE. Solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing commercial activities.

COMMERCIAL UNIT. That portion of real estate, including appurtenances, buildings or parts of buildings, over which the proprietor or managing agent of a commercial business or operation has control by virtue of ownership, tenancy, franchise or agency as to such property.

CONSTRUCTION AND DEMOLITION WASTE. Solid waste resulting solely from construction, remodeling, repair and demolition operations on buildings, or other structures, but does not include inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand gravel, rock, concrete, or similar non-hazardous material.

COUNTY SOLID WASTE FACILITY. All county owned and operated disposal facilities including, but not limited to, the sanitary landfill, demolition area, tire disposal area, convenience centers/recycling centers.

DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including ground waters.

ENVIRONMENTAL SERVICES DIRECTOR. The head of the Environmental Services Department which includes, but is not limited to the county sanitary landfill, animal shelter, convenience collection centers, and equipment maintenance garage.

GARBAGE. All putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

HAZARDOUS WASTE. A solid waste, or combination of solid waste that, because of its quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

HOUSEHOLD. A house, trailer, or any other type structure that is a residence of the owner. (Note that a "Household" is different from a "Commercial Unit").

INDUSTRIAL SOLID WASTE. Solid waste generated by industrial process and manufacturing.

INFECTIOUS WASTE. A solid waste capable of generating an infectious disease. The types of waste designated as infectious wastes are micro biological waste, pathological waste, blood products, and sharps.

INSTITUTIONAL SOLID WASTE. Solid waste generated by educational, health care, day care, correctional, and other institutional facilities.

MUNICIPAL SOLID WASTE. Solid waste generated within the incorporated municipalities that may originate from a commercial, industrial, or residential source, that is collected by the towns or their consignees for the benefit of the municipal residents and merchants.

PUTRESCIBLE WASTE. Solid waste capable of being decomposed by micro organism with sufficient rapidity as to cause a nuisance from odor and gases, such as kitchen waste, offal, and carcasses.

RADIOACTIVE WASTE MATERIAL. Any waste containing radioactive material as defined in G.S. § 104E-5(14).

RECYCLING. The processes in 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.

REFUSE. All non-putrescible waste.

RESIDENTIAL UNIT. That portion of land, including appurtenances, buildings or parts of buildings, trailers, or other livable structures, over which the owner or resident has control by virtue of ownership of such property or by being the occupant, tenants, lessee or lessor, of such property.

SCRAP TIRE. A tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

SOLID WASTE. Any hazardous or non-hazardous garbage, refuses, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility; domestic sewage and sludge 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, semi-solid or contained gaseous material resulting from industrial, institutional, commercial and agriculture operations, and from community activities. The term does not include:

(1) Fowl and animal fecal waste;

(2) Solid or dissolved material in:

(a) Domestic sewage and sludge generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge the effluents to the surface waters.

(b) Irrigation return flows; and

(c) Waste water discharges and sludge incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under section 402 of the Federal Water Pollution Control Act (Public Law 92-500) as amended, and permits granted under G.S. § 143-215.1 by the Environmental Management Commission; except that any sludge for the purposes of this chapter that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (Public Law 94-580), as amended, shall also be a solid waste for purposes of this definition.

(3) Oils and other liquid hydrocarbons controlled under G.S. Chapter 143, Article 21A; except that such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (Public Law 94-580), as amended, shall also be a solid waste for the purpose of this chapter.

(4) Any radioactive material as defined by the State Radiation Protection Act, G.S. §§ 104E-1 through 104E-28; or

(5) Mining refuse covered by The Mining Act of 1971, G.S. § 74-46-68, and regulated by the State Mining Commission as defined under G.S. §§ 143B-290; except that any specific mining waste

that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (Public Law 94-580), as amended, shall also be a solid waste for the purpose of this chapter.

SOLID WASTE COLLECTOR. Any company, corporation, governmental unit, or person who collects or transports solid waste by whatever means.

SOLID WASTE DISPOSAL SITE OR SITES. Any place at which solid wastes are disposed of by incinerators, sanitary landfill, demolition landfill or any other acceptable method.

SOLID WASTE RECEPTACLE. A large metal container used for the temporary storage of solid waste and capable of being emptied into collection vehicles.

TIRE. A continuous solid or pneumatic covering encircling the wheel of a motor vehicle or farm machine as defined in G.S. § 20-4.01(23).

WHITE GOODS. Any inoperative or discarded refrigerators, unit air conditioners, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

YARD WASTE. Solid waste consisting solely of vegetative matter resulting from landscaping maintenance, including grass, leaves, branches and similar organic material.
(Ord. passed 8-7-95)

§ 50.04 RECOVERY OF COSTS IN CORRECTION OF VIOLATIONS.

In addition to civil penalties in this chapter, any person who violates the terms of this chapter, and such violation creates and causes an expense to the county in correcting the violation, shall pay to the county the costs actually incurred by the county in correcting the violation of this chapter.
(Ord. passed 8-7-95)

§ 50.05 STATE SOLID WASTE MANAGEMENT RULES ADOPTED.

In addition to the terms and provisions of this chapter, the State Solid Waste Management Rules as set forth in Chapter 10 of the State Administrative Code, subchapter 10G, as amended from time to time, are hereby incorporated into and are made a part of this chapter by reference. A violation of the State Solid Waste Management Rules shall also be a violation of this chapter.
(Ord. passed 8-7-95)

§ 50.06 PROVISIONS TO BE MINIMUM REQUIREMENTS.

The provisions of this chapter shall be held to be minimum requirements, adopted for promotion of the public health, safety, moral, and general welfare of the public. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted regulations the most restrictive or that imposing the higher standards shall prevail.
(Ord. passed 8-7-95)

§ 50.07 AMENDMENTS.

The provisions of this chapter may from time to time be amended, supplemented, changed, modified, or repealed by the County Commissioners.
(Ord. passed 8-7-95)

STORAGE AND DISPOSAL OF SOLID WASTE

§ 50.20 APPROVED STORAGE AND DISPOSAL.

No owner, occupant, tenant or lessee of any property shall deposit, store or permit to accumulate any garbage or solid waste upon his property except in a manner prescribed by this chapter.

(A) Solid waste or garbage shall not be deposited, stored or permitted to accumulate on any property in such a manner that it provides food or harborage for rodents or vermin or creates a fire or safety hazard.

(B) The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed any garbage of a perishable or offensive nature that creates an odor or nuisance condition at least once per week, unless stored in a durable, rust resistant, non-absorbent, watertight container with a close fitting cover in place.

(C) It shall be unlawful for any person occupying any dwelling or dwelling unit to place or leave outside of any dwelling or dwelling unit longer than 30 days any dilapidated furniture, icebox, refrigerator, stove or other appliances, machinery, equipment, scrap building material or other item which is either in a partially or wholly rusted, wrecked, junked, dismantled or inoperative condition which, in the opinion of either the Environmental Services Director or the Health Director, constitutes a potential public health hazard. If a health hazard exists, the Department of Environmental Services or the Health Department shall give the occupant or owner written notice that, unless the potential hazard is not removed within 30 days, then prosecution under this chapter will be instituted.

(D) It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snap lock or other device thereon without first removing the snap lock or doors from the icebox, refrigerator or any other container, except for containers that are crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

(E) No person shall throw, dump, deposit or cause to be thrown, dumped or deposited solid waste on property owned by himself or another person; upon any public highway, street or road; upon public land, parks or recreation areas; or upon any other public property; except that property specifically designated for that use.

(F) It shall be unlawful for any person to dispose of solid waste at any place other than a manner approved by law. Acceptable means of solid waste disposal include the following:

(1) Only residential waste shall be deposited in county owned convenience/recycling centers.

(2) Contracting with a licensed solid waste collector.

(3) Hauling solid waste to the county landfill site, or to county owned convenience/recycling centers.

(4) Burning solid waste in an incinerator that has all required local, state and federal air pollution control permits.

(5) Any other method, including reclamation and recycling processes, that has been approved by the State Department of Health, Environment and Natural Resources.

(G) Where there is more than one premise located in a residential building or mobile home park, it shall be the responsibility of the owner or person in charge to see that the residents of said building or mobile home park dispose of their solid waste in a lawful manner consistent with one of the following: pay the annual solid waste availability fees as established herein for each residential unit or mobile home; contract with a licensed/permitted solid waste collector; or the owner or person in charge may collect and transport solid waste to the county sanitary landfill after meeting the following requirements:

(1) Apply for and be approved by the county for the establishment of an account for the purposes of billing and collection of appropriate solid waste disposal fees and display the county identification numbers.

(2) Vehicles and containers used for the collection and transportation of solid waste shall be properly secured, covered, leakproof, durable and easily cleanable. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair. Should

spillage occur, the material shall be recovered by the solid waste hauler and returned to the vehicle or container, and the area properly cleaned.

(3) Any person collecting and transporting solid waste generated on his own property for disposal at an approved disposal site shall comply with the applicable section on vehicles and containers.

(Ord. passed 8-7-95; Am. Ord. passed 12-20-95) Penalty, see § 50.99

§ 50.21 OPEN BURNING.

Open burning of solid waste is prohibited, except that nothing in this chapter shall prohibit controlled burning regulated by the North Carolina Division of Forest Resources, and residents shall be permitted to burn household non-hazardous waste in metal cans, with proper drainage, when such burning is done within 72 hours of placing the material in the can, consistent with other bans which may be issued due to general fire conditions. In any event that any provisions of this chapter conflict with the regulations of that state agency, those state regulations shall prevail.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.22 DISPOSAL OF DEAD DOMESTICATED ANIMALS.

In order to provide for the safe disposal of dead animals, one of the following procedures shall be followed for animal owners in the county.

(A) *Burial on the animal owner's property.* If the cause of death can be determined by the owner of the animal or a local veterinarian, the dead animal should be buried on the land of the animal owner.

(B) *Commercial firms.* Disposal by a commercial processing firm.

(C) *Transport to the county landfill.* If the animal owner does not have the equipment necessary to bury the animal, the body of the animal can be disposed of at the county landfill. The bodies of all animals disposed of at the landfill must be disposed

of according to instructions from the employees of the landfill and at such locations as from time to time determined by the employees of the landfill.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.23 DISPOSAL OF SCRAP TIRES.

(A) Scrap tires shall be disposed of only on a site approved by the Board and only in such manner as provided by the Board.

(B) The Board may set reasonable fees for disposal of scrap tires, and all persons or businesses disposing of scrap tires shall pay the established fee.

(C) It shall be unlawful for any person or businesses to dispose of scrap tires in the county except as provided in this chapter. Each scrap tire disposed of in violation of this chapter shall be a separate offense.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.24 USE OF COUNTY LANDFILL, COUNTY CONVENIENCE/RECYCLING CENTERS.

(A) All persons or businesses using county solid waste facilities operated by the county shall abide by the rules and regulations governing their use. A violation of such rules and regulations shall constitute a violation of this chapter.

(B) The county landfill and convenience/recycling centers may be used for the disposal of solid waste by county residents or non-resident property owners, as well as occasional visitors traveling through. In emergency situations, the solid waste facilities may be opened for additional hours beyond those established by the Board of Commissioners, as may be directed by the County Manager or his authorized representative. Except when open during pre-established hours these facilities shall be kept locked and entry shall not be permitted. Solid waste shall be disposed of at the landfill, convenience/recycling centers in a manner and according to the procedures required by the County Department of Environmental Services.

(C) No solid waste which has been collected by a contract hauler for a fee, charge, tax, or other compensation shall be accepted at the convenience/recycling center sites. Such waste shall be disposed of directly at the county landfill or other such approved solid waste facility.

(D) The following wastes shall not be disposed of in the county landfill.

- (1) Radioactive waste.
- (2) Hazardous waste.
- (3) Burning and smoldering materials.
- (4) Liquid waste.
- (5) Used oil.
- (6) Yard waste.
- (7) White goods.
- (8) Antifreeze.
- (9) Aluminum cans.
- (10) Slugs, offal.
- (11) Land clearing debris, stumps, tree trunks, etc. shall be confined to demolition field.
- (12) Untreated regulated medical waste.

(E) The following waste may be accepted at the landfill on a conditional basis only: Tires, sludges, barrels, sharps, asbestos, dead animals, land clearing debris, stumps, tree trunks, scrap wood and scrap building material, springs, wire, cable, bands, plastic packaging, and similar materials in large quantities, or in lengths exceeding three feet.
(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.25 OPERATION POLICIES OF COUNTY SOLID WASTE FACILITIES.

The landfill, convenience/recycling centers

located in the county shall be operated according to the rules and regulations providing standards for solid waste disposal adopted by the State Commission for Health Services, bulletin no. 411. The operational requirements for a landfill, convenience/recycling centers as outlined in the state administrative code, as amended from time to time, are made a part of this chapter by reference. For clarification the list of acceptable items at the convenience/recycling centers is synonymous with the landfill (§ 50.24) except that white goods and tires must be transported directly to the landfill.

(A) The solid waste facilities are operated as authorized by the Board of Commissioners under the supervision of the Environmental Services Director, or his designee.

(B) Solid waste facilities shall be open on such schedule as may be established by the Board of Commissioners. Facilities will be open to the public only when a county employee or agent is on duty and the gate is open.

(C) All solid waste shall be deposited inside the designated areas or in containers as prescribed by the attendant personnel.

(D) No person may remove any item from a convenience center container, climb on or into a designated container, or willfully damage a container.

(E) Vehicles shall observe the posted speed limits or adhere to 15 m.p.h. in the absence of such. They shall follow all other directional signs as well.

(F) Solid waste shall be observed and inspected for prohibited materials. Persons delivering solid waste to the county solid waste facilities shall upon request, disclose the full nature, content, and source of all materials delivered. All solid waste delivered to the county solid waste facilities must be separated into various categories and disposed of in the appropriate area. Vehicles arriving with mixed loads will be instructed on the proper disposal area(s). Solid waste will be accepted only in the appropriate disposal area. Persons disposing of unacceptable materials may be required to remove such materials at the discretion of the Director. All costs incurred by the county for the

removal of prohibited material shall be recoverable from the person disposing and the person or persons generating such material.

(G) Solid waste shall be disposed of at these facilities in a manner as prescribed by the Director or his designee. It shall be the responsibility of persons generating solid waste to insure that it is disposed of in accordance with the requirements of this chapter.

(H) Discharging of firearms or explosives by unauthorized personnel, or hunting, or trapping on property owned or leased by the county shall not be permitted.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.26 USE OF RECYCLING CONTAINER SITES.

Container sites for recyclable materials provided throughout the county are for use by residences and businesses alike within the unincorporated areas of the county only; or by others as may be authorized by the Board of Commissioners. Materials deposited in the containers such as cardboard boxes and other packaging materials shall be reduced to its smallest volume by bending breaking and compressing, before placing it into the containers.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.27 TESTING OF LAND WHERE SOLID WASTE HAS BEEN DEPOSITED.

No building shall be erected on any land where there has been or is being any garbage or solid waste deposited until tests are made of the property showing there is no danger in the future of settling or explosion due to methane gas being formed from the solid waste that has been deposited.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.28 CLOSING OF ILLEGAL DUMPS.

Upon determination and notification by either the Environmental Services Director or the Health Director, any person having an illegal dump shall take the following corrective action:

(A) Implement effective rodent control measures for at least two weeks after closing the dump to prevent rodent migration to adjacent properties, if determined necessary by the Health Director.

(B) Compact and cover existing solid waste with at least two feet or more of compacted earth approximately two weeks after any necessary rodent control baiting.

(C) Implement erosion control measures by grading and seeding as necessary.

(D) Post signs indicating the dump site closure. (Ord. passed 8-7-95) Penalty, see § 50.99

COMMERCIAL COLLECTION, TRANSPORT AND DISPOSAL; LICENSING

§ 50.40 DEFINITIONS.

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

LICENSE. A license to collect, transport or dispose of solid waste, issued pursuant to this subchapter.

LICENSEE. A person holding a license issued pursuant to this chapter. (Ord. passed 8-7-95)

§ 50.41 AUTHORITY TO GRANT LICENSES.

For the purposes of providing for the proper collection, transportation, recycling and disposal of solid waste, a license to provide such service will be required by the county.

(Ord. passed 8-7-95)

§ 50.42 LICENSE REQUIRED; EXCEPTIONS.

(A) It shall be unlawful for any person or business to engage in the business of collecting, transporting and disposing of solid waste, outside of

any municipality, but within any area of the county, except under the authority in full force and effect given by a license as provided for in this chapter.

(B) This section shall not apply to valid religious, charitable or civic organizations which are collecting, transporting, recycling or disposing of solid waste as a fund-raising project or as may otherwise fit the definition of institutional garbage. (Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.43 LICENSES SUBJECT TO PROVISIONS OF ORDINANCE, AMENDMENTS TO ORDINANCE; UNAUTHORIZED LICENSES VOID.

Any and every license issued shall be subject to the provisions of this chapter, as amended from time to time, except any amendment that may be made affecting the duration of a license existing at the time of the enactment of the amendment. Any license transferred or assigned without the express written authority of the Board shall be void and of no effect, and the collection of solid waste thereunder is a violation of this chapter.

(Ord. passed 8-7-95)

§ 50.44 APPLICATION, ISSUANCE, REVOCATION OF LICENSE.

(A) All applicants for license to collect, transport, dispose or recycle solid waste for any fiscal year (commencing July 1) shall file written application with the County Manager on or before February 15 prior to the beginning of the fiscal year and shall furnish the following:

(1) The name and address of the applicant, and whether the applicant is a sole proprietorship, corporation or partnership, with disclosure of all ownership interest if requested by the County Manager.

(2) A list of equipment possessed, available or to be obtained by the applicant.

(3) The number of employees the applicant expects to use in the business.

(4) The experience of the applicant in solid waste collection.

(5) A balance sheet or equivalent financial statement prepared by a certified public accountant or other person satisfactory to the Board, as to the applicants last business year, showing the net worth of the business. All financial data submitted in compliance with the requirements with this division shall be confidential and shall not be regarded as public information.

(6) Planned routes and the area of the county the applicant expects to serve.

(7) A schedule of fees the applicant plans to charge.

(8) Any other information the Board may reasonably request.

(B) Licensed haulers need only to pay annual license fees for renewal of license.

(C) The Board reserves the right to withdraw any license upon satisfactory proof of the inability of the licensee or upon the failure of the licensee to properly perform the duties covered by the license contract in a proper and satisfactory manner, after the licensee has been given an opportunity for a hearing before the Board, by written notice setting out the time and place of the hearing, at least ten days before the hearing.

(D) Before the county issues a license pursuant to this section, the County Manager or his duly authorized representative shall determine that all facilities, equipment and proposed operating methods that the applicant plans to use in the solid waste collection business are in compliance with this chapter and applicable regulations of the Department of Environment, Health and Natural Resources. (Ord. passed 8-7-95)

§ 50.45 LICENSE FEE.

The licensee shall pay to the county the sum of \$100 for the issuance of each license.

(Ord. passed 8-7-95)

§ 50.46 SALE, TRANSFER OF LICENSE.

No license granted under the provisions of this chapter shall be sold, assigned, pledged, or transferred, except after application to and written approval by the Board, nor shall it be transferred by change of ownership or control of a license without written application and written approval by the Board.

(Ord. passed 8-7-95)

§ 50.47 BOND, INSURANCE REQUIREMENTS FOR LICENSEES.

The applicant for a license, upon being awarded the rights to collect and dispose of solid waste by the board as provided in this chapter, shall secure and present to the County Manager a good and sufficient surety bond or liability insurance policy covering and insuring the payment of such damages as may be caused by the licensee to the premises or property upon which it may enter for the purpose of collecting or disposing of solid waste, in the sum of not less than \$100,000, or such greater sum as deemed appropriate by the County Manager and Environmental Services Director considering the size and capacity of the licensee and the number of customers served. Furthermore, a certificate of insurance shall be provided evidencing this coverage and the fact that the applicant disclosed to the insurance carrier that the company or business intends to haul solid waste as a commercial carrier. Such policy shall contain a hold harmless clause indemnifying the county against claims made against the licensee.

(Ord. passed 8-7-95)

§ 50.48 RESPONSIBILITIES OF LICENSEE.

The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this chapter. The licensee shall not discriminate against any person for contract purposes in violation of the Civil Rights Act, as amended, on the basis of race, color, creed, religion, sex, or physical impairment.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.49 COLLECTION AND TRANSPORTATION OF WASTE.

(A) The licensee shall be responsible for the satisfactory collection and transportation of all solid waste to a county operated disposal site or facility or to a licensed recycling center.

(B) Vehicles shall display, in three inch numbers and/or letters, in an area visible on the driver's side door or on the left front fender, the county issued identification numbers.

(C) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be adequately secured or covered to prevent spillage therefrom. Should spillage occur the material shall be recovered immediately by the solid waste hauler and returned to the vehicle or container, and the area of spillage properly cleaned.

(Ord. passed 8-7-95) Penalty, see § 50.99

FEES**§ 50.60 AUTHORITY TO ESTABLISH FEES.**

The County Board of Commissioners may establish a fee schedule for the collection and disposal of solid waste and for the use and availability of a disposal facility in accordance with G.S. § 153A-292 as may be amended from time to time.

(Ord. passed 8-7-95)

§ 50.61 ANNUAL REVIEW.

The Board of Commissioners will assess the expenditure requirements of the Department of Environmental Services for both solid waste collection and disposal, during their budgeting deliberations every spring in order to arrive at a revenue schedule that will adequately meet those needs. The annual review process will include calculations to determine current general departmental needs, as well as, look toward providing for anticipated future ones. This

will include, but may not be limited to capital outlay for the procurement of equipment necessary to operate the department as well as the infrastructure preparation needed in order to maintain compliance with applicable permits, in addition to personnel and supplies required to perform routine operations. (Ord. passed 8-7-95)

§ 50.62 FORMULA FOR ESTABLISHING FEES.

(A) The price per ton of garbage will be determined by multiplying the DISPOSAL BUDGET by the percentage of annual tonnage commercial, and dividing that sum by the number of commercial tons received annually.

(B) The solid waste disposal fee will be similarly calculated by multiplying the DISPOSAL BUDGET by the percentage of annual tonnage residential, and dividing that sum by the number of non-municipal households.

(C) The solid waste DISPOSAL BUDGET consists of three distinct elements, the sum of which form the basis for annually adjusting the tipping fees and household fees to accurately reflect the actual cost of these services.

(1) Capital Outlay Construction which is calculated by multiplying the average per acre construction cost of a subtitle D lined landfill facility, by the number of acres, then multiplying that sum by Y, where Y equals the total expected capacity divided into the actual tonnage used in a year.

(2) Capital Outlay Equipment which is the earth and garbage moving machinery necessary to maintain daily operations of solid waste facilities amortized over their powertrain warranty period (usually five years).

(3) Operations Expenses less amortized capital outlays which is account codes 10.582.02 through 10.582.57 in the annual budget ordinance. (Ord. passed 8-7-95)

§ 50.63 FEE APPLICATION AND REMEDY.

Every non-municipal residence is considered to be a household, along with non-municipal commercial units, which shall be levied the solid waste household availability fee as calculated annually in § 50.62 except that they apply for and receive approval for an unoccupied dwelling affidavit with the County Tax Assessor's office within the prescribed time limit. Non-municipal homeowners may receive refunds for this fee if they can provide proof that they have made other disposal arrangements with a private contract hauler. Paid receipts for the solid waste availability fee and ones for money paid to a franchised private collector are sole grounds for refund when produced as evidence of duplication of payment for the prior calendar year.

(Ord. passed 8-7-95)

§ 50.64 TIPPING FEES.

The standard rate as outlined in § 50.62 shall be equally applicable to commercial, industrial, and municipal wastes. Institutional waste as defined in § 50.03 shall be exempt from this fee. Separate fees apply to special handling materials, such as tires and white goods.

(Ord. passed 8-7-95)

Cross-reference:

Fees relating to the disposal of recyclables, see § 50.99(D)(7)

ADMINISTRATION AND ENFORCEMENT

§ 50.75 ENFORCEMENT.

(A) The Environmental Services Director of the county shall administer and enforce the provisions of this chapter.

(B) The rules and regulations prescribed in this chapter shall be enforced by the department head or other authorized personnel of the County Manager's Office, Department of Environmental Services, District Health Department, Sheriff's Department and any other appropriate agencies having duties and

responsibilities in the areas of health, solid waste disposal and law enforcement. These agencies are hereby empowered to issue citations upon violation of this chapter.

(Ord. passed 8-7-95)

§ 50.76 EQUITABLE ENFORCEMENT.

The provisions of this chapter may be enforced by equitable remedy, and any unlawful condition existing or in violation of this chapter may be enforced by injunction and order of abatement in accordance with the provisions of G.S. § 153A-123. In assessing penalties under this chapter, the Enforcing Officer shall consider the following factors:

- (A) The number of previous violations;
- (B) The number of communications with the offender prior to the subject violation;
- (C) Steps taken by the person to try to comply;
- (D) The estimated amount and quantity of solid waste in the offending situation.

(Ord. passed - -95)

§ 50.99 PENALTY.

(A) In addition to and separate and apart from the specific remedies set forth in this chapter, any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished as provided in G.S. 14-4.

(B) If any person shall violate the rules and regulations adopted by the County Commissioners or the North Carolina Department of Environment, Health and Natural Resources, or their successor organization, they shall be guilty of a misdemeanor, as provided by G.S. 14-4, and Article 1, Chapter 130A, Section 25. Each day such violations continue to exist shall constitute a separate and distinct offense.

(C) If any object of solid waste is discovered on any lands or waters of the county, other than specifically designated for that use, bearing a person's name, address or means of identification of a person or persons, it shall be prima facie evidence of ownership, and after an attempt has been made to contact the person or persons so identified and advise said individuals to clean up the objects of solid waste by taking them to an approved disposal site in the county, with such individual or individuals being advised to return to the citing officer within ten days with a receipt from such approved disposal site indicating the deposit of said objects in same, then upon failure of any such person to comply with the specific directions of the officer, such failure to comply shall constitute a violation of this division (C). A person violating this section shall be guilty of a class 3 misdemeanor and, in addition to the punishment provisions of G.S. Chapter 15A, Article 81B, Part 3, shall pay a fine as outlined in division (B) above of this section.

(D) The county may exercise any of the following remedies as authorized by North Carolina General Statutes, including but not limited to seeking restitution for damages incurred by cost of clean up resulting from violations of this chapter, with the minimum charge being \$25.00. The minimum civil penalties for violations of this chapter shall be as follows:

(1) Scavenging or the unauthorized salvaging of discarded items:

- (a) First offense \$ 25
- (b) Second offense \$ 50
- (c) Subsequent offenses \$100

(2) Illegal dumping including dumping prohibited materials or quantities of materials at County Solid Waste Facilities, or in unapproved areas:

- (a) First offense \$100
- (b) Second offense \$200
- (c) Subsequent offenses \$500

(3) Dumping in waterways including streams, creeks, rivers, lakes or ponds:

- (a) First offense \$200
- (b) Second offense \$300
- (c) Subsequent offenses \$500

(4) Illegal burning of refuse, garbage, rubbish, tires, shingles, asphalt, petroleum products or other materials that emit noxious fumes for the purpose of disposal:

- (a) First offense \$200
- (b) Second offense \$300
- (c) Subsequent offenses \$500

(5) Improper transportation by individuals en route to disposal or collection facilities, or use of improper vehicles or license by contract haulers or landlords carrying solid waste:

- (a) First offense \$100
- (b) Second offense \$200
- (c) Subsequent offenses \$400

(6) Littering solid waste facilities including failure to place all solid waste spilled in transferring it from the transport vehicle to the container, or leaving solid waste at a closed facility:

- (a) First offense \$100
- (b) Second offense \$200
- (c) Subsequent offenses \$400

(7) Disposing of recyclable materials co-mingled with garbage with contents that amount to 25% or more by weight or volume will be charged according to the following schedule:

- (a) First offense Written warning.

(b) Second offense Tipping fee of twice the current rate

(c) Subsequent offenses Three times the current tipping fee

(8) Concealment purposefully with the intent of disposing of illegal materials in solid waste facilities.

- (a) First offense \$200
- (b) Second offense \$300
- (c) Subsequent offenses \$500

(Ord. passed 8-7-95; Am. Ord. passed 12-20-95)

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Winston-Salem
Regional Office

TOWN OF LANSING
173 B. STREET
P.O. BOX 266

PHONE (336)384-3938 FAX (336)384-4927

RESOLUTION TO APPROVE THE 2003 ASHE COUNTY SOLID
WASTE MANAGEMENT PLAN UPDATE

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, and control the cost of solid waste management;

WHEREAS, North Carolina General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan;

WHEREAS, Ashe County developed the Ashe County Solid Waste Management Plan, approved in 1997;

WHEREAS, three-year updates to the Plan, submitted to the North Carolina Division of Solid Waste Management, are mandatory;

NOW THEREFORE, BE IT RESOLVED that the Town of Lansing hereby approves the 2003 Ashe County Solid Waste Management Plan Update.

Adopted this 10th day of July 2003.

Deyra Brown

Lusi Maye

SEAL

