

# LOCAL GOVERNMENT 3 YEAR SW PLAN UPDATE CHECK LIST

County or Municipality Name: Cumberland

WMS name: Shackelford  
Date Reviewed: 9/1/04

## GENERAL COMPONENTS

- Update covers 10-year time frame (FY \_\_\_\_\_ thru 7/10).
- 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. *only co has need of it*
- 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). *919 reference App B - not attached to plan*
- 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). *no APP x B or C?*

## 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 manages all portions or not).

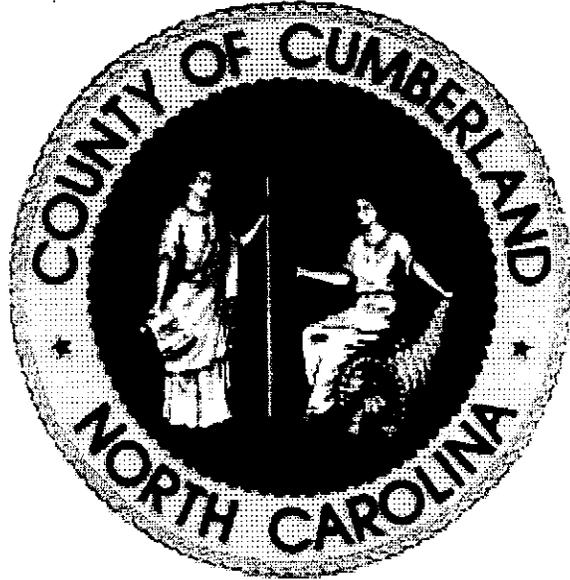
## GOAL

- Compare previous per capita waste reduction and adjust goal as necessary.
- need*  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 *no details in text or sheets*
- Collection *few programs to increase we by 10%*
- 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) *need + contact list*



# Cumberland County Solid Waste Management Plan

Revised June 2003



*REC. July 1 2003*

## Table of Contents

	Page
Introduction .....	5
Planning Area Goals.....	5
Geographic Area.....	6
Evaluation of Waste Stream.....	7
Local Waste Reduction Goals .....	10
The Planning Process and Public Participation.....	11
Assessment of Current Programs and Description of Intended Actions .....	12
Assessment of Current Program and Description of Intended Action in Regards to Community and School Education, Special Waste Illegal Disposal, by Recycled Program.....	15
Full Cost of Solid Waste Management.....	19
Method of Financing .....	21
Privately Owned Facilities .....	21
Appendix A - Actions Plans.....	21
Appendix B - Full Cost Accounting.....	35
Appendix C - Adopted Resolutions .....	36
Appendix D - Solid Waste Ordinance .....	37
Solid Waste Management* .....	793
<i>Article I. In General</i> .....	793
<i>Article II. Storage of Solid Waste</i> .....	793
<i>Article III. Collection of Solid Waste</i> .....	794

<i>Article IV. Disposal of Solid Waste</i> .....	794
<i>Article V. Resource Recovery and Recycling</i> .....	797
<i>Article Vi. Illegal Storage, Collection and Disposal of Solid Waste</i> .....	801
<i>Article Vii. Administration and Enforcement</i> .....	802

## **Introduction**

This plan was prepared in accordance with N.C. General Statute 130A-309.09A(b) for the purpose of meeting local Solid Waste needs and protecting public health and environment. The sections of the plan are ordered as listed in the General Statute.

Through implementation of this comprehensive Solid Waste Management Plan and the updates to this plan every three (3) years, the Cumberland County planning area provides for the management of solid waste and its reduction for the next ten (10) years. The planning area includes Cumberland County and the municipalities of Falcon, Fayetteville, Godwin, Hope Mills, Linden, Spring Lake, Stedman and Wade. (See Appendix A Resolutions)

The Cumberland County long range planning goal is to develop and coordinate for a comprehensive solid waste management program. This program should provide cost effective collection services, waste reduction programs, and disposal capacity and options to all residents in Cumberland County. The program's goal also works toward reducing the improper and illegal disposal of solid waste. Educational goals should provide residents with a thorough knowledge and understanding of waste reduction, proper disposal and their impacts on the environment. The goals of the Cumberland County are listed below by priority.

## **Planning Area Goals**

1. To protect public health and the environment.
2. To provide planning area residents with collection services, waste reduction opportunities, and disposal capacity.
3. To decrease improper disposal.
4. To work toward the state waste reduction goal.
5. To increase efficiency and cost effectiveness of area solid waste programs.

## Geographic Area

This Solid Waste Management Plan covers Cumberland County and the municipalities of Falcon, Fayetteville, Godwin, Hope Mills, Linden, Spring Lake, Stedman and Wade. (See Table 1)

Table 1 Estimated Population

Counties and Municipalities	POPULATION
Cumberland County (unincorporated)	160,902
Town of Falcon	328
City of Fayetteville	121,015
Town of Godwin	112
Town of Hope Mills	11,237
Town of Linden	127
Town of Spring Lake	8,098
Town of Stedman	664
Town of Wade	480
Total County Population (includes Fort Bragg and Pope AFB)	302,963

\*Population information was taken from the Office of State Planning's web site.

## Evaluation of Waste Stream

In this plan, residential waste refers to waste generated by households (individual & multifamily dwellings). The term non-residential refers to waste generated from commercial, industrial, and institutional waste generators. Construction and demolition waste (C&D) is waste generated from construction activities and is separated and disposed in a different facility than residential and non-residential waste.

Cumberland County estimates that 45% of its waste stream is residential, 25% is commercial and industrial, and 30% is construction and demolition waste.

Land clearing and inert debris is estimated to be 8,000 tons disposed of annually in Cumberland County at the Wilkes Road Landfill. There is an undetermined amount disposed in privately owned permitted facilities and illegally in the county.

Table 2 Estimated Waste Generated by Type

<u>TYPE OF WASTE</u>	<u>TONS</u>	<u>% OF WASTE STREAM</u>
Residential	161,390	40%
Non-Residential	89,123	22%
Construction-Demolition	152,962	38%*

Cumberland County does not have a waste stream analysis that has been performed themselves; therefore we are using the Quick Waste Stream Analysis that was provided by NC DENR, DPPEA. It should be noted that the recovery rates do vary from those DPPEA provided because we were able to obtain diversion tonnages from Fort Bragg, Pope Air Force Base, Cumberland County Schools recycling contractor (Waste Management) and Waste Management provided tonnages they collected from area business.

\* Construction and Demolition waste in Cumberland County has risen and is expected to continue to rise over the next two to three years. This is due to Fort Bragg demolishing their old buildings in the 82<sup>nd</sup> Airborne area to make room for new more modern structures.

Table 3 Estimate of Residential Waste Composition

Quick Waste Stream Analysis For: CUMBERLAND COUNTY					
Material	Local Tonnage	Current Recovery	Tons Left In Waste Stream	Percent Recovered	Average LG Recovery
Total Paper	86,884.83	13,159.02	73,725.81	15.15%	10.1%
Newsprint	11,427.56	578.55	10,849.01	5.06%	42.9%
Corrugated Cardboard	34,506.65	12,328.07	22,178.58	35.73%	7.0%
Magazines	4,887.40	190.00	4,697.40	3.8%	2.9%
Office Paper	7,557.62	62.40	7,495.22	0.8%	3.1%
Mixed Paper	27,450.26	.89	27,449.37	0.0%	3.7%
Other Paper	1,055.35	0	1,055.35	0.0%	1.6%
Total Glass	11,393.78	15.75	11,378.03	0.0%	14.5%
Clear	5,696.10	14.35	5,682.56	0.0%	13.8%
Green	2,962.38	.30	2,962.08	0.0%	13.9%
Amber	2,734.50	.50	2,734.00	0.0%	16.5%
Total Plastic	13,564.49	46.32	13,518.17	0.3%	2.2%
PETE	2,182.66	14.95	2,167.71	0.68%	15.5%
HDPE	4,824.24	31.37	4,792.87	0.7%	3.7%
Other Plastics	6,557.58	0	6,557.58	0.0%	0.1%
Aluminum Cans	1,750.22	115.8	1,634.42	6.6%	10.8%
Steel Cans (Bi-Metal)	3,150.46	.75	3,149.71	0.0%	8.9%
White Goods	4,190.17	634.28	3,555.89	15.1%	40.5%
Pallets and Wood Crates	17,665.36	0	17,665.36	0.0%	7.3%
Food Waste	34,901.01	N/A	N/A	N/A	N/A
Textiles(Post Consumer)	7,118.69	1,170.78	5947.91	16.45%	0.0%
Commingled Tonnage		2.26	N/A	N/A	N/A
Other Materials Collected					
Other Metal	N/A	4,356.38	N/A	N/A	N/A
Other Wood		23.10	N/A	N/A	N/A
Carpet Padding		4.68	N/A	N/A	N/A
Special Wastes					
Used Oil(Gallons)	548,315.16	29,391.00	518,924.16	5.36%	7.0%
Used Oil Filters	481,746.63		481,746.63	0.0%	
HHW(Tons)	N/A	20.07	N/A	N/A	N/A

Listed in Table 4 are the major commercial and industrial generators and the composition of the waste categories. These wastes could be (targeted) for recycling.

Table 4 Major Non-Residential waste generators estimated tonnages and material

<u>SOURCES</u>	<u>TONS</u>	<u>MAJOR MATERIALS</u>
Kelly Springfield	40,000	Paper, rubber waste, pallets
Black & Decker	5,000	Paper Pallets
Cross Creek Mall	11,000	Paper, cardboard
Cape Fear Valley Hospital	2,300	Medical paper, food waste, plastic
Fayetteville State University	1,100	Paper, food waste
Fayetteville Technical Community College	900	Paper, food waste
County School Systems	1,500	Paper, food waste
Cumberland County Offices	1,200	Paper
Motels-Hotels	1,200	Paper, food waste
Restaurants	12,000	Food waste, glass
Lounges & Clubs	10,000	Glass, plastic, paper food waste
Miscellaneous Retail	6,000	Glass, plastic, paper, cardboard

## Local Waste Reduction Goals

Cumberland County has established a goal of 5% waste reduction to be reached by June 30, 2001 and a further goal of 10% to be reached by June 30, 2006.

The waste reduction goals can be converted from percentages to tons diverted by examining population estimates and the past waste disposal figures as supplied by the Solid Waste Section of DENR. The baseline year (FY 1987-88) disposal rate was 1.07 tons per capita at this disposal rate Cumberland County would dispose of 331,216 tons in FY 2005-06 and 354,401 tons in FY 2009-10.

Table 5 Five and Ten-Year Waste and Population Projections

<u>YEAR</u>	<u>POPULATION</u>	<u>WASTE DISPOSAL</u>	<u>PER CAPITA DISPOSAL RATE</u>
Baseline Year, 1987-88	265,415	285,270.16 *	1.07
<u>YEAR</u>	<u>PROJECTED POPULATION</u>	<u>PROJECTED WASTE DISPOSAL</u>	
FY 2005-2006	316,153	338,283 **	1.07
FY 2009-2010	331,216	354,401 **	1.07

\* Does not include Fort Bragg & Pope Air Force Base waste

\*\* Will include Fort Bragg & Pope Air Force Base waste

To meet the local goal of 5% per capita waste reduction in FY 2000-01 and 10% in FY 2005-06 Cumberland County must reduce its per capita disposal rate to 1.02 and .96 tons per capita respectively. Using the new per capita rates the target annual tonnage remaining for disposal for Cumberland County would be 322,476 tons in FY 2005-06 and 340,225 tons in FY 2009-10. These goals will be evaluated in three years to determine if they can be increased.

Table 6 Targeted Waste Reduction, FYs

<u>CALCULATIONS</u>	<u>FY 2005-06</u>	<u>FY 2009-10</u>
1. Baseline year per capita disposal rate	1.07	1.07
2. Targeted per capita disposal rates	1.02	.96
3. Population projections for July 2005/July 2010	316,153	338,283
4. Projected tonnages at baseline disposal rate	331,216	354,401
5. Projected tonnages at goal disposal rates	322,476	340,225
6. Targeted annual tonnage reductions (subtract line 5 from line 4)	8,740	14,176

## **The Planning Process and Public Participation**

The planning process was begun by contacting each municipality in the County to determine if they were going to participate in the Solid Waste Plan or if they were going to plan for Solid Waste as an individual planning unit. Requests for information concerning solid waste from the municipalities were obtained and the County of Cumberland Solid Waste Management Department then compiled the plan.

A public meeting was then held for plan review at the Cumberland County Solid Waste Management Training and Visitors Center on \_\_\_\_\_.

## **Assessment of Current Programs and Description of Intended Actions**

### **Reduction at the Source**

#### Current

Education of the citizens of Cumberland County plays an important role in source reduction. Cumberland County Solid Waste uses various types of material in its source reduction educational program. These include speakers to schools and civic organizations, printed material, radio and newspaper advertising, videos and web site. Cumberland County also uses displays at the County fair and local festivals. A very close working relationship with the Cooperative Extension service also proves to be another source for putting the information into the rural areas of the County. The County implemented a tip fee increase from two dollars per ton to twenty-nine dollars per ton in 1990 this gave an incentive for commercial and industrial generators to reduce waste.

#### Intended Action

Cumberland County will continue to utilize the same programs that are now being used. We will however continue to look for materials and methods that may be more effective.

### **Collection**

#### Current

Cumberland County does not provide for collection of solid waste at the curb, but it does offer sixteen staffed drop-off centers throughout the county for its residential waste, or they may contract for service with a local hauler.

The municipalities of Falcon, Fayetteville, Hope Mills and Stedman operate a curbside collection system for its residents using municipal employees. The Towns of Linden and Spring Lake have curbside collection of solid waste through a contract with Waste Management. The Towns of Wade and Godwin offer no collection services by either municipal employees or contracted haulers. The residents of these towns either use the county drop-off centers or contract for services themselves.

#### Intended Action

At the present time Cumberland County will continue to operate the drop-off method for collection, but will be receptive to other methods of collection should it be deemed cost-effective for its Citizens.

The municipalities within the county are going to proceed as they are now, but will also be looking for other methods depending on comparison.

## **Recycling and Reuse**

### Current

Recycling in Cumberland County is voluntary for the citizens. The County offers recycling for its citizens at the sixteen staffed drop-off centers and at the Ann Street and Wilkes Road landfills. At the present we are accepting scrap metal, used oil, aluminum cans, scrap aluminum, newspaper, magazines, corrugated cardboard, textiles and automotive batteries. Antifreeze is accepted for recycling at the Ann Street landfill (Maintenance Shop) and at the Household Hazardous Materials Collection Center on Wilkes Road along with Household Hazardous Materials.

White goods are accepted at twelve of the sixteen county drop-off centers and the Ann Street landfill. This includes both CFC and non-CFC containing white goods.

Clean pesticide containers are accepted for recycling at four (4) of the staffed drop-off centers. The municipalities in Cumberland County do not offer any recycling programs.

### Intended Actions

Cumberland County will continue to recycle the items it is now taking at the convenience centers and as it becomes more economically feasible more items will be added.

The municipalities are not planning any changes in their current programs; however, one municipality did receive bids for curbside recycling but determined it was not economically feasible to start the program.

## **Mulching**

### Current

Mulching of wood and yard waste is an important part of the reduction program in Cumberland County. This is accomplished with County equipment and labor force.

Leaves, pine straw, grass clippings, branches, tree limbs, and other wood waste is shredded and either sold to the citizens as screened mulch or transported off site for use as boiler fuel.

The municipalities in Cumberland County do not operate mulching facilities.

### Intended Actions

The County has no plans to change its operation nor do the municipalities intend to add mulching and composting facilities.

## **Incineration with Energy Recovery**

### Current

At the time Cumberland County is not incinerating MSW for energy recovery, nor are the municipalities located in Cumberland County.

### Intended Action

No action is expected to be taken in regards to this in the near future.

## **Incineration Without Energy Recovery**

### Current

Will only be used in an extreme emergency. (FOR WOOD WASTE ONLY)

### Intended Action

No action.

## **Transfer Outside the County**

### Current

Transfer of solid waste outside of the County from residential waste is not being done by the County or any of its municipalities, but the City of Fayetteville's commercial waste does go to an out of county facility. Fort Bragg transfers its MSW to a regional landfill outside of the county. Mixed loads of C&D waste are also transferred outside of the county because of the county's separation requirements. The City of Fayetteville's commercial waste is transferred outside of the county to a regional landfill under an exclusive franchise agreement.

### Intended Action

Cumberland County has plans to transfer its waste outside of the county as a contingency if the landfill operation should be discontinued.

## **Disposal**

### Current

Residential solid waste generated in Cumberland County and its municipalities waste is presently disposed of in the County owned and operated Subtitle D Landfill. Commercial waste from all of the municipalities except for the City of Fayetteville is disposed of in the county landfill.

Commercial waste from the municipalities of Godwin, Falcon, Stedman, Spring Lake, and Wade is delivered to the county landfill for disposal.

Cumberland County's Subtitle D Landfill was opened on January 2, 1998.

#### Intended Action

To continue using the Subtitle D Landfill which should serve the county for the next 17 years. The county will also explore new and innovative ways for waste disposal as they become available. Expansion of the Subtitle D Landfill will take place in three (3) Phases. Phase II was completed in 2000 as projected in last update. Phase III design should begin in 2004.

### **Assessment Of Current Program And Description Of Intended Action In Regards To Community And School Education, Special Waste Illegal Disposal, By Recycled Program.**

#### **Community and School Education**

##### Current

Cumberland County provides an education and information program consisting of informational literature, radio advertisements, educational videos, landfill tours, speakers for civic, school and business groups.

1. Printed material about waste reduction and recycling.
2. An educational video written by Cumberland County Solid Waste and filmed by FTCC Media Services that is available in the County Library.
3. Radio advertising about recycling.
4. A solid waste hotline for questions about recycling (485-DUMP).
5. Education and information brochures and one-on-one contact with citizens at the County Fair and other scheduled activities.
6. Public speakers available to any group desiring information about solid waste and recycling.
7. A video on proper disposal and storage of household hazardous waste was produced through the Cooperative Extension Service for the County.
8. Site attendants distribute materials one-on-one to site users.

9. These programs are very well received and work well.

Intended Actions

The County has no plans to change its present educational program.

**Special Waste**

**White Goods**

Current

White Goods are accepted at the Ann Street landfill and selected county drop-off centers.

Intended Actions

Add additional drop-off centers that have enough room for collection of White Goods.

**Household Hazardous Waste**

Current

Cumberland County operates a permanent collection facility for household hazardous waste. This facility is staffed by OSHA trained county employees for segregation and identifying the types of waste received. The facility is open the 2nd and 4th Saturday of each month from 8:00 am to 4:00 pm. We accept paint (oil base and latex), general use pesticides, flammable liquids, antifreeze, NiCad batteries, lead acid batteries, used oil, household cleaners, spent pool chemicals and hobby supplies.

Usable paints, general use pesticides, and automotive products are placed in an exchange building and are given away to citizens that can use them. This program is well received by the citizens of Cumberland County and is working well, to reduce the toxicity of MSW disposed of in the Ann Street landfill.

Intended Action

Explore the feasibility to allow conditionally exempt small quantity generators to utilize this facility for disposal.

**Tires**

Current

Tires without rims are accepted at all sixteen County drop-off centers and the Wilkes Road landfill. These tires are then collected by a private contractor where they are shredded and placed in a permitted tire monofill.

Tires with rims are accepted at the Wilkes Road landfill only.

#### Intended Action

Cumberland County will continue as in the past to determine the most economically feasible method for tire disposal.

### **Construction and Demolition Waste**

#### Current

Cumberland County operates a C&D landfill adjacent to the MSW landfill on Ann Street. Separation of metal and unpainted wood is required before disposal. The metal is placed in a scrap metal container for recycling and the unpainted wood is removed for mulching.

Fort Bragg also operates a C&D landfill for use by on base contractors and military personnel.

#### Intended Action

Cumberland County will continue to manage C & D waste in the current manner, until a more cost effective method is found.

### **Yard Waste**

#### Current

Yard waste (grass clippings and leaves), tree limbs and brush that is disposed of at the Wilkes Road landfill is shredded for mulch. Mulch is used for boiler fuel; the fine screened mulch is sold to the public.

#### Intended Action

Cumberland County has no plans at this time to alter its management practice for yard waste disposal.

### **Illegal Disposal**

#### Current

Prevention of illegal disposal is encouraged by offering convenient hours for disposal at all disposal sites. Three full time enforcement personnel work six days to deter illegal disposal. These enforcement officers work with the state statues and the county solid waste ordinance that allows civil penalties for illegal disposal. They also work with the Solid Waste Division of DENR to close unpermitted solid waste facilities in the county. The methods used are working and are well received by the citizens of Cumberland County and the State Solid Waste Section.

### Intended Action

The methods implemented are working and should be continued or expanded when additional personnel are available.

### **Buy Recycled**

#### Current

Cumberland County has no ordinance or resolution requiring departments to make purchases of products containing recycled material. However, when these products are price competitive it is recommended that they be used.

#### Intended Action

Continue to make purchases of products containing recycled content material when they are cost competitive.

### **Disaster Response**

#### Current

Cumberland County Solid Waste Management has a designated employee to help staff the Emergency Operations Center. This employee has a list of equipment, and personnel that can be utilized in the event a disaster is declared. The county also has designated staging areas for the disposal of debris until it can be ground or burned. Cumberland County also maintains a list of contractors that can be called in to assist with grinding.

#### Intended Action

The county will continue to operate with its existing disaster response program.

## Full Cost of Solid Waste Management

Cumberland County has a budget for landfill operations, collection of solid waste, recyclables and household hazardous waste. The City of Fayetteville, Towns of Hope Mills, Spring Lake, Falcon, Linden and Stedman have budgets for the operation of collections of solid waste either by municipal employees or contract haulers. These costs are listed below with a more detailed cost analysis for each program shown in Appendix B.

Table 7

<u>Local Government</u>	<u>Budget Year</u>	<u>Collection</u>	<u>Disposal</u>	<u>Recycling</u>	<u>Other</u>	<u>Total</u>
Cumberland County	1998-99	978,751	5,438,170			7,658,833
Fayetteville	1998-99	1,962,559	102,919		70,660	2,136,144
Hope Mills	1998-99	105,116	259,425		110,387	447,932
Spring Lake	1998-99	304,591	147,700			452,291
Falcon	1998-99	2016				2016
Linden	1998-99	10,902.80				10,902.80
Stedman	1998-99	35,650				35,650

## **Method of Financing**

Solid waste in Cumberland County is financed through tipping fees and user fees.

- a. Residents are charged a solid waste user fee on their tax bills.
- b. Commercial and industrial refuse disposal is charged a tipping fee by the ton as it enters the landfill.
- c. The County's intent is to keep Solid Waste Management functions self-supporting through tipping fees and solid waste user fees as an enterprise fund program.
- d. Tire disposal is funded through state reimbursement of the tire disposal tax.
- e. White good disposal is funded through State reimbursement of the white goods disposal tax.

The City of Fayetteville and the Towns of Linden, Stedman, and Falcon finance solid waste through the general fund. The Town of Hope Mills uses a combination of household fees and general fund for financing its solid waste program. The Town of Spring Lake finances its solid waste with a combination of disposal fees and general fund.

## **Privately Owned Facilities**

There are no privately owned solid waste disposal facilities in Cumberland County. There are approximately five LCID facilities permitted within the County.

## Appendix A – Actions Plans

PLAN OF ACTION:

*Reduction*

Actions Based on 10 yr Plan		Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions	Date Due	Key Actions		Key Actions		Key actions.	
No changes from original plan							

**PLAN OF ACTION:**

*Collection*

Actions Based on 10 yr Plan		Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions	Date Due	Key Actions		Key Actions		Key actions.	
No changes from original plan							

PLAN OF ACTION:

*Recycling and Reuse*

Actions Based on 10 yr Plan	Date Due	Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions		Key Actions		Key Actions		Key actions.	
Add items for recycling	July 1998	Added textiles and magazines for recycling	July 1998				
Use of MRF with BCH Energy	August 1995			Started operations but the private facility closed in December 1996			

PLAN OF ACTION:

*Composting and Mulching*

Actions Based on 10 yr Plan		Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions	Date Due	Key Actions		Key Actions		Key actions.	
No changes from original plan							

PLAN OF ACTION:

*Incineration with Energy Recovery*

Actions Based on 10 yr Plan		Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions	Date Due	Key Actions		Key Actions		Key actions.	
BCH Energy Project	August 1995				Private facility bankrupt in 1996		

PLAN OF ACTION:

*Incineration without Energy Recovery*

Actions Based on 10 yr Plan		Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions	Date Due	Key Actions		Key Actions		Key actions.	
No changes from original plan							

PLAN OF ACTION:

*Transfer Outside Geographic Area*

Actions Based on 10 yr Plan		Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions	Date Due	Key Actions		Key Actions		Key actions.	
No changes from original plan							

PLAN OF ACTION:

Disposal

Actions Based on 10 yr Plan	Date Due	Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Expansion of Subtitle D Landfill by 20 acres	Nov 28, 2000		Completed Nov 2000				
Expansion of Subtitle D Landfill by 15 acres	Jan 2005						

PLAN OF ACTION:

*Education with the Community and Through the schools*

Actions Based on 10 yr Plan		Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions	Date Due	Key Actions		Key Actions		Key actions.	Date Due
No changes from original plan							

PLAN OF ACTION:

Special Waste

Actions Based on 10 yr Plan	Key Actions	Date Due	Complete Key Actions	Completion Date	Incomplete Key Actions	Why not complete?	New or Revised Actions	Date Due
White Goods Allow for disposal of White Goods at selected container sites.		Jan 1, 2000		Completed Jan 1, 2000				
Household Hazardous Waste Incorporate CESQG waste collection at the HHW site.		July 1, 2001		Not Completed		Ongoing investigation into most efficient billing method		

PLAN OF ACTION:

*Illegal Disposal / Litter*

Actions Based on 10 yr Plan		Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions	Date Due	Key Actions		Key Actions		Key actions.	
No changes from original plan							

PLAN OF ACTION:

Reduction

Actions Based on 10 yr Plan		Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions	Date Due	Key Actions		Key Actions		Key actions.	
Continue to use education methods presently in use			Ongoing				

**PLAN OF ACTION:**

*Disaster Response*

Actions Based on 10 yr Plan		Complete Actions	Completion Date	Incomplete Actions	Why not complete?	New or Revised Actions	Date Due
Key Actions	Date Due	Key Actions		Key Actions		Key actions.	Date Due
No changes from original plan							

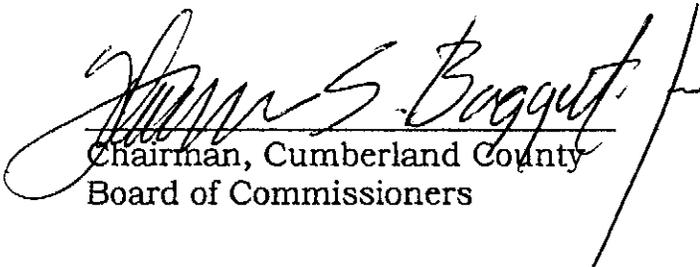
RESOLUTION TO APPROVE THE CUMBERLAND COUNTY SOLID WASTE PLAN  
Three Year Update

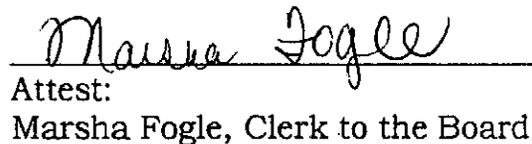
**WHEREAS**, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, control the cost of solid waste management; and,

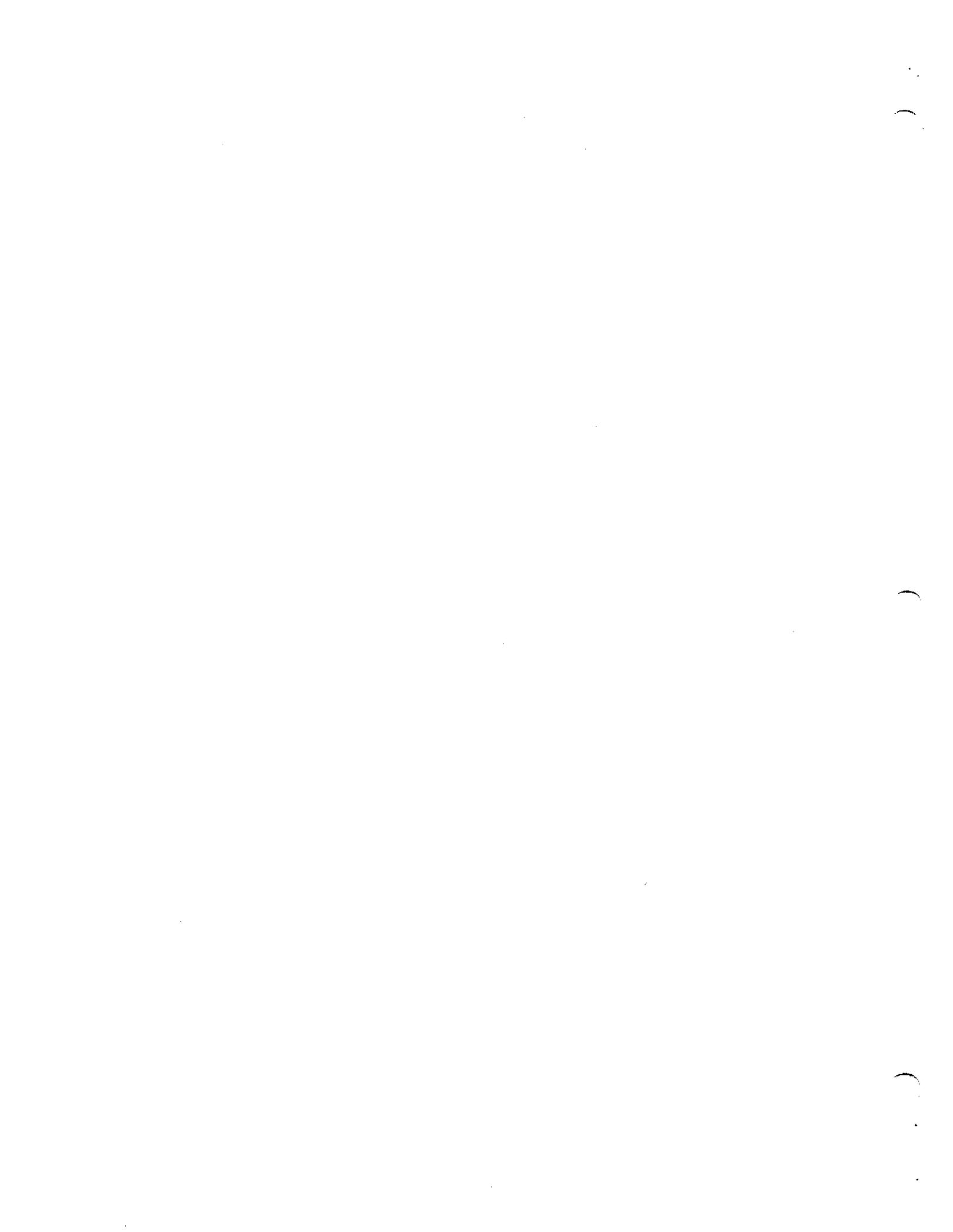
**WHEREAS**, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Commissioners hereby approves the Cumberland County comprehensive solid waste management plan, as revised June, 2003.

Adopted this 16th day of June, 2003

  
Chairman, Cumberland County  
Board of Commissioners

  
Attest:  
Marsha Fogle, Clerk to the Board



**Appendix D – Solid Waste Ordinance**

Cumberland  
County  
Solid Waste  
Management  
Ordinance

## Chapter 11.

**SOLID WASTE MANAGEMENT\*\***

- Art. I. In General, §§ 11-1–11-20  
 Art. II. Storage of Solid Waste, §§ 11-21–11-30  
 Art. III. Collection of Solid Waste, §§ 11-31–11-40  
 Art. IV. Disposal of Solid Waste, §§ 11-41–11-50  
 Art. V. Resource Recovery and recycling, §§ 11-51–11-60  
 Art. VI. Illegal Storage, Collection and Disposal of Solid Waste,  
 §§ 11-61–11-70  
 Art. VII. Administration and Enforcement, §§ 11-71–11-78

**Article I. IN GENERAL****Sec. 11-1. Purpose of legislation.**

It is the purpose of this chapter to:

- (1) Provide for and regulate in the most economically feasible, cost-effective and environmentally safe manner the storage, collection, transport, separation, processing, recycling, and disposal of solid waste, to include hazardous waste and medical waste, in order to protect the public health, safety and welfare; enhance the environment for the citizens and residents of Cumberland County, and recover resources which have the potential for further usefulness, all in accordance with the authority, purposes, policies and goals enunciated in the laws and regulations of the State of North Carolina pertaining to solid waste management.
- (2) Provide incentives and penalties which will encourage the lawful disposal of solid waste and deter littering and other unlawful disposal of solid waste; provide means of abating illegal dump sites; and encourage voluntary, community-based efforts to monitor and report littering and illegal dumping.
- (3) Impose and establish a schedule of fees to defray the cost to the county of providing solid waste disposal, collection and resource recovery services and facilities.

<sup>1</sup> **Editor's note**—Former Ch. 11, Solid Waste, was repealed by an ordinance adopted June 13, 1991, which enacted a new Ch. 11 in lieu thereof to read as herein set out. The repealed provisions were contained in §§ 11-1-11-12 and 11-25-11-30, and derived from ordinances adopted Dec. 10, 1982, Arts. I and II; Aug. 15 and Dec. 19, 1983; and Sept. 16, 1985.

**Cross references**—Building and building regulations generally, Ch. 4; minimum housing code, § 4-66 et seq.; minimum standards and requirements for dwellings and dwelling units, § 4-101 et seq.; minimum standards for the control of insects, rodents and infestations, § 4-110; occupants of dwellings, dwelling units and apartments to exterminate insects, rodents and pests, dispose of garbage and refuse, § 4-112(c), (d); mobile homes, Ch. 8.

**State law references**—Solid waste management, G.S. § 130-166.16 et seq.; location of garbage collection containers on highway rights-of-way, G.S. § 136-18.3; authority of county to regulate the storage, collection, transportation, use and disposal of solid waste, G.S. § 153A-136; authority to levy taxes to provide solid waste collection and disposal services, G.S. § 153A-149(c)(31); authority of county to operate its own solid waste collection and disposal systems and facilities, G.S. § 153A-274 et seq.

- (4) Protect and enhance the health, safety, and welfare of citizens residing within the county by requiring that all designated solid waste generated within the territorial jurisdiction of the county be disposed of in a manner that complies with the requirements of all applicable federal, state and county laws and regulations including, but not limited to, the Resource Conservation and Recovery Act and the Solid Waste Management Act of 1989 as they may be amended from time to time.
- (5) Help the county regulate, in an environmentally safe manner, the storage, collection, transport, separation, processing, recycling, and disposal of designated solid waste generated within the county.
- (6) Use all reasonably available means to promote efficient methods of managing designated solid waste and to promote the economical recovery of material and energy resources from designated solid waste.

(Ord. of 6-13-91; Ord. of 12-20-93)

## Sec. 11-2. Definitions

As used in this chapter:

*Collection* means the act of removing solid waste or designated solid waste from the point of generation to a central collection or storage point; a designated facility or disposal site; and removing the same solid waste or designated solid waste from a central collection or storage point to a disposal site or designated facility.

*Commercial* describes a person who performs the activity of solid waste or designated solid waste collection or resource recovery for the public as a business for profit.

*County* means the County of Cumberland, North Carolina.

*Demolition landfill* means a permitted landfill that is limited to receiving stumps, limbs, yard waste, concrete, brick, wood, uncontaminated earth, rubble, construction and demolition waste and other approved nonputrescible solid wastes.

*Department* means the county solid waste management department.

*Designated facility* means a solid waste disposal facility or facilities serving the County Designated Geographic Area; and to which it is required by this article that designated solid waste generated within the territorial jurisdiction of Cumberland County and placed in the waste stream for disposal be ultimately transported for disposal.

*Designated geographic area* means the geographic area that has been approved and designated as a Designated Geographic Area by the North Carolina Department of Environment, Health, and Natural Resources, or any successor agency, as a specified geographic area, within which all designated solid waste generated and placed in the waste stream for disposal is required to be delivered to a designated facility.

*Designated solid waste* means all solid waste generated in the Cumberland County Geographic Area other than unacceptable waste and recovered materials.

*Disposal* means the placement of waste in a landfill or other repository intended for permanent containment of waste (can include incineration).

*Disposal of designated solid waste* means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any designated solid waste into or on any land so that such designated solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.

*Habitable structure* means a residential structure that has not been condemned by a county building inspector as unsafe or found in violation of the minimum housing code by a county minimum housing inspector.

*Noncommercial residential property/premises* means any property or premises classified in the tax records of the county as residential and having a single tax parcel identification number (PIN), including, but not limited to, single-family residential lots, group development parcels, apartments, condominiums and mobile home parks, and having less than eight (8) single-family units on or within such property or premises.

*Permit* means a written document from the county health department and/or solid waste management department granting permission for the collection, transportation, or disposal of solid waste and/or designated solid waste.

*Person* means a legal entity, such as a natural individual person, partnership, corporation or unincorporated association.

*Recovered materials* means those materials that have a known reuse or composting potential, can be feasibly reused or composted, and have been diverted or removed from the solid waste stream for sale, use (other than for energy generation), or reuse by separation, collection or processing. For all purposes under this chapter, materials herein defined as recovered materials are not considered to be any form of solid waste so long as they are not placed for collection nor disposed of at a designated facility.

*Recovered material generators* means any entity who generates recovered materials which are thereafter collected, transported, stored, processed, and otherwise recycled or reused by recovered materials recyclers/reusers.

*Recovered materials recyclers/reusers* means commercial businesses, such as renderers, scrap metal operators, etc., who collect recovered materials from recovered materials generators and transport, store, process, or otherwise recycle recovered materials; and/or those commercial businesses who otherwise, in accordance with North Carolina General Statutes section 130A-294(a)5(b) or such similar statutory provision within the North Carolina General Statutes, and Article V hereof, are not prohibited from taking part in those activities as referenced in section 11-48(C), herein.

*Recycling* means the process by which recovered resources are transformed into new products in such a manner that the original products lose their identity, including their use as raw materials or feedstocks in lieu of, or in addition to, virgin materials in the manufacture of goods sold or distributed in commerce, or the reuse of such as substitutes for goods made from virgin materials.

*Resource recovery* means the process of obtaining material or energy resources from discarded solid waste or designated solid waste which no longer has any useful life in its present form and preparing such solid waste for recycling.

*Resource recovery center* means a resource recovery facility available to the public at which reusable solid waste or designated solid waste materials generated off the premises of such facility are collected for resource recovery purposes.

*Resource recovery facility* means any facility, to include any site, plant, works, system, buildings, structure, improvement machinery, equipment, fixture, or other real or personal property, which is to be used for resource recovery.

*Sanitary landfill* means a facility for the final disposal of solid waste.

*Single-family unit* means a habitable structure or part thereof designed to house a single-family.

*Solid waste* means all material customarily referred to as garbage and refuse and other discarded material, including solid, semisolid, or containing gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended; includes, but is not restricted to the following classifications:

- (1) *Commercial waste.* Waste which originates in retail or private sector services, for example, retail establishments, offices, theaters, restaurants, warehouses, hotels and motels, and other nonmanufacturing activities.
- (2) *Compost.* A humus-like material resulting from the biological decomposition of organic materials.
- (3) *Construction and demolition waste.* Any waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures.
- (4) *Garbage.* All putrescible wastes, such as food wastes, animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

(5) *Hazardous waste means*

- (a) any material defined as a hazardous substance pursuant to the Comprehensive Environmental Response, compensation, and Liability Act of 1980; or applicable state laws, rules, regulations, policies, and guidelines promulgated thereunder, as each may be amended from time to time,
- (b) any waste which, by reason of its composition or characteristics, is a toxic substance or hazardous waste as defined in
  - i. the Resource Conservation and Recovery Act, as amended, and related federal, state, and county laws and regulations; or
  - ii. any future, additional, or substitute state or county laws and regulations pertaining to the identification, treatment, storage or disposal of toxic substances or hazardous wastes;
- (c) any source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and any related regulations;
- (d) any low level radioactive waste or any other material posing a threat to the health or safety, including without limitation, pathological, medical or biological wastes, septic cesspool or other human wastes, human and animal remains, cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, explosives and drugs.
- (e) If the governmental agency having appropriate jurisdiction determines any substance that is not, as of the date hereof, considered harmful, toxic or dangerous is in fact harmful, toxic, or dangerous, then any such substance shall thereafter constitute "hazardous waste" as defined herein. If the governmental agency having appropriate jurisdiction, determines that a given substance that is deemed to be a "hazardous waste", as of the date hereof, is no longer harmful, toxic, or dangerous, then such substance shall thereafter no longer constitute "hazardous waste" as defined herein.

(6) *Industrial waste.* All nonhazardous solid wastes generated by industries and manufacturing facilities. May also include small quantities of wastes generated from cafeterias, offices, or retail sales departments on the same premises.

(7) *Industrial process waste.* Solid waste resulting from an industrial or manufacturing process which may be disposed of at the county landfill after demonstrating its nonhazardous status through analysis, or by other means. Includes, but is not limited to, sandblast grit, contaminated food products, ash, and dust.

- (8) *Institutional waste.* Material originating from services offered on behalf of the public, i.e., nursing homes, jails, hospitals, schools.
- (9) *Medical waste.* Any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological materials, but does not include any hazardous waste identified or listed pursuant to this Article, radioactive waste, or household waste as defined in 40 Code of Federal Regulations Section 261.4(b)(1) in effect on 1 July, 1989.
- (10) *Municipal solid waste.* Includes residential, commercial, and institutional nonhazardous solid wastes and designated solid waste.
- (11) *Nonprocessable solid waste.* All solid waste and designated solid waste other than hazardous waste, which could impair the operation or capacity of the disposal system or cause potential or actual injury to the county's employees and/or contractors, but which is capable of being disposed of by sanitary landfill, including but without being limited to, furniture, bedding, white goods, metal cable, gypsum board, bricks and blocks, concrete industrial process waste, asphalt materials, liquid wastes including sludge from waste or waste water treatment plants, petroleum products, metal (other than containers), tree stumps, log, brush, pallets and other scrap wood and construction debris.
- (12) *Putrescible solid waste.* Any solid waste capable of being decomposed by micro organisms with sufficient rapidity as to cause nuisance from odors and gasses, such as kitchen wastes, offal, and carcasses.
- (13) *Radioactive solid waste.* Any waste that emits ionizing radiation spontaneously.
- (14) *Recyclable materials.* Solid waste and designated solid waste materials that are lawfully capable of being recycled and are specified as such in pertinent laws and regulations of the United States and the State of North Carolina.
- (15) *Refuse.* All nonputrescible wastes.
- (16) *Residential waste.* Solid waste and designated solid waste originating from private households (private single-family homes and apartments, condominiums, etc., not institutional residential facilities).
- (17) *Slurry waste.* A waste with a high liquid content not easily dewatered.
- (18) *Special waste.* Any type of waste that requires special handling in the county's collection and disposal systems, including tires, used oil, batteries, appliances ("white goods"), asbestos, and medical wastes.

- (19) *White goods*. Includes inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances, i.e., washers, dryers, dishwashers, kitchen compactors, window unit air conditioners, etc.
- (20) *Yard trash*. Solid waste and designated solid waste consisting solely of vegetative matter resulting from landscape maintenance, i.e., grass, brush, leaves and nonconstruction natural wood debris.

*Solid waste collection facility* means a central place provided by the county at which solid waste and designated solid waste is collected and temporarily stored in containers.

*Solid waste collector* means any person, firm, corporation or other entity engaged, in whole or part, in the collection, transportation, delivery, or disposal of solid waste or designated solid waste generated within the designated geographic area of Cumberland County. This includes any such entity engaged in such activities with respect to solid waste or designated solid waste generated by such entity, as well as any entity engaged in such activities with respect to solid waste or designated solid waste generated by others.

*Solid waste director* means the county solid waste management department director.

*Solid waste disposal facility* means any and all facilities now or hereafter designated by the county as part of its system for the disposal of solid waste, including, but not limited to, other volume reduction facilities, sanitary landfills, demolition landfills, resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel), and regulation of solid wastes. The term "solid waste disposal facility" includes, but is not limited to, a designated facility as defined herein.

*Solid waste management facility* means any facility, plant, works, system, building structure, equipment, or other real or personal property used in the management of solid waste including, but not limited to, bulk container storage sites, recycling center not a solid waste management facility, transfer stations, hauling facilities, rail haul or barge facilities, treatment systems, resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, demolition landfills, plants, and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities. The term "solid waste management facility" includes, but is not limited to, a designated facility as defined herein.

*Unacceptable waste* means (a) explosives, hazardous waste, other hazardous chemicals or materials, radioactive materials, motor vehicles, and liquid and semi-liquid wastes, other than such insignificant quantities of the foregoing as are customarily found in normal household and commercial waste and as are permitted by law to be treated and disposed of in facilities not specifically permitted or licensed to treat or dispose of such materials; (b) any item either smoldering or on fire; (c) noncombustible construction materials and demolition debris, including masonry, brick and stone, structural steel, re-bar, and structural shapes; (d) all other items of waste which, at the time of delivery to a designated solid waste facility, would normally not be disposed of in a sanitary landfill under applicable federal, state or local law or rule from being processed in a designated facility.

*Waste* means material discarded by the generator as no longer useful to the generator.

*Waste reduction* means decreasing the quantity of materials and/or products that must be disposed.

(Ord. Of 6-13-91; Ord. Of 12-20-93)

**Sec. 11-3. Applicability of board of health rules.**

The provisions of this chapter are intended and shall be interpreted to be consistent with and supplementary to the rules adopted by the North Carolina Commission for Health Services or Department of Environment, Health, and Natural Resources and by the county board of health pursuant thereto. To ensure such intent and interpretation the rules duly promulgated, from time to time, by the county board of health are, by this reference, incorporated into this chapter as though fully set forth herein and shall be enforced in the same manner as other provisions hereof. In the event of any ambiguity between a provision of this chapter, other than this section, and such rules, the stricter of the two (2) provisions shall apply. Any violation of such rules shall be a violation of this chapter.

(Ord. Of 6-13-91)

**Sec. 11-4. Territorial jurisdiction of chapter 11.**

- (a) The provisions of this chapter are applicable to all parts of the county not within a city as defined in section 153A-1(1); provided, that if a city, so defined, has by resolution permitted this chapter or any part thereof to be applicable within such city, it shall so apply. Notwithstanding the foregoing, the provisions of this chapter are applicable to property of the county used for governmental purposes and located within a city.
- (b) The provisions of this chapter are specifically applicable to all jurisdictions within Cumberland County included in the Cumberland County Designated Geographic area as approved and designated by the North Carolina Department of Environment, Health and Natural Resources.

(Ord. Of 6-13-91; Ord. Of 12-20-93)

**Sec. 11-5. Conflicts of law.**

All matters and activities described and regulated in this article is subject to the restrictions imposed by state and federal laws and regulations. In the event of conflict between the provisions of this article and any state and federal law, the latter shall prevail.

(Ord. Of 6-13-91; Ord. Of 12-20-93)

**Sec. 11-6. - 11-20. Reserved.**

**Article II. STORAGE OF SOLID WASTE**

**Sec. 11-1. Storage on premises.**

- (a) Solid waste, other than hazardous materials and medical waste, generated on or within all premises in urban collection areas may be stored only on or within such premises. Such solid waste shall be stored in receptacles of sufficient capacity to accommodate all solid waste generated on or within the premises by the means and in the manner provided in the rules of the county board of health pertaining to solid waste storage. No solid waste may be stored for a period longer than seven (7) days.
- (b) Hazardous materials, scrap tires and medical waste shall be stored as provided in sections 11-23 and 11-24 herein.
- (c) On bona fide farms the storage of solid waste, other than hazardous or medical waste, generated on such premises and kept for feeding of livestock or used for composting, soil enhancement or erosion control shall not be subject to such storage rules.
- (d) Designated recyclable materials shall be segregated from other solid waste by the generator thereof prior to setting solid waste out for collection or transporting the same to a collection facility.

(Ord. Of 6-13-91)

**Sec. 11-2. Unlawful storage constitutes littering.**

- (a) Except as may be otherwise allowed by this chapter or other state or federal laws or regulations, the placing of solid waste on premises other than premises on or within which such solid waste was generated shall constitute littering or illegal disposal and be a violation of this chapter.
- (b) The placing by an owner or occupant of premises subject to this chapter of pine or grain straw, tree bark, wood chips or shavings, compost or similar material on such person's premises for mulching, landscaping or soil enhancement purposes shall not constitute illegal storage, illegal dumping or littering.

(Ord. of 6-13-91)

**Sec. 11-3. Hazardous materials and medical waste.**

- (a) Notwithstanding any provision herein, hazardous materials and medical waste shall be stored only in accordance with laws and regulations of the United States and North Carolina and the rules of the county health department and the violation of the same shall be a violation of this chapter.

- (b) Consumers shall store hazardous materials and medical waste on their premises in accordance with manufacturers' instructions.

(Ord. Of 6-13-91)

**Sec. 11-4. Scrap tires.**

Scrap ties shall be stored in accordance with the laws and regulations of the United States and North Carolina and the rules of the county health department and the violation of the same shall be a violation of this chapter.

(Ord. Of 6-13-91)

**Sec. 11-5. - 11.30. Reserved.**

**Article III. COLLECTION OF SOLID WASTE**

**Sec. 11-1. Authorized collection services.**

Only the solid waste collection services and facilities hereinafter specified are authorized to be provided and used for the collection of solid waste generated on or within premises subject to this article. The provision or use of collection services not authorized herein is a violation of this chapter. This article is applicable to the collection of designated solid waste.

(Ord. Of 6-13-91; Ord. Of 12-20-93)

**Sec. 11-2. County solid waste collection facilities.**

The county shall establish and maintain solid waste container collection facilities within the territorial jurisdiction of this article. The use of these facilities shall be governed by the provisions in the following sections.

(Ord. 12-30-93)

**Sec. 11-32.1 Limitations on use.**

The use of county solid waste collection facilities shall be limited to the collection of solid waste and designated solid waste other than solid waste which cannot be disposed of in the county sanitary landfill, generated on or within noncommercial residential premises located within the territorial jurisdiction this article, and transported to such facilities in individual loads not to exceed four (4) cubic yards in volume. Designated recyclable materials shall be accepted for resource recovery purposes as provided in article V hereof.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-32.2 Commercial use of collection facilities.**

Commercial solid waste collectors and persons other than the owners and occupants of noncommercial residential premises shall not use county solid waste collection facilities.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-32.3 Facility attendants.**

The sites of such collection facilities shall be attended by employees or agents of the county when open. Such attendants shall refuse to accept and allow the unloading of solid waste which fails to comply with provisions of this chapter or with rules duly promulgated by the department. No solid waste may be unloaded or otherwise placed in a collection facility unless an attendant is present and has accepted such solid waste; a violation of such provision is a violation of this chapter.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-32.4 Transporting of solid waste.**

Users of the collection facilities shall transport solid waste to the facility in a manner that prevents any solid waste from leaving the vehicle in which it is being transported. Failure to contain solid waste on the vehicle is a violation of this chapter if solid waste leaves the vehicle and goes upon premises other than that of the user or the collection facility.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-33. Commercial solid waste collection.**

Any person owning or occupying premises within the territorial jurisdiction of this article may contract for the collection of solid waste generated on or within such person's premises with any commercial solid waste collector that has been issued a permit for such activity by the county health department and authorized as provided herein to dispose of solid waste in a county solid waste disposal facility or an authorized private solid waste disposal facility.

(Ord. of 6-13-91)

**Sec. 11-34. Owner or occupant solid waste collection.**

Owners and occupants of premises generating solid waste subject to this chapter may provide their own collection services as follows:

- (1) The owner or occupant of premises within the territorial jurisdiction of this article may collect solid waste generated on such person's own premises in amounts not to exceed four (4) cubic yards per load and transport the same to a designated county or private solid waste disposal facility. Such collection is not subject to permit requirements or other restrictions to which commercial solid waste collectors are

subject, provided that such solid waste is transported by a means and in a manner so that solid waste does not leave the transporting vehicle; a violation of such proviso is a violation of this chapter.

- (2) Any person owning or occupying premises within the territorial jurisdiction of this article, may collect solid waste generated on such person's premises in an amount greater than four (4) cubic yards, provided such person has been issued a permit for such collection by the county health department and is authorized as provided herein to dispose of solid waste in a county solid waste disposal facility or an authorized private solid waste disposal facility. Such collection shall be subject to the same conditions and restrictions imposed in this article upon commercial collectors.  
(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-35. Restrictions on collection services.**

All collection services provided by any person providing services in accordance with the provisions of this article shall be subject to the conditions and restrictions set forth below. A violation of any such condition or restriction is a violation of this chapter.  
(Ord. of 6-13-91)

**Sec. 11-35.1. Collection of designated recyclable materials.**

All commercial solid waste collectors and owners and occupants of premises within the territorial jurisdiction of this article providing their own collection services shall also provide for the collection of recyclable materials designated in Article V hereof for resource recovery.  
(Ord. of 6-13-91)

**Sec. 11-35.2. Commingling of certain solid wastes prohibited.**

- (a) Solid waste collected from premises other than noncommercial residential premises within the territorial jurisdiction of this article or Article IV hereof shall not be commingled in an individual vehicle load with solid waste collected from noncommercial residential premises within such jurisdiction. Vehicles of collectors carrying solid waste collected from premises other than noncommercial residential premises shall be clearly identified as such. Any vehicles carrying hazardous or medical solid waste shall be identified as such and shall be operated in accordance with pertinent state and federal laws and regulations.
- (b) Solid waste collected from premises within the territorial jurisdiction of this article or Article IV hereof shall not be commingled in an individual vehicle load with recyclable materials designed pursuant to Article V hereof.  
(Ord. of 6-13-91)

**Sec. 11-35.3. Transporting of collected solid waste.**

All solid waste collectors collecting in the county shall transport solid waste in accordance with applicable rules of the board of health and this chapter and with pertinent state and federal laws and regulations and, notwithstanding such rules, laws and regulations, in a manner that prevents any solid waste from leaving the vehicle in which it is being transported.

(Ord. of 6-13-91)

**Sec. 11-35.4. Disposing of collected solid waste and designated solid waste.**

All persons shall dispose of designated solid waste in the designated facility in accordance with the provisions of this chapter and the rules of the department. All solid waste collectors subject to this article shall dispose of solid waste in the course of their operations only in accordance with the provisions of this chapter and the rules of the department governing the operation of county landfills.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-35.5. Collection of hazardous materials and medical waste.**

- (a) Hazardous materials and medical waste shall be collected in accordance with the laws and regulations of the United States and the State of North Carolina and the rules of the county health department. Consistent with such laws, regulations and rules, the solid waste director shall promulgate rules governing the collection of hazardous materials and medical waste generated on premises subject to this article.
- (b) Hazardous materials and medical waste shall not be mixed with other solid waste collected pursuant to this article.

(Ord. of 6-13-91)

**Sec. 11-35.6 Collection of scrap tires.**

- (a) Scrap tires shall be collected in accordance with the laws and regulations of the United States and the State of North Carolina. Consistent with such laws and regulations, the solid waste director shall promulgate rules governing the collection of scrap tires generated on premises subject to this article.
- (b) Scrap tires shall not be mixed with other solid waste or designated solid waste collected pursuant to this article.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-36. Collection facility user fee.**

An annual fee, denominated a collection facility user fee, may be charged to defray, wholly or in part, the capital and operating costs of providing solid waste and designated solid waste collection facility and services for the use of the owners or occupants of each single-family residential unit of noncommercial residential premises within the territorial jurisdiction of this chapter. The fee shall be imposed upon the owners of such units as provided by and in the amount set forth in the annual schedule of solid waste management fees adopted by the board of county commissioners. If imposed, such fee shall be charged and collected as follows:

- (1) The county assessor shall determine from the tax records of the county the names and addresses of the owners, as of July 1 of each year, of each separate parcel of noncommercial residential property wholly or partly in an urban collection area and the number of habitable single-family residential units subject to the fee on or within such property. Such information shall be provided to the county tax collector for billing and collection of the fee.
- (2) The county tax collector shall multiply the number of habitable single-family units subject to the fee in each such tax parcel of noncommercial residential property by the amount of fee chargeable to each unit therein and include such total amount on the annual bill sent such owner for property taxes levied on such parcel. The fee shall be due upon receipt of the bill and payable without interest if paid before January 6 next following such receipt. Fees shall be paid in the manner provided in section 105-357, 105-358 and 105-359 of the North Carolina General Statutes.
- (3) Fees for each fiscal year paid on or after January 6 of such year are delinquent and are subject to interest as set forth in section 105-360 of the North Carolina General Statutes.
- (4) A lien securing payment of fees charged against a parcel of noncommercial residential property shall attach to the parcel on July 1 of each fiscal year. In the event of nonpayment of the fees after they are delinquent the tax collector may enforce the lien in the manner for foreclosure for unpaid ad valorem property taxes set forth in section 105-374 and 105-375 of the North Carolina General Statutes.
- (5) The tax collector shall pay over and account to the county for fees collected hereunder in accordance with rules promulgated by the county finance director.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-37. Regulation of collection services.**

- (a) The solid waste director is authorized to promulgate rules regulating the provision of collection services within the territorial jurisdiction of this article and the use of the

county solid waste collection facilities in the rural collection area, provided that such rules shall be consistent with the provisions of this chapter and state and federal laws and regulations pertaining to solid waste collection and disposal services and facilities. Such rules and any amendments thereof shall be reviewed and approved by the board of county commissioners prior to becoming effective.

- (b) Such rules shall be displayed prominently at the entrance to each solid waste management facility and a written set thereof shall be provided to every solid waste collector holding a department of health permit and, upon request, to any user of such services or facilities. A violation of any rule promulgated in accordance with this section is a violation of this chapter.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Secs. 11-38 – 11-40. Reserved.**

#### ARTICLE IV. DISPOSAL OF SOLID WASTE

##### **Sec. 11-41. Solid waste disposal facilities.**

- (a) The county shall establish, operate, or contract for the construction, operation, and maintenance thereof, of solid waste disposal facilities and facilities for the disposal of designated solid waste. Said facilities may include, but shall not be limited to, a sanitary landfill, a county demolition landfill and a designated facility for designated solid waste. These facilities shall exist at locations determined by the board of county commissioners. The facilities shall be operated and maintained by and under the direction and supervision of the director of the county solid waste management department, or any other party so designated, pursuant to a contract between said party and the county. In any event, the disposal facilities shall be maintained and operated in accordance with all applicable federal, state, and local laws, rules, and regulations.
- (b) The provisions of this article shall be and are applicable to solid waste, designated solid waste, the county landfill, the county demolition landfill, and any designated facility, notwithstanding the inclusion or exclusion of one (1) or any of the above in any recital of applicability.

(Ord. of 6-13-91; Ord. of 12-20-93)

##### **Sec. 11-41.1. Authorized use of solid waste disposal facilities.**

Use of the designated facilities for the disposal of solid waste and/or designated solid waste shall be restricted to the following categories of solid waste collectors:

- (1) Private commercial solid waste collectors serving residential, commercial, industrial, and professional premises in the county.

- (2) Municipal solid waste collectors serving municipalities in the county.
- (3) Owners and occupants of other than noncommercial residential premises in the county providing their own collection service. This category does not include those persons specified in subparagraph (4) of this section.
- (4) Natural persons occupying residential premises in the county collecting their own household solid waste and designated solid waste in amounts not to exceed four (4) cubic yards per load.
- (5) County employees transporting county solid waste container collection.
- (6) Generators of scrap tires in the county not included in any of the foregoing categories.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-41.2. Permit and identification required.**

- (a) Collectors specified in section 11-41.1, above, other than those specified in section 11-41.1(4), shall not be allowed to enter and use the county landfill unless they have obtained and display a solid waste collector's permit from the county health department and have registered such permit with the department. Vehicles operating under the terms of such permits shall display the name of the permit holder and the number and other symbol identifying the permit pursuant to which the vehicle is being operated.
- (b) Collectors specified in section 11-41.1(4), above, shall not be allowed to enter and use the county landfill unless they show photographic identification indicating residency in an area of the county subject to Article IV hereof.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-41.3. Unauthorized entry prohibited.**

Entry of any person into or upon county property denominated as the county sanitary landfill, the designated facility or the county demolition landfill, other than county officials and employees on official solid waste management business, authorized users of the respective landfills as set forth above for the purposes specified, or such other persons who have been authorized in writing by the solid waste director for the purposes set forth in such writing, is prohibited and constitutes a violation of this chapter.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-42. Regulations of county landfill use.**

The solid waste director is authorized to promulgate county landfill rules regulation the sue of county solid waste and designated solid waste disposal facilities, consistent with the provisions of this chapter and state and federal laws and regulations pertaining to solid waste disposal facilities. Such rules and any amendments thereof shall be reviewed and approved by the board of county commissioners prior to becoming effective. Such rules shall be displayed prominently at the entrances to the respective landfills and a written set thereof shall be provided to any user of a landfill upon request. A violation of any rule promulgated in accordance with this section is a violation of this chapter. Such rules shall include, but not be limited to, the following:

- (1) Operating hours.
- (2) Acceptable and prohibited materials.
- (3) Traffic control; rules of the road; other safety rules.
- (4) Weighing and off-loading procedures.
- (5) Vehicle and user identification procedures.
- (6) Recycling requirements and procedures.
- (7) Disposal fee collection procedures.
- (8) Flow control regulations.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-43. Disposal of designated recyclable materials.**

- (a) The burial or other permanent disposal of recyclable materials designated pursuant to Article V hereof in any county or authorized private solid waste disposal facility or designated facility within the territorial jurisdiction of this article is prohibited.
- (b) Designated recyclable materials may be accepted by county solid waste disposal facilities and at designated facilities for resource recovery purposes only in accordance with the provisions of Article V herein.

(Ord. of 6-13-91; Ord. of 12-20-93)

Cross reference — Effective date of provisions in § 11-43, subsection (a), § 11-78(b).

**Sec. 11-44. Scrap tire disposal.**

- (a) All persons subject to this chapter shall dispose of scrap tires in accordance with laws and regulations of the United States and North Carolina and the rules of the department and the violation of the same shall be a violation of this chapter.
- (b) The burial or other permanent disposal of scrap tires at the county sanitary landfill and the county demolition landfill is prohibited. Scrap tires shall be accepted only at the county demolition landfill for temporary storage and resource recovery processing or permanent disposal elsewhere.

**Sec. 11-45. Disposal of hazardous materials and medical waste.**

- (a) All persons subject to this chapter shall dispose of hazardous materials and medical waste in accordance with laws and regulations of the United States and North Carolina and the rules of the department and the violation of the same shall be a violation of this chapter.
- (b) Hazardous materials and medical waste, including loads containing such materials and waste mixed with other solid waste, shall not be deposited at any county landfill for disposal or any other purpose. Failure to identify loads of solid waste containing hazardous materials and medical waste to county landfill officials shall be a violation of this chapter.

(Ord. of 6-13-91)

**Sec. 11-46. Disposal facility user fees.**

Solid waste and designated solid waste user fees of the kind set forth in the following sections are authorized to defray the capital and operating costs, wholly or in part, of providing county solid waste disposal facilities and services required by this article. The kind of fees imposed and the amount thereof shall be determined annually by the board of county commissioners and set forth in a schedule of disposal fees which shall be adopted as a part of the annual budget.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec 11-46.1. Disposal facility household user fee.**

An annual fee, denominated a disposal facility household user fee, shall be charged to defray, wholly or in part, the capital and operating costs of providing solid waste disposal facilities, designated facilities, and services for the use of the owners or occupants of each single-family residential unit of noncommercial residential premises subject to this article. The fee shall be imposed upon the owners of such units in the amount set forth in the annual schedule of solid waste management fees and shall be charged and collected as follows:

- (1) The fee shall be charged to the holder of county board of health permit registered with the department or, in the case of a collector not required to have a permit, to the person in whose name the vehicle carrying solid waste or designated solid waste is registered with the North Carolina Department of Motor Vehicles. Such fee shall also be charged to collectors identified in section 11-41.1(4) disposing of solid waste or designated solid waste generated on or within premises not subject to the household disposal fee.
- (2) A fee shall be charged for each nonexempt ton, or fraction thereof, of solid waste deposited at either of the landfills or designated facilities. A load composed solely of solid waste or designated solid waste generated on noncommercial residential premises, the owners of which pay the annual disposal facility household user fee, shall be exempt from the collector's fee. A load composed of such solid waste and solid waste or designated solid waste from other sources shall be charged as though totally nonexempt.
- (3) Except as otherwise provided in this section, the fee shall be payable upon entry of the collector with a vehicle load of solid waste or designated solid waste into the landfill premises and shall be paid in cash to the attendant designated by the solid waste director to receive such payment. Checks and drafts may be accepted from collectors who have received prior written approval from the solid waste director, who shall promulgate rules governing such method of payment. Such rules may include a provision for imposing a service charge on returned checks subject to any limitations required by law.
- (4) Collectors holding a permit from the county board of health and registered with the department may, with approval of the solid waste director, establish a credit account to which fees hereunder may be charged. The solid waste director shall promulgate rules governing the payment of amounts due on such accounts.
- (5) The solid waste director shall pay over and account to the county for fees collected hereunder in accordance with rules promulgated by the county finance director.

(Ord. of 6-13-91; Ord. of 12-20-93)

### **Sec. 11-46.3 Scrap tire disposal fee.**

A disposal fee, denominated a scrap tire disposal fee and sometimes referred to as a "shredding fee," shall be charged for depositing a scrap tire at the county demolition landfill for disposal. This fee is charged for the cost of scrap tire disposal equipment and operations at the landfill. This fee may be charged and collected as follows:

- (1) The fee shall be charged to persons in certain activity categories designated, from time to time, in the annual schedule of solid waste management fees. The amount of the fee for each category of activity shall be set forth in the schedule.

- (2) The fee shall be paid and collected in the same manner and subject to the same rules as the collectors' disposal fee set forth in this section.
- (3) The solid waste director shall pay over and account to the county for fees collected hereunder in accordance with rules promulgated by the county finance director. Such revenue shall be retained in a separate fund and shall be used exclusively to defray the cost of scrap tire disposal.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-47. Private solid waste disposal sites.**

- (a) No person shall establish a private solid waste disposal site in the county unless such person has obtained authority from the State of North Carolina following approval by the board of commissioners of the county.
- (b) Applications for such approval, identifying the proposed location and function of the site, shall be submitted in writing to the solid waste management department, which shall review the application in coordination with other appropriate departments of the county and submit recommendations for approval or disapproval to the board of commissioners.
- (c) Such private solid waste disposal sites shall be subject to the provisions of this chapter and rules promulgated by the solid waste directory specifically applicable to such sites.
- (d) No private solid waste disposal site shall be approved for the disposal of designated solid waste.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-48. Designation of facilities for disposal of designated solid waste.**

- (a) Pursuant to the authority delegated to it within the Cumberland County Designated Geographic Area by the North Carolina Department of Environment, Health, and Natural Resources or any successor department, the county shall designate a designated facility for the disposal of all designated solid waste collected within the designated geographic area. The county may designate one (1) or more additional designated facilities for the disposal of designated solid waste, in the event that the designated facility contract with the county is terminated or if the designated facility contractor informs the county that its facility lacks the capacity to process all of the county's designated solid waste.
- (b) Except as otherwise expressly provided herein or by the department, all designated solid waste generated within the Cumberland County Designated Geographic Area and placed in to the waste stream for disposal shall be delivered to an appropriate county solid waste collection facility for subsequent transportation and disposal exclusively at the designated facility, unless an unplanned outage at the designated facility requires that such designated solid waste be transported elsewhere.
- (c) In accordance with Section 130A-294(a)(5b) of the North Carolina General Statutes and Article V hereof, nothing in this article shall be construed to (i) prohibit the

separation of materials from solid waste at their source prior to the collection of such solid waste for disposal, (ii) to prohibit collectors of solid waste from recycling materials or (iii) to limit access to such materials as an incident to collection of such solid waste, or (iv) to prohibit an owner of recyclable materials from selling, donating or otherwise conveying ownership of those materials.

(Ord. of 12-20-93)

**Sec. 11-49. Exception to exclusivity requirements.**

- (a) In compliance with the Commerce Clause of the United States Constitution, any person who desires to dispose of or transport Designated Solid Waste to a site or a facility located outside of the State of North Carolina shall submit an affidavit to the County manager of Cumberland County giving notice of the person's desire to dispose of or transport Designated Solid Waste to a site or facility located outside of the state and the name and location of the said facility to which such person desires to dispose of or transfer the designated solid waste.
- (b) Upon receipt of the affidavit by the county manager, such person shall automatically be exempt from the requirements of this article. In the event that any person so exempt no longer disposes of such person's designated solid waste at the site or the facility named in the affidavit, such person shall thereafter become subject to the requirements of this article unless and until another affidavit from such person fulfilling the requirements of this section is received by the County Manager of Cumberland County.

(Ord. of 12-20-93)

**Sec. 11-50. Reserved.**

**ARTICLE V. RESOURCE RECOVERY AND RECYCLING**

**Sec. 11-51. Policy.**

It is the goal of the board of county commissioners to reduce the quantity of solid waste disposed of in or through county solid waste management facilities during the year ending December 31, 1992, by a minimum of twenty-five (25) percent. The policy of the board is to achieve this goal by resource recovery and recycling programs as provided in this article.

**Sec. 11-52. Resource recovery and recycling mandatory.**

All persons generating solid waste in or upon premises within the territorial jurisdiction of this article, all persons collecting solid waste within the jurisdiction, and all solid waste disposal facilities shall recover and process recyclable materials designated in this article as herein provided. The willful failure to recover and process such materials as herein

provided is a violation of this chapter. The provisions of this article shall apply in their entirety to designated solid waste and to designated facilities.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-52.1. Resource recovery and processing – On-premises.**

All persons generating solid waste in or upon premises within the territorial jurisdiction of this chapter shall recover designated recyclable materials by segregating them from other solid waste in accordance with section 11-21 and shall process such materials either by setting them out in a segregated manner for collection by an authorized commercial solid waste collector or transporting the same in a segregated manner to a county or private resource recovery center authorized by this article.

(Ord. of 6-13-91)

**Sec. 11-52.2. Same – By collectors.**

- (a) All collectors, other than county container collection facilities, serving premises within the territorial jurisdiction of this chapter and authorized to use the county solid waste disposal facilities shall provide resource recovery and processing services to such premises as a condition of the privilege of using such disposal facilities. Recovery services shall consist of collecting designated recyclable materials set out for such collection as provided in section 11-52.1. Processing services shall consist of preparation of the collected recyclable materials and delivery to a market or production facility purchasing or using such materials or of the delivery in a segregated manner to a county or authorized private resource recovery center which will accept the materials so delivered.
- (b) At county container collection facilities the county shall provide resource recovery and processing services to all single-family units of noncommercial residential premises within the territorial jurisdiction of this chapter by operating county resource recovery centers pursuant to the provisions of this article. Such services shall consist of accepting segregated designated recyclable materials from such sources and preparing and delivering such materials to a market or production facility purchasing or using such materials.

(Ord. of 6-13-91)

**Sec. 11-52.3. Same – By solid waste disposal facilities.**

- (a) County solid waste disposal facilities shall provide resource processing services for designated recyclable materials received. Such services shall consist of delivering such materials to a market or production facility purchasing or using such materials.
- (b) County solid waste disposal facilities shall provide resource recovery and processing services for loads of solid waste delivered to a county solid waste disposal facility in which designated recyclable materials are commingled. Such services shall consist of

separating designated recyclable materials from the other solid waste, segregating such materials by designated type, and preparing and delivering such materials to a market or production facility purchasing or using such materials. Such services shall be subject to resource recovery and processing fees as provided in this article.

- (c) County solid waste disposal facilities may, in accordance with rules promulgated, from time to time, by the solid waste director, accept one or more of the types of designated recyclable materials collected by collectors serving premises within the territorial jurisdiction of this chapter or recovered by private resource recovery centers and provide the same processing services provided for materials recovered at county resource recovery centers. Such services shall be subject to resource recovery and processing fees as provided in this article.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-53. County resource recovery centers.**

- (a) Each county solid waste collection facility is designated as a resource recovery center. Use of resource recovery centers is limited to persons authorized to use a county solid waste collection facility.
- (b) The solid waste director shall promulgate rules governing the operation of resource recovery centers. A violation of such rules is a violation of this chapter.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-54. Resource recovery franchises.**

The board of county commissioners may grant franchises to commercial resource recovery operators to operate county resource recovery centers or process designated recyclable materials at county solid waste disposal facilities.

(Ord. of 6-13-91)

**Sec. 11-55. Private resource recovery centers.**

Any person, including authorized private solid waste disposal facilities, may establish and operate a private resource recovery center within the territorial jurisdiction of this chapter for the purpose of recovering recyclable materials generated on premises within such jurisdiction. The solid waste director shall promulgate rules governing the establishment and operation of such centers.

(Ord. of 6-13-91)

**Sec. 11-56. Designation of recyclable materials.**

The solid waste director, in accordance with rules and regulations of the State of North Carolina, may, from time to time, designate certain items as special recyclable materials.

Such materials shall be subject to mandatory resource recovery and recycling provisions affecting the storage, recovery and disposal thereof as more specifically provided in this article.

(Ord. of 6-13-91)

**Sec. 11-57. Resource recovery and recycling statistics.**

- (a) The department shall maintain annual statistics showing the nature and amounts of recyclable materials diverted from the waste stream generated in the county into a resource recovery and recycling process. All authorized solid waste collectors and private resource recovery centers shall provide such statistics to the department upon request. Such statistics shall be treated upon request of the enterprise as privileged, proprietary information in the same manner as the listing for ad valorem tax purposes of business personal property, and shall not be made available to the public.
- (b) Commercial and industrial enterprises conducting internal resource recovery and recycling operations not subject to this article shall be requested to provide such statistics and, if provided, such statistics shall be treated upon request of the enterprise as privileged proprietary information in the same manner as the listing for ad valorem tax purposes of business personal property and shall not be made available to the public.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11.58. Resource recovery fees generally.**

Resource recovery fees of the kind set forth in the following section are authorized [in order] to defray the capital and operating costs, wholly or in part, of providing county resource recovery services required by this article. The kind of fees imposed and the amount thereof shall be determined annually by the board of county commissioners and set forth in a schedule of resource recovery fees, which shall be adopted as a part of the annual budget.

(Ord. of 6-13-91)

**Sec. 11-58.1. Resource recovery and processing fee.**

An annual fee, denominated a resource recovery and processing fee, may be charged to defray, wholly or in part, the capital and operating costs of providing resource recovery and processing services at county solid waste disposal facilities as set forth in this article. The fee may be imposed upon collectors other than county solid waste collection facilities and upon private resource recovery centers delivering solid waste to county solid waste disposal facilities in which designated recyclable materials are commingled or delivering segregated designated recyclable materials which is acceptable pursuant to rules promulgated by the solid waste director. Such fee shall be imposed in the amount set forth in the annual schedule of solid waste fees adopted by the board of county commissioners. If imposed, such fee shall be charged and collected as follows:

- (1) The fee shall be charged to the holder of a county board of health permit registered with the department or, in the case of a collector or private resource recovery center not required to have a permit, to the person in whose name the vehicle carrying the commingled or segregated recyclable materials is registered with the North Carolina Department of Motor Vehicles.
- (2) A fee shall be charged for each ton, or fraction thereof, of solid waste in which designated recyclable materials is commingled and for each ton of acceptable designated recyclable materials deposited at a county solid waste disposal facility.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Secs. 11-59, 11-60. Reserved.**

## ARTICLE VI. ILLEGAL STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE

### **Sec. 11-61. Prohibited.**

The storage, collection and disposal of solid waste within the area of jurisdiction of this chapter in a manner not permitted by this chapter is prohibited. A violation of this section shall subject the offender to criminal prosecution, assessment of a civil penalty or other legal action as more particularly set forth in Article VII of this chapter.

(Ord. of 6-13-91)

### **Sec. 11-62. Littering prohibited.**

Littering, as defined herein, within the area of jurisdiction of this chapter is prohibited. A violation of this section shall subject the offender to criminal prosecution, assessment of a civil penalty or other legal action as more particularly set forth in Article VII of this chapter.

(Ord. of 6-13-91)

### **Sec. 11-63. Illegal solid waste disposal sites.**

- (a) No person shall place or solicit or knowingly permit the placing of solid waste on property which such person owns or leases, unless such solid waste is generated on such premises and stored as provided in this chapter or unless such property has been approved as a solid waste disposal site pursuant to this chapter or the laws and regulations of the state. A violation of this section shall subject the offender to criminal prosecution, assessment of a civil penalty or other legal action as more particularly set forth in Article VII of this chapter.

- (b) Pursuant to the provisions of section 153A-140 of the General Statutes of North Carolina, the unlawful storage, accumulation or presence of solid waste on public or private property in the area of jurisdiction of this chapter in an amount exceeding fifty (50) pounds or one hundred (100) cubic feet is hereby ordained and declared, subject to the limitations set forth in Article 57 of Chapter 106 of the General Statutes, to be a public nuisance. Such public nuisances shall be abated as provided in Article VII of this chapter.

(Ord. of 6-13-91)

**Sec. 11-64. Applicability of article to designated solid waste.**

The provisions of this article shall apply in their entirety to designated solid waste and the disposal of designated solid waste.

(Ord. of 12-20-93)

**Secs. 11-65 - 11-70. Reserved.**

**ARTICLE VII. ADMINISTRATION AND ENFORCEMENT**

**Sec. 11-71. Responsibility for administration.**

A department of solid waste management is hereby established. The department shall be responsible for the administration and enforcement of the provisions of this chapter.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-71.1. Applicability of article to designated solid waste and designated facilities.**

The provisions of this article shall apply in their entirety to designated solid waste, the disposal of designated solid waste, and designated facilities.

(Ord. of 12-20-93)

**Sec. 11-72. Civil penalty citations.**

- (a) A violation of this chapter shall subject the offender to the assessment of a civil penalty in an amount set forth in the schedule of civil penalties to be adopted, from time to time, by the board of commissioners of the county. Penalties assessed shall be recovered by the county in a civil action in the nature of debt if the offender does not pay the civil penalty within thirty (30) days after the offender has been cited for the violation. Each day's continuing violation shall constitute a separate offense for the purpose of assessing a civil penalty.

- (b) The solid waste director shall designate one (1) or more of the employees of the department as solid waste management inspectors. Such inspectors are authorized as public officials to investigate violations of this chapter and, upon a determination that such a violation has occurred, issue civil penalty citations. The director of solid waste management shall promulgate written procedures for investigating violations, issuing citations and collecting penalties.

(Ord. of 6-13-91)

**Sec. 11-73. Violation a misdemeanor.**

A violation of this chapter is punishable as a misdemeanor and shall subject the offender to such a fine of five hundred dollars (\$500.00) and confinement as the law of North Carolina may, from time to time, provide. Each day's continuing violation shall constitute a separate offense for the purpose of such prosecution.

(Ord. of 6-13-91; Ord. of 10-21-91)

**Sec. 11-74. Abatement of public nuisances.**

- (a) Upon reasonable cause to believe that a public nuisance, as defined in Article VI hereof, exists, the director of solid waste management or his designee, upon not less than ten (10) days' notice to the occupant and owner of the property on which the alleged nuisance is located, shall hold a hearing to determine whether or not such nuisance does, in fact, exist. If the hearing officer makes a determination that a public nuisance exists, he shall enter and serve upon the owner and occupant an order to remove, abate or remedy the nuisance within a reasonable period of time, but not less than ten (10) days. Such order may be appealed by the owner or occupant to the Superior Court of the county by a petition for review filed with the court not later than ten (10) days following service of the order. Such an appeal tolls the running of the time provided to remove, abate or remedy the nuisance, unless the court determines that the appeal was made frivolously as provided in rule 11 of the Rules of Civil Procedure.

- (b) Upon failure of the owner or occupant of the property or of the person responsible for placing such solid waste on the property to remove, abate or remedy the nuisance within the period the hearing officer has allowed, the director of solid waste management shall remove, abate or remedy the nuisance as provided in the order and charge the cost thereof to the owner and occupant. If such expense is not paid by the owner or occupant, it shall be a lien upon the land or premises where the nuisance arose and shall be collected as unpaid taxes.

(Ord. of 6-13-91)

**Sec. 11-75. Other remedies.**

This chapter may be enforced by any other remedy at law or equity which the county is authorized to pursue, to include injunctive relief. The civil penalties, criminal prosecution, and other remedies provided in this chapter are cumulative and not exclusive, and may be

independently and separately pursued against the same person for the activity constituting a violation of this chapter. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies in other provisions of this code or other laws and regulations.

(Ord. of 6-13-91)

**Sec. 11-76. Litter wardens.**

The department is authorized to encourage and support a volunteer citizens' program providing for a system of litter wardens in communities which are experiencing problems with littering and illegal dumping of solid waste. The system will operate similarly to or as a part of community watch programs, whereby the litter wardens will patrol problem areas and report littering and illegal dumping and the perpetrators thereof to the department when observed. Such support may include the provision of organizational and training assistance to the litter warden system. The solid waste director shall promulgate written procedures for coordinating the efforts of the wardens with enforcement officials of the sheriff's department, the health department and the solid waste management department.

(Ord. of 6-13-91)

**Sec. 11-77. Suspension of privileges.**

- (a) The solid waste director is authorized, in addition to any or all of the remedies provided herein, to suspend for a period not to exceed thirty (30) days the privilege of any person authorized hereunder to use any solid waste management facility subject to this chapter upon a determination by the director that such person has violated a provision of this chapter. Such suspension shall be imposed only upon notice and hearing pursuant to rules duly promulgated by the solid waste director.
- (b) Upon a determination by the solid waste director that a person authorized hereunder to use any solid waste management facility subject to this chapter has violated provisions of this chapter on more than one (1) occasion within a period of a year, the director may, upon notice and hearing as set forth above, permanently revoke such person's privilege to use such facility.
- (c) Any suspension or revocation ordered by the solid waste director under sections (a) or (b) above may be appealed for a determination to the board of county commissioner's sitting in regular session.

(Ord. of 6-13-91; Ord. of 12-20-93)

**Sec. 11-78. Effective dates.**

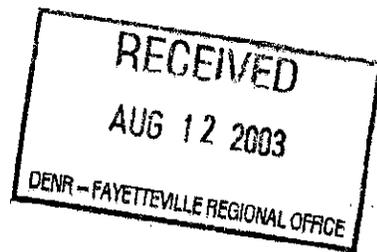
- (a) the effective date of this chapter shall be July 1, 1991. (Adopted June 13, 1991, by the board of commissioners)

- (b) The effective date of section 11-43(a) of this chapter shall be July 1, 1992. (Amendment adopted June 20, 1991, by the board of commissioners)
- (c) Severability. If any provision of this article shall be held by a court of competent jurisdiction to be unconstitutional or unenforceable, the decision of such court shall not affect nor impair any of the remaining provisions of this article; and the county, to the extent appropriate, shall take such actions as are necessary to correct any such unconstitutional or unenforceable provision. It is hereby declared to be the intent of the county that this article would have been approved and executed had such an unconstitutional or unenforceable provision been excluded therefrom.
- (d) The 1993 amendments shall be effective January 1, 1994.  
(Ord. of 6-13-91; Ord. of 12-20-93)

**RECEIVED**

**JUL 01 2003**

**DIVISION OF WASTE MANAGEMENT  
FAYETTEVILLE REGIONAL OFFICE**



RESOLUTION TO ADOPT THE SAMPSON COUNTY  
SOLID WASTE MANAGEMENT PLAN  
THREE-YEAR 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, control the cost of solid waste management; and,

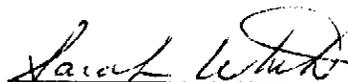
WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a solid waste management plan three-year update; and,

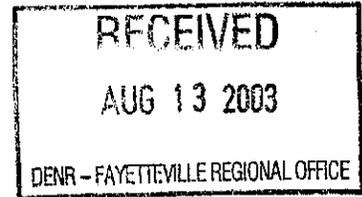
WHEREAS, The Town of Turkey has been actively involved in the planning process;

NOW, THEREFORE, BE IT RESOLVED, that the Turkey Board of Commissioners hereby approves the Sampson County Solid Waste Management Plan Three Year Update.

Adopted this 17<sup>th</sup> day of July, 2003

  
Chairman / Mayor

  
Clerk



RESOLUTION TO ADOPT THE SAMPSON COUNTY  
SOLID WASTE MANAGEMENT PLAN  
THREE-YEAR 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, control the cost of solid waste management; and,

WHEREAS, NC 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 solid waste management plan three-year update; and,

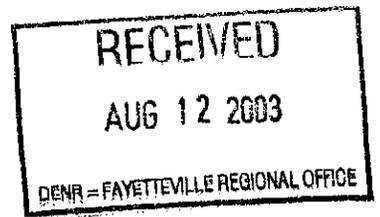
WHEREAS, Town of Harrells has been actively involved in the planning process;

NOW, THEREFORE, BE IT RESOLVED, that Harrells Board of Commissioners hereby approves the Sampson County Solid Waste Management Plan Three Year Update.

Adopted this 1 day of July, 2003.

James C Moore  
Chairman

Daniel A Gary  
Clerk



**TOWN OF GARLAND  
P. O. BOX 207  
GARLAND, NC 28441  
(910) 529-4141  
(910) 529-1393 FAX**

**RESOLUTION TO ADOPT THE SAMPSON COUNTY  
SOLID WASTE MANAGEMENT PLAN  
THREE-YEAR 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, control the cost of solid waste management; and,**

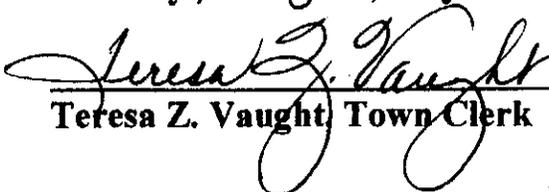
**WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a solid waste management plan three-year update; and,**

**WHEREAS, the Town of Garland has been actively involved in the planning process,**

**NOW, THEREFORE, BE IT RESOLVED, that the Town of Garland Board of Commissioners hereby approves the Sampson County Solid Waste Management Plan Three-Year Update.**

**Adopted this 8<sup>th</sup> day of July 2003.**

  
\_\_\_\_\_  
Anthony L. Johnson, Mayor

  
\_\_\_\_\_  
Teresa Z. Vaught, Town Clerk

RECEIVED  
AUG 12 2003  
DENR - FAYETTEVILLE REGIONAL OFFICE

RESOLUTION TO ADOPT THE SAMPSON COUNTY  
SOLID WASTE MANAGEMENT PLAN  
THREE-YEAR 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, control the cost of solid waste management; and,

WHEREAS, NC 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 solid waste management plan three-year update; and,

WHEREAS, Autryville has been actively involved in the planning process;

NOW, THEREFORE, BE IT RESOLVED, that Autryville Board of Commissioners hereby approves the Sampson County Solid Waste Management Plan Three Year Update.

Adopted this 15<sup>th</sup> day of July, 2003.

Robert D. Williams  
Chairman

Diane H. Autry  
Clerk