

*ORDINANCE 2018-16*

*ATTACHMENT A*

Section 1. PURPOSE

This Chapter authorizes and provides for solid waste management in Oconee County, South Carolina (“County”); establishing powers and duties in connection therewith; establishing standards and requirements for the handling of Solid Waste, as defined herein; providing for the enforcement of these requirements; and imposing penalties for failure to comply with these provisions.

This Chapter is drafted for the benefit of the citizens of the County, both present and future. The County recognizes that a clean, safe, and attractive environment is important to the health and welfare of all County inhabitants.

Section 2. AUTHORITY

- (a) This Chapter is authorized by the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code § 44-96-10 et seq., as well as S.C. Code § 4-9-25, S.C. Code § 4-9-30, S.C. Code § 16-11-700, S.C. Code § 44-55-1010, et seq., and other applicable state and federal statutory, decisional, and regulatory law.
- (b) The Director of the Oconee County Solid Waste Department may publish rules and regulations that are in addition, but not contrary, to the provisions of this Chapter. All such rules and regulations must be approved by the County Administrator and shall be maintained in the “Oconee County Solid Waste Operational Manual” or “Operational Manual” which shall be made available to the public at the Oconee County Solid Waste Complex, 15028 Wells Hwy, Seneca, SC 29678, and which may also be found at [www.oconeesc.com](http://www.oconeesc.com) The rules and regulations contained in the Operational Manual shall only address administrative matters and not assume any legislative powers, which are expressly reserved to the Oconee County Council.

Section 3. JURISDICTION

This Chapter applies to all unincorporated areas of the Oconee County, and to any other areas under its jurisdiction by intergovernmental agreement, operation of law, or otherwise.

Section 4. DEFINITIONS

- (a) Any term not specifically defined in this section shall be construed pursuant to its plain and ordinary meaning. The word “shall” is always mandatory and not merely discretionary.

- (b) “Bulky Solid Waste” means large items of solid waste such as furniture, large auto parts, and other oversized items whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.
- (c) “Collector” means any Person or entity engaged in the business of collecting, transporting, and/or disposing of Solid Waste within the County and which is licensed, or required to be licensed, by the Oconee County Solid Waste Department for such activities.
- (d) “Commercial Solid Waste” means Solid Waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing entities or activities, excluding Residential and Industrial Solid Waste.
- (e) “County Council” means the Oconee County Council.
- (f) “County” means Oconee County, South Carolina.
- (g) “DHEC” means the South Carolina Department of Health and Environmental Control, a governmental agency responsible for public health and the environment in the State of South Carolina.
- (h) “Department” means the Oconee County Solid Waste Department.
- (i) “Director” means the Director of the Oconee County Solid Waste Department.
- (j) “Garbage” means all putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- (k) “Hazardous Waste” means any waste, or combination of wastes, of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may in the judgment of the Department:
  - (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
  - (2) contain (i) any “hazardous substance” as now or hereafter defined in § 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. § 9601 et seq.) (“CERCLA”) or any regulations promulgated under CERCLA; (ii) any “hazardous waste” as now or hereafter defined in the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.) (“RCRA”) or regulations promulgated under RCRA; (iii) any substance regulated by the Toxic Substances Control Act (15 U.S.C. § 2601 et seq.); (iv) gasoline, diesel fuel, or other petroleum hydrocarbons; (v) polychlorinated biphenyls; or (vi) radon gas.
- (l) “Industrial Waste” means Solid Waste that results from industrial / manufacturing processes including, but not limited to, those of factories and treatment plants.
- (m) “Litter” means all Solid Waste which is not stored in secure Solid Waste receptacles, meeting standards established herein and by the County Litter Control Ordinance, or which is otherwise not disposed of in a manner provided by law.
- (n) “Person” means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

- (o) “Putrescible Waste” means Solid Waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of creating foul smelling odors and attracting or providing food for animals.
- (p) “Recyclable Materials” means those materials which are capable of being recycled which would otherwise be processed or disposed of as Solid Waste.
- (q) “Recycling” means any process by which Recyclable Materials are collected, separated, processed, and reused or returned to use in the form of raw materials or products.
- (r) “Refuse” means all non-putrescible waste.
- (s) “Residential Waste” means Solid Waste generated by a single family residence, excluding Commercial and Industrial Solid Waste.
- (t) “Single Family Residence” means premises used for or designated as a single-family residential dwelling, including each dwelling unit contained within a (a) condominium structure; (b) duplex, triplex, etc.; (c) townhouse structure; or (d) mobile home park.
- (u) “Sludge” means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.
- (v) “Solid Waste” means any Garbage, Refuse, Sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are the application of fertilizer and animal manure during normal agricultural operations and Refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.
- (w) “Solid Waste Management System” means all facilities, activities, and actions, including monitoring and regulating, deemed necessary by County Council and executed primarily by the Department to manage Solid Waste, including collection, transportation, treatment, and disposal.
- (x) “Used Tire Dealer” means any commercial entity that sells used tires.
- (y) “Waste Tire” means a tire that is no longer suitable for its original intended purpose.
- (z) “Waste Tire Collection Facility” means a permitted facility or a facility exempted from permit requirement, used for the temporary storage of waste tires.
- (aa) “Yard Waste” means Solid Waste consisting solely of vegetative matter resulting from landscaping maintenance.

Section 5. THE OCONEE COUNTY SOLID WASTE DEPARTMENT

- (a) The Oconee County Solid Waste Department shall operate the County's Solid Waste Management System, and shall include the employees of the County who manage the disposal, recycling, transfer, transportation, and other operations involved in the management of Solid Waste.
- (b) The Department shall operate under the direction of the Solid Waste Director, who shall report to the County Administrator.

Section 6. COLLECTORS

- (a) Licensing and Fees.
  - (1) All Collectors must obtain and maintain a County license for operation, along with any other required local, state, and federal licenses and decals before collection and disposal of any Solid Waste at an approved County Facility.
  - (2) County license fees for Collectors of the various categories of Solid Waste shall be established by County Council and posted at the Oconee County Solid Waste Complex, 15028 Wells Hwy, Seneca, SC 29678, and may also be found at [www.oconeesc.com](http://www.oconeesc.com)
  - (3) Any Collector of Solid Waste shall dispose of such Solid Waste only at the designated and appropriate County Facility, or at such other site as approved by DHEC.
  - (4) Each Collector shall furnish to the Department maps of proposed and/or established routes for which licensure or re-licensure is requested. Such maps shall include the proposed number of residential customers and such other information as deemed necessary by the Department.
  - (5) Each licensed Collector shall be required to attest in writing that it has read this Chapter and all rules and regulations promulgated by the Department and agrees to abide by them. Failure to abide by this Chapter and/or the rules and regulations shall be cause for revocation of a Collector's license. Any licensed Collector who shall discontinue an approved route shall notify the Director of the intention to discontinue such route at least sixty (60) days prior to the date set for discontinuance, except in the event of death, providential disaster, or exception granted by the County Council.
- (b) Collector's Vehicles.
  - (1) All vehicles used to collect, transport, and dispose of Solid Waste in the County must prominently display a decal, which shall be purchased from the Department, indicating the vehicle is licensed to collect waste within the County.
  - (2) Every vehicle used for transportation of Solid Waste shall be equipped with a hauling body which shall be reasonably watertight. The vehicle must also be equipped with a tarp, canvas, or other Department-approved device capable of ensuring no loss of any collected waste. Failure to comply with either of these requirements constitutes a per se violation of this Chapter.

- (3) Every vehicle used for the collection of Solid Waste shall at all times be kept properly maintained. Every vehicle shall carry a legend on the side wall of the hauling body with a minimum of two-inch lettering, which shall include:
  - a. The name of the Collector;
  - b. The address of the Collector; and,
  - c. The Collector's telephone number.

(c) Collection.

- (1) The Collector shall not dent, bend, punch holes in or otherwise damage the container provided by the individual Solid Waste generator and shall empty, recover, and return the container to the designated collection place.
- (2) Collectors shall be subject to a penalty for depositing mixed Residential and Commercial and/or Industrial Solid Waste at any facility.

## Section 7. OCONEE COUNTY DISPOSAL FACILITIES

(a) General Provisions.

- (1) The County-owned facilities ("County Facilities") described in this Section may be used for the disposal of Solid Waste by any Person who is an inhabitant of the County. Solid Waste shall be disposed of at the appropriate County Facility, as outlined below, and in a manner consistent with all procedures published by the Department. The Director or his designee shall have the authority to require proof of proper Solid Waste disposal methods from businesses and commercial establishments.
- (2) All County Facilities shall be under the supervision of the Director, in accordance with the rules and regulations published by the Department and DHEC, along with the ordinances of the County Council.
- (3) It shall be unlawful for any Person to loiter or trespass at any County Facility, or to come thereon except for the transaction of business during normal operating hours. No Person shall scatter, probe through, scavenge, interfere with, or disturb Solid Waste or any other item located at any County Facility.
- (4) Depositing Solid Waste in undesignated or inappropriate areas at, or around, any County Facility is strictly prohibited.
- (5) The use of County-owned equipment, in any manner, to remove or otherwise handle Solid Waste from a vehicle that is not County-owned or by a Person that is not an employee of the County, is strictly prohibited.
- (6) No burning item, flammable solution, explosive, hot ash, or similar item shall be placed in, around, or near any of the equipment provided for Solid Waste collection and/or storage.
- (7) Sewage solids or liquids, septic tank waste; unstable, flammable, or inflammatory substances; animals or carcasses; hazardous or potentially hazardous substances; or

any solid deemed inappropriate by the Director or designee may not be disposed at any County Facility.

- (8) Materials that are suitable for mulching shall only be disposed of at the County Mulching Yard. All customers will be charged the current landfill tipping fee for *mixed loads*.
- (9) All loads are subject to inspection by the Department. No unacceptable Solid Waste shall be unloaded at a County Facility. Any unacceptable Solid Waste unloaded at a County Facility shall be considered litter and shall be removed at the owner's expense. Such owner may be subject to other fees and penalties set forth in this Chapter and/or the County's Litter Control Ordinance.
- (10) All patrons of County Facilities must exit the facilities prior to the posted closing times.
- (11) Pets, of any nature, are prohibited from entering any County Facility. Service animals are not considered pets.

(b) Construction and Demolition Landfill.

- (1) This facility receives only such Solid Waste as is listed in S.C. Code Ann. Regs. 61-107.19 Appendix I "Acceptable Waste for Class Two Landfills." Acceptable wastes may be generated by construction, demolition, land-clearing, industrial, and/or manufacturing activities, and/or obtained from segregated Commercial Solid Waste. Any materials listed in Appendix I that have been contaminated by any hazardous constituent listed in the S.C. Hazardous Waste Management Regulations 61-79.261, or petroleum products, are prohibited from disposal at this facility.
- (2) Signs shall be posted at all entrance roads to the County landfills clearly specifying the days and hours of operation. Oconee County staff shall be at landfills during operating hours to supervise unloading operations.
- (3) All contaminated loads (meaning, loads mixed with any form of Solid Waste that is not listed as an "Acceptable Waste for Class Two Landfills," as defined above, will be turned away and directed to the Oconee County Transfer Station or elsewhere, as appropriate, where applicable fees will be charged.
- (4) All materials which shall require special handling, including but not limited to asbestos, may not be mixed with other waste and are subject to separate fees as set forth in the County's annual budget.
- (5) All vehicles must weigh in for processing of Solid Waste and fees. Any loads mixed with large amounts of recyclables such as brush, wood waste, concrete, asphalt, brick, block, scrap metal, and/or cardboard must be separated. These materials may be disposed of in the landfill if attached to other waste. If disposed of in the landfill, however, the load will incur double the approved tipping fee
- (6) Fees will be waived for any waste processed as a clean recyclable.

(c) Solid Waste Complex-Transfer Station.

- (1) This facility is a combination of structures, machinery, and devices where Solid Waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another Solid Waste management facility.
- (2) All vehicles must weigh in for processing of Solid Waste and fees. Fees will be waived for any waste processed as a clean recyclable.
- (3) This facility generally accepts the following types of Solid Waste: Bulky Solid Waste, Commercial Solid Waste, Industrial Solid Waste, and Residential Solid Waste. Notwithstanding the foregoing, the Director or his designee may refuse to accept certain generally acceptable Solid Waste if such Solid Waste cannot be properly processed through the Transfer Station. Mixed loads that can be properly processed through the Transfer Station will incur double the approved tipping fee due to either containing large amounts of recyclables that are not being recycled or containing construction and demolition debris that could otherwise be disposed of in the Construction and Demolition debris Class 2 landfill.
- (4) The acceptance of Sludge will be evaluated on a case by case basis. Extremely wet Sludge will not be accepted.

(d) Mulching Yard.

- (1) This County Facility receives only such Solid Waste as is listed in the Appendix to S.C. Code Ann. Regs. 61-107.4 "Feedstock Category One." Acceptable materials include yard trimmings, leaves, grass clippings, woodchips and sawdust from untreated wood, agricultural crop field residuals, and similar materials deemed acceptable by the Department. All such acceptable materials must be separated from other waste prior to delivery to the Mulching Yard.
- (2) "Feedstock" means source separated, recovered organic material approved by the Department and/or listed in the Appendix to R.107.4 to be used in the production of mulch.
- (3) "Mulch" means the organic, non-composted product rendered by grinding Category One feedstocks.
- (4) Material must be free of bags, root balls, cross ties, dirt, rocks, pallets, and other construction debris. Bags brought to this facility containing vegetation and leaves shall be emptied and taken to an appropriate disposal facility.
- (5) All material appropriate for the Mulching Yard will be accepted at no charge.

(e) Recycling and Convenience Centers.

- (1) The primary purpose of the County's Recycling and Convenience Centers is for County residents to have a clean and safe environment to dispose of appropriate Residential Solid Waste and Recyclable Materials.

- (2) Only Residential Solid Waste generated within the County shall be disposed of at a Recycling and Convenience Center. Waste tires are not accepted at County Recycling and Convenience Centers but must be disposed of at the County Transfer Station.
- (3) Recycling and Convenience Centers are not for use by any commercial enterprise or commercial activity.
- (4) Collectors are prohibited from depositing their customers' Solid Waste at a Recycling and Convenience Center.
- (5) The Department reserves the right to refuse entry to a vehicle that may cause a safety hazard to Recycling and Convenience Center patrons or employees due to its size or attached equipment.
- (6) Disposal containers located at these facilities shall be used only for the disposal of Residential Solid Waste. Large loads of Residential Solid Waste (greater than five hundred (500) pounds must be taken directly to the County Transfer Station where applicable fees will be applied.
- (7) All Residential Solid Waste and Recyclable Materials must be placed wholly inside the appropriate container or stationary compactor unless directed otherwise by a Department representative.
- (8) Recyclable Materials must be clean (free of food, liquids, dirt, mud, etc.), separated by type, and placed in the appropriate (designated) receptacle.
- (9) It is the responsibility of all Recycling and Convenience Center users to unload their vehicles and to properly dispose of their Residential Solid Waste and/or Recyclable Materials at the facility.
- (10) All cardboard deposited at a Recycling and Convenience Center shall be recycled.

(f) Disposal Site Fees.

- (1) Fee schedules for the disposal of Solid Waste at County Facilities will be established by the County's annual budget, published in the Department's Operational Manual, and posted at the respective facilities.
- (2) All fee changes shall be implemented by August 1st after adoption of the County's annual budget. A minimum of thirty (30) days shall be given before implementing any fee schedule change if fees are changed at any other time during the County's fiscal year (July 1 to June 30).
- (3) Nonprofit organizations may request a waiver of fees for construction and demolition debris by submitting a waiver request form to the Director. Waivers will be granted on a case-by-case basis in the best interest of the County. Any waiver denied by the Director may be submitted to the County Administrator for review.

Section 8. **PRIVATELY OWNED SOLID WASTE PROCESSING AND RECYCLING FACILITIES**

- (a) The following solid waste disposal activities have unique characteristics that require a thorough review prior to specific site approval, require careful ongoing oversight of the day-to-day operations, and have little to no state regulation or permitting:
- (1) The on-site processing of yard trash or construction, demolition, land-clearing debris, and/or other Solid Waste for reuse or recycling.
  - (2) Landfills intended to be used for yard trash or construction, demolition, land-clearing debris, and/or other Solid Waste.
  - (3) Any mining operations that include yard trash or construction, demolition, land-clearing debris, and/or other Solid Waste landfill as a part of their reclamation plan.
- (b) Each such or similar proposed activity must first be reviewed by the Department, and any other necessary County departments, as to its ability to meet the regulations contained in the Oconee County land use and zoning ordinances, this Oconee County Solid Waste Ordinance, and the Oconee County Solid Waste Management Plan. A report of that review must then be forwarded to the Oconee County Council in order for it to determine the suitability of the proposed activity and its location. As a part of its analysis of the proposed activity, County Council or its designee will establish application and review procedures that will contain but not be limited to the following:
- a. The application (on a form prescribed by the Department) for the activity, along with the Department's report on the application, will appear on County Council agendas at least three times. The first time will be for the purpose of an early notification to the public of the existence of the application and will include the time, date, and place of the public hearing. The second time will be for the purpose of holding a public hearing, and the third time will be for the purpose of County Council voting on the application.
  - b. At least fifteen (15) days prior to the public hearing, notice shall be given in a newspaper of general circulation in Oconee County.
  - c. At least fifteen (15) days prior to the public hearing, the adjacent property owners shall be notified of the proposed application and the time, date, and place of the public hearing.
  - d. The application will include a fee sufficient to cover the cost of the public hearing advertisement and the notification to all adjacent property owners.
  - e. If there are aspects of the activity and its proposed location that are of concern to the County Council, those concerns will be forwarded to the applicant. If the concerns are not addressed satisfactorily, the proposed activity will not be approved for that location.
- (c) Bonding of recycling/processing activities. The on-site processing of construction, demolition, land-clearing debris, and/or other Solid Waste for recycling has several unique characteristics. In preparation for processing, the materials are generally stored above-ground in large piles. If for any reason the recycling operation is abandoned, the unprocessed material must be transported to an approved landfill. Therefore, Oconee

County requires that a bond with surety and conditions satisfactory to it be filed and accepted by the Department prior to the permitting of such an operation. The nature of the surety and the bonding procedures shall be determined by the County Council or its designee to ensure that, in the event of a default by the applicant, sufficient funds will be available to dispose of the unprocessed solid waste material.

## Section 9. USED AND WASTE TIRES

- (a) All Persons shall adhere to laws and regulations set forth by DHEC Regulation 61-107.3. Solid Waste Management: Waste Tires.
- (b) It shall be unlawful for any Person to store, dump, discard, or abandon Waste Tires without either being registered with DHEC or meeting the exemptions set forth in the above mentioned DHEC regulations.
- (c) All Waste Tires generated, transported to, or stored in the County must be delivered to a Waste Tire Collection Facility or the Oconee County Solid Waste Complex-Transfer Station.
- (d) All illegal and unregistered Waste Tire dump sites are subject to the procedures and penalties of the Litter Control Ordinance of Oconee County, as well as all applicable local, state, and federal laws.
- (e) Used Tire Dealer.
  - (1) Any individual or commercial entity that sells, removes, replaces, and/or repairs used tires shall be required to:
    - a. Register as a used tire dealer with the Department;
    - b. Purchase a license annually;
    - c. Record sales and retain disposal receipts of all tires processed; and
    - d. Dispose of all Waste Tires at a Waste Tire Collection Facility or the Oconee County Solid Waste Complex-Transfer Station.
  - (2) Used tire retailers must keep receipts and records of tires sold and disposed of in the County. These records must be kept for a minimum of three (3) years and made available upon request.
  - (3) Used tires for resale must be stacked orderly either in rows or on racks for easy inspection and kept so the tires do not create a mosquito habitat or other environmental hazard.
- (f) Waste Tire Fees.
  - (1) **Anyone disposing of Waste Tires at the Solid Waste Complex-Transfer Station shall be required to pay the appropriate fees set forth by the County's annual budget.**
  - (2) The Waste Tire fee shall apply to all Waste Tires, including heavy equipment tires and oversized tires that have a diameter greater than the largest tire with a U.S. Department of Transportation number. Fleets are required to provide documentation for proof-of-purchase on in-state tires. The disposal fee applies to all tires for which no state tire disposal fee has been paid.

(3) Any dealer who brings Waste Tires to the Oconee County Solid Waste Complex – Transfer Station will be required to pay the appropriate fees, unless the adequate paperwork (SC DOR Solid Waste Excise Tax Return Form ST-390 including proof of payment) is provided.

(4) County residents are exempt from Waste Tire fees for small tires from lawn and garden equipment and bicycles. Waste Tire fees will apply to any commercial entity that disposes of these same items.

#### Section 10. MISCELLANEOUS PROVISIONS

(a) Solid Waste Containers.

(1) Solid Waste shall be stored in Solid Waste containers, which are watertight, vector-resistant, durable, easily cleanable, and designed for safe handling.

(2) Except when the containers are set out for collection, the Solid Waste generator shall keep and maintain all Solid Waste containers within the side or rear yard of the premises where the Solid Waste is generated.

(3) No Person shall place any Solid Waste container in any place or in any manner such that the container impedes normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.

(4) The Solid Waste generator shall not cause or permit any Solid Waste container to be filled in any manner which causes Solid Waste to overflow from the container.

(b) Out-of-County Waste: Solid Waste generated outside of the boundaries of the County must be designated as such and documented with the Department.

#### Section 11. PENALTIES AND FINES

A Person violating the provisions of this Chapter may be guilty of a misdemeanor and subject to a fine and/or imprisonment in an amount not to exceed the jurisdictional limits granted a magistrate in the County under South Carolina law. In addition, a magistrate court may award appropriate restitution.