

PITTSYLVANIA COUNTY CODE
CHAPTER 29
WASTE ORDINANCE

Article I.

§ 29.1. Definitions

Article II.

§ 29.2. Purpose

Article III.

§ 29.3. Solid Waste Disposal Prohibited

§ 29.3.1. Solid Waste Disposal Approval Requirements

§ 29.3.2. Public Participation

§ 29.3.3. Acting upon Request for Approval

§ 29.3.4. Finding Required for Approval

§ 29.3.5. Record for Request Shall be Kept

§ 29.4. Approval Prohibited

§ 29.5. Revocation of Approval

§ 29.6. Noncompliance and Penalties

§ 29.7. Must Meet All Other Rules and Regulations

§ 29.8. Adjudication in Part

§ 29.9. Application

CHAPTER 29

WASTE ORDINANCE

Article I.

SEC. 29.1. DEFINITIONS.

1. “Aquifer” means a geologic formation, group of formations, or a portion of a formation capable of yielding usable quantities of ground water to wells or springs.
2. “Ash” means waste material produced from an incineration process or any combustion. Ash types include: fly ash, bottom ash, and incinerator residue.
3. “Board” means the Pittsylvania County Board of Supervisors.
4. “Bottom Ash” means ash or slag remaining in an incinerator or boiler unit after combustion.
5. “By Product Material” means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. By-product does not include a co-product that is produced for the general public's use and is ordinarily used in the form that is produced by the process.
6. “Commercial Chemical Product” means a chemical substance which is manufactured or formulated for commercial, agricultural or manufacturing use. This term includes a manufacturing chemical intermediate, off-specification chemical product, which, if it met specification, would have been a chemical product or intermediate. It includes any residues remaining in the container or the inner liner removed from the container that has been used to hold any of the above which have not been removed using the practices commonly employed to remove materials from that type of container and has more than one inch of residue remaining.
7. “Commercial Waste” means all solid waste generated by establishments engaged in business operations other than manufacturing. This category includes, but is not limited to, office buildings, restaurants and shopping centers and similar commercial facilities.
8. “Construction/Demolition/Debris Landfill” means a land burial facility engineered, constructed and operated to contain and isolate construction waste, demolition waste, debris waste, inert waste, or combinations of the above solid wastes.
9. “Construction Waste” means the waste building material refuse and other largely inert solid waste resulting from construction, remodeling, repair operations on houses, commercial buildings, pavements, and other structures. Construction waste includes lumber, wire, sheetrock, broken brick, shingles, glass pipes, asphalt, concrete, and other non-hazardous,

non-soluble unwanted or unused construction material. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids are not construction wastes. A mixture of construction waste with any amount of other type of solid waste will cause it to be classified as other than construction waste.

10. “Contamination” means the degradation above background of naturally occurring water, air, or soil quality either directly or indirectly as a result of human activity.
11. “Corrosivity” means solid waste which is acidic and is capable of corroding metal (such as tanks containers drums and barrels).
12. “Debris Waste” means inert solid wastes such as stumps, wood chips, brush, leaves from land clearing operations brick and' block.
13. “Demolition Waste” means that solid waste which is largely inert, resulting from the demolition or razing of buildings, roads, and other man-made structures. Asbestos is not demolition waste.
14. “Disposal” means the intentional discharge, disposition, injection, spilling, leading, or any solid waste into or on land or water so that the solid waste or any constituent thereof may enter the environment (i.e. air, soil, surface water, or ground water) or to otherwise discard.
15. “EPA” means the United State Environmental Protection Agency.
16. “Facility” means a solid waste management processing, treatment, storage, disposal site, or resource recovery site which requires a state waste management permit, including any and all contiguous land, structures, and other apprenticeship and improvements thereon used for solid waste disposal or solid waste storage, and associated activities. Facility types include sanitary landfills, construction/demolition/debris landfills, industrial waste landfills, long-term retrievable storage facilities, resource recovery systems which require a state waste management permit, storage facilities, temporary storage facilities, surface storage facilities, treatment centers, transfer stations, underground storage facilities, incinerators and composting operations. A facility may consist of more than one operational unit.
17. “Fly Ash” means ash particles collected from air pollution attenuation devices on combustion units, such as those that burn fossil fuels or incinerate solid waste.
18. “Garbage” means all putrescible wastes, including discarded materials composed of vegetable or other organic matter, animal offal and carcasses and recognizable industrial by-products, hut excluding sewage and human waste.
19. “Groundwater” means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this state; whatever may be the subsurface geologic structure in which such water stands, flows, percolates, or otherwise occurs.

20. “Hazardous Waste” means any solid waste garbage, refuse, or sludge or any-other waste material and can be solid, semi-solid, semi-solids, liquid, liquids, sludge, sludges, or a contained gas; and because of its quantity, concentration, or physical, chemical, or infectious characteristics, (it) may: a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed, Hazardous waste may include any of the following: ignitability, CORROSIVITY, reactivity, and toxicity. Hazardous waste includes those described as "hazardous waste" by the Virginia Hazardous Waste Regulation or the EPA.
21. “Hazardous Waste Facility” means a facility for the storage, collection, processing, treatment or disposal of hazardous waste or recycling or recovery which requires a state waste management permit.
22. “Hazardous Waste Generation” means the act or process of producing hazardous waste.
23. “Hazardous Waste Landfill Facility” means any facility or any portion of a facility for disposal of hazardous waste.
24. “Hazardous Waste Management” means the systematic control of the collection, source, separation, storage, transportation, processing, treatment, disposal of hazardous wastes or recovery process which requires a state waste management permit.
25. “Household Solid Waste” shall mean solid waste generated solely by residential use, and shall not include any industrial waste, agricultural waste, as defined in the Virginia Department of Environmental Quality, Solid Waste Management Regulations, as amended, or hazardous waste as defined herein. Carpet shall be deemed household solid waste if it is disposed of by the occupant and/or owner of the residential dwelling. Residential construction and/or demolition waste created by and disposed of by the occupant and/or owner of his/her dwelling shall be deemed household solid waste.
26. “Ignitable Waste” means:
 - a. Causes fires under certain conditions,
 - b. Liquids having a flash point of less than 140 degrees F (60 degrees C) as determined by the methods specified in the Virginia Hazardous Waste Management Regulations.
 - c. Non-liquids liable to cause fires through friction, absorption of moisture, spontaneous chemical change or retained heat from manufacturing or liable, when ignited, to burn so vigorously and persistently as to create a hazard.
 - d. Ignitable compressed gases; and/or oxidizers.
27. “Incineration” means the controlled combustion of solid waste in an enclosed device.
28. “Incinerator” means a commercial furnace or other combustion unit which is an enclosed device using controlled flame combustion for solid waste with a rated capacity for greater than twenty (20) tons of solid waste per day and is not classified as a boiler or industrial furnace for other than solid waste.

29. “Incinerator Residue” means the resulting ash product from the incineration of solid waste.
30. “Industrial Solid Waste” means all solid waste resulting from manufacturing and industrial processes which are not suitable for discharge to a sanitary sewer or treatment in a publicly owned sewage treatment plant. Industrial solid waste includes: mining wastes from the extraction, beneficiation, and processing of ores and minerals unless those materials are returned to the mine site; fly ash; bottom ash; fire gas emission control wastes generated primarily from the combustion of coal or other fossil fuels; cement kiln dust; and asbestos.
31. “Industrial Waste Landfill” means a solid waste landfill facility used primarily for the disposal of a specific industrial waste or a waste which is a by-product of a production process.
32. “Inert Waste” means solid waste, which is physically, chemically and biologically stable from further degradation and considered to be non-reactive. Inert wastes include rubble, concrete, broken bricks, bricks and blocks.
33. “Infectious Waste” means solid wastes which contain pathogen with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. Infectious wastes are generated by health care facilities, laboratories and research facilities and are contaminated with pathogenic organisms and may cause infectious disease in exposed persons.
34. “Institutional Waste” means all solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities that has not been classified as a hazardous waste by the Virginia Hazardous Waste Regulations or the EPA.
35. “Landfill” means a disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.
36. “Long-term Retrievable Storage” means storage in closed containers in facilities (either above or below ground).
37. “Lower Explosive Limit” means the lowest concentration by volume of a mixture of explosive gases in air that will explode or burn in air at twenty-five (25) degrees C at atmospheric pressure.
38. “Municipal Solid Waste” means that waste which is normally composed of residential, commercial, and institutional solid waste.
39. “Natural Resources” means all materials which have useful physical or chemical properties which exist unused, in nature.

40. “Nuisance” means; an activity which unreasonably interferes with an individual's or the public's comfort, convenience or enjoyment such that it interferes with the rights of others by causing damage, annoyance, or inconvenience.
41. “Operator” means the person responsible for the overall operation and site management of a solid waste management or solid waste storage facility.
42. “Owner” means the person, corporation or other legal entity which legally possesses the land on which a solid waste management facility or solid waste storage facility is located.
43. “Person” means an individual, corporation, partnership, association, a unit of local government, state agency, federal agency, or other legal entity.
44. “Pollutant” means any substance which causes or contributes to or may cause or contribute to, environmental degradation when discharged into the environment.
45. “Processing” means preparation, treatment, or conversion of waste by a series of actions, changes, or functions that bring about a desired end result.
46. “Public Land” means any land, used for any purpose that is leased or owned by a governmental entity.
47. “RCRA” means the Solid Waste Disposal Act, as amended by the Resource conservation and Recovery Act of 1976 (42 USC 6901 et seq.) and the Hazardous and Solid Waste Amendments of 1984.
48. “R. D. F. (Refused Derived Fuel)” means solid waste which is processed to be used as fuel to produce energy.
49. “Reactive Waste” means wastes that are unstable under normal conditions. They can create explosions and/or fumes, gases and vapors when mixed with water.
50. “Reclaimed” means material which is processed or reprocessed to recover a usable product or is regenerated to a usable form.
51. “Reclamation” means the act or process of reclaiming where a permit is required from the State Division of Waste Management.
52. “Recycling” means the process by which recovered resources are transformed into new products so that the original products lose their identity which requires a permit from the State Office of Waste Management.
53. “Resource Recovery” means a solid waste management system which provides for collection, separation, recycling and recovery of energy or solid waste, including disposal of non- recoverable waste residues.

54. “Residential Waste” means household waste.
55. “Sanitary Landfill” means a land disposal site employing an engineered, constructed and controlled burial method of disposal of solid waste to minimize environmental and health nuisances and hazards. The methods include spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, confining the solid waste to the smallest practical area, and applying suitable cover material at the end of each operating day and at such more frequent intervals as may be necessary.
56. “Site” means the land or water area upon which a solid waste facility, solid waste storage facility, or activity is physically located or conducted, including adjacent land used for the facility and its utility systems such as repair, storage, shipping or processing areas, or other areas incident to the controlled solid waste facility or activity.
57. “Sludge” means any solid, semi-solid or liquid waste generated from a municipal, commercial, institutional, industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects.
58. “Solid Waste” means any hazardous or non hazardous discarded material, garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including but not limited to solid liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, mining and agricultural operations and from community activities.
59. “Solid Waste Disposal Facility” means any landfill, sanitary landfill facility, storage facility, construction/ demolition/debris landfill facility, industrial waste landfill, resource recovery facility which requires a state waste management permit, incinerator and composting facility. A wastewater treatment plant is not a solid waste facility.
60. “Solid Waste Generation” means the act or process of producing solid waste.
61. “Solid Waste Management” means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling or recovery which requires a state waste management permit and disposal of solid waste.
62. “Solid Waste Management Facility (SWMF)” means any facility (land, personnel, and equipment) which engages in a planned program for effectively controlling the storage, processing and reuse, conversion or disposal of solid wastes in a safe, sanitary, aesthetically acceptable, environmentally sound and economical manner.
63. “Storage” means the containment of solid waste, either on a temporary basis or for a period of years, in a manner which does not constitute disposal.

64. “Storage Facility” means a facility (land, personnel and equipment) which engages in the storage or containment of hazardous or non-hazardous solid waste either on a temporary basis or for a period of years in a manner which does not constitute disposal. Storage facilities include any and all contiguous land, structures, containers, units and other apprenticeship, and improvements thereon used for solid waste storage, and associated activities. Facility types include: long-term retrievable storage facilities, storage facilities, temporary storage facilities, surface storage facilities, transfer stations, underground storage facilities, storage farms (above or below ground), buildings used for storing solid waste. A facility may consist of more than one operational unit.
65. “Toxic Waste” means wastes that are harmful or fatal when ingested or absorbed. When toxic wastes are disposed of on land, contaminated liquid may drain (leach) from the waste and pollute ground water.
66. “Trash” means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.
67. “Transfer Station” means any storage or collection facility which is operated as a relay point for solid waste which ultimately is to be transferred to a central solid waste management facility.
68. “TREATMENT” means any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste, neutralize the waste or to render the waste non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. The term includes any activity or processing designed to change the physical form or chemical composition of solid waste to render it non-hazardous.
69. “Unit of Local Government” means a county, city, town, or incorporated village.
70. “Waste Needing Special Handling (Special Waste)” any solid waste which requires extra or unusual management means when introduced into a solid waste management facility to insure protection of human health or the environment.
71. “Water Pollution” means such alteration of the physical, chemical, or biological properties of any ground water, state waters as will or is likely to create a nuisance or render such waters:
- a. Harmful or detrimental or injurious to the public health, safety, or welfare, or to the health of animals, fish, aquatic life or plants;
 - b. Unsuitable for recreational, commercial, industrial, agricultural or other reasonable uses; provided that:
 1. An alteration of the physical, chemical or biological properties, of state waters or a discharge or deposit of sewage, industrial wastes, or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which in

combination with such alteration or discharge or deposit to state waters by other persons is sufficient to cause pollution.

2. The discharge of untreated sewage by any person into state waters; and
3. The contribution to the degradation of water quality standards duly established by the State Water Control Board, are "Pollution" for the terms and purposes of these articles.

72. "White Goods" means any stoves, washers, hot water heaters, other large appliances, waste metal products which are introduced onto a landfill facility for disposal.

Article II.

Purpose

SEC. 29-2. PURPOSE FOR ORDINANCE.

This ordinance is established for the purpose of protecting promoting and preserving an environment that is conducive to public health and welfare, and preventing the creating of nuisances and the depletion of our natural resources, and to maintain such levels of air quality and water quality as will protect human health welfare and safety; and to the greatest degree practicable prevent injury to plant and animal life and property, and nurture the comfort of the people and their enjoyment of life and property; and to encourage the social and economic development of Pittsylvania County and facilitate enjoyment of its attractions.

Article III.

Solid Waste Disposal

SEC. 29-3. SOLID WASTE DISPOSAL PROHIBITED.

Within the territorial boundaries of Pittsylvania County, Virginia, it shall be unlawful for any person to dispose of any solid waste without the expressed approval of the Pittsylvania County Board of Supervisors. Unlawful solid waste disposal is not limited to but includes these types of waste as defined in Article 1 of the Ordinance: asbestos waste, ash, bottom ash, by-product materials, commercial waste, construction waste, corrosive waste, debris waste, demolition waste, fly ash, garbage, hazardous waste, household waste, infectious waste, institutional waste, low-level radioactive waste, municipal solid waste, non-hazardous solid waste, nuclear waste, pollutants, reactive waste, radioactive waste, residential waste sludge, solid waste, special waste, toxic waste or trash. (B.S.M. 11/17/92)

SEC. 29-3.1. SOLID WASTE DISPOSAL APPROVAL REQUIREMENTS.

A person requesting such approval as is outlined in Section 3 above shall comply with the following requirements:

1. That any partnership provide the names and addresses of any and all partners, whether they be general or limited partners, to the Pittsylvania County Board of Supervisors.
2. That any corporation provide to the Pittsylvania County Board of Supervisors the names and physical addresses of any and all stockholders, officers and directors of such corporation;
3. That any person or entity, including any general or limited partner, stockholder, officer or director disclose any relation it/he/she may have with any other entity who has any dealings with or whose business concerns collection, storage, transfer, reclamation or disposal of any type of waste, whether or not it be solid, liquid, toxic hazardous or nuclear; and further, that each person or entity disclose under oath, any violation, citation of violation or notice of violation it/he/she or any entity they have been associated with concerning collection, storage, transfer, reclamation or disposal of any type of waste has received and further, if there has been no violations citations of violations or notice of violations, each such person and/or entity shall sign an affidavit to that effect. In the event that any such affidavit or disclosure signed under oath shall be determined by the Pittsylvania County Board of Supervisors to be false, then the Pittsylvania County Board of Supervisors may withdraw its approval without notice to said person or entity. Any such person and/or entity executing such a disclosure under oath or affidavit shall execute a bond in the amount of one hundred million (\$100,000,000) dollars which said bond shall be forfeited in the event that it shall be determined that said disclosure or Affidavit is false. Such forfeiture may be waived by the Pittsylvania County Board of Supervisors if it be determined that any such false statement was made by accident and not in bad faith. In the event that any such forfeiture shall take place, the money received by the County for said bond shall be used to indemnify the County and each and every one of its citizens who shall be in any way, damaged by the activities of any such person or entity and all remaining funds shall thereafter be transferred to the general funds for the County to use as the Pittsylvania County Board of Supervisors deems fit.
4. Submit in writing to the Board a comprehensive program for implementation of such the following:
 - A. A complete description of all property to be used including a copy of the deed on record in the Pittsylvania County Circuit Court Clerk's Office at the Pittsylvania County Courthouse;
 - B. A certified surface ownership map showing all the boundaries of the property to be used and locating all adjacent property boundaries and tracts of land and owners. This map is to be on a scale of 1"- 400' and must include creeks, streams, dwellings and other structures, nearest corporation limits, ownership, acreage, deed book and page number of all property to be used and all adjacent properties.

- C. The existing population and projected population of the area to be served over the life of the proposed request.
- D. The quantities of solid Waste generated and estimated to be generated by the type of request over the life of the request.
- E. A manifest system for identifying the quantity, composition and the origin, routing and destination of all solid waste during its transportation from the point of generation to the point of disposal.
- F. A complete hydrological and geological report by a registered geologist which includes such factors as flood plains, depth to water table, drainage plan, groundwater travel time, proximity to public water supply watersheds, soil pH, soil cation, exchange capacity, soil composition and permeability, cavernous bedrock, seismic activity, slope, mines, and climate; and credentials of geologist.
- G. A complete report pertaining to transportation factors which includes proximity to population, route safety, method of transportation and all area roads, lands, etc., which will be effected by route.
- H. A complete air quality report which includes relevant facts and circumstances as may be presented bearing upon the reasonableness of the activity involved and the methods proposed to control it including:
 - 1. The suitability or unsuitability of such activity;
 - 2. The practicability, both scientific and economic, of reducing or eliminating the discharge resulting from such activity.
- I. A complete baseline water analysis test from at least two (2) different water analysis laboratories who are certified under the Safe Drinking Water Act, one of which will be recommended by the Board.
- J. A set of plans and specifications for the proposed request with a plan view of the proposed excavations, elevations, and floor plans for structures.
- K. A complete work force report for the number of employees needed and complete job descriptions, qualifications and projected employment for the future of the request, employees benefit plan, training programs and compensation plan.

Inclusive of: plans to minimize unanticipated damage from request, emergency health and safety programs, procedures to minimize danger, annual retraining programs to prevent health hazards and risk to workers, community and environment.

5. Copies of the proposed comprehensive program shall be available for inspection as follows:

- A. A copy of the comprehensive program shall be provided to the local Health Director

- B. A copy of the comprehensive program shall be filed with the Pittsylvania County Administrator's Office.
- C. A copy of the comprehensive program shall be provided to the Pittsylvania County Building Inspector's Office.

SEC. 29-3.2. PUBLIC PARTICIPATION.

1. All information requested shall be submitted to the Pittsylvania County Board of Supervisors. Upon receipt of all information pursuant to Article 3.1 the Board shall issue public notice of said request and conduct public hearings as follows:
 - A. A public notice and summary of the proposed request and scheduled public hearing dates shall be published twice weekly for three (3) consecutive weeks in two (2) **newspapers** having general circulation in the County.
 - B. There shall be a public hearing held at least one (1) night during evening hours and a complete transcript kept of said hearings.
 - C. All hearings shall be held within forty-five (45) days of the first publication for said request.
2. No approval shall be given except after public hearing to be held after prior notice thereof by public advertisement of the date, time and place of such hearings, at which opportunity to be heard with respect thereto shall be given to the public.
3. Any persons may appear before the Board at the hearings to offer testimony. In addition to testimony before the Board, an interested person may submit written material to the Board for its consideration. No later than 180 days after the hearing, the Board shall approve or disapprove the facility.

SEC. 29.3.3. ACTING UPON REQUEST FOR APPROVAL.

In acting upon request for approval, the following will be considered:

1. Acceptability within the community.
2. Hydrological and geological factors such as flood plains, depth to watertable, groundwater, travel time, proximity to public water supply watersheds, soil pH, soil cation exchange capacity, soil composition and permeability, cavernous bedrock, seismic activity, slope, mines and climate.
3. Natural resources such as wetlands, endangered species, habitats, proximity to parks, forests, wilderness areas and historical sites and air quality.

4. Local land use whether residential, industrial, commercial, recreational, agricultural, and proximity to incompatible structures such as schools, churches and airports.
5. Transportation factors, such as proximity to population, route safety, method of transportation, and proximity to other waste generator.
6. Aesthetic factors such as visibility, appearance and noise level.
7. Experience and management qualifications.

SEC. 29-3.4. FINDINGS REQUIRED FOR APPROVAL.

Before approval, the Board must make the following finding:

1. That the applicant or if the applicant is a partnership or association, any partners or members thereof, or if the applicant is a corporation, any officer, director or stockholder is a person of good moral character and repute.
2. That the proposed request is capable of management in this County and serves the interest of the citizens of the County as a whole.
3. That all legally required local ordinances and permits can be met.
4. That the construction and operation of the request will not pose an unreasonable health or environmental risk to the surrounding locality and that the developer, operator or person has taken or consented to take any reasonable measures to avoid or manage foreseeable risks and to comply to the maximum feasible extent with all applicable ordinance(s).
5. The person requesting approval shall remain fully liable for all damages, losses, personal injury or property damage which may arise out of such request and for compliance with regulatory requirements concerning insurance, bonding foreclosure and post closure costs, monitoring and other financial or health and safety requirements as required by law. The County shall be immune from liability except as otherwise provided by statute.
6. In the event the laws or rules applicable to the request make the operation impossible or economically infeasible, such operation cannot be terminated without notice, of not less than six (6) months.
7. The Board may adopt rules for financial responsibility requirements for sufficient availability of funds for facility closure and post-closure monitoring and corrective measures, and for potential liability for sudden and non-sudden accidental occurrences, which may permit the use of insurance, financial tests, guarantees by corporate owners who can pass the financial test trusts, surety bonds, or other financial device, or any combination of the foregoing, shown to provide protection equivalent to the financial protection that would have been provided by insurance if insurance were the only mechanism used. The Board may provide a copy of any filing to meet the financial responsibility requirements to

the State Treasurer who shall review the filing and provide written comments on the equivalency of protection provided by the filing including recommended changes.

8. The person requesting approval shall establish financial responsibility to members of the Board for inspection of the premises and daily monitoring of waste intake and disposal at the site.
9. Annual permit fees shall be required for all requests. Permit fees shall be set by the Board and a list of such fees shall be available at the County Administrator's Office. In addition, the Board shall require a percentage of the income from the request be deposited in trust with the County for the purpose of defraying the cost of any cleanup, which might be required. The limits of all deposits required shall be set by the Board.

SEC. 29-3.5. RECORD FOR REQUEST SHALL BE KEPT.

The record for the request for approval shall include the Board's written decision, a complete transcript of all hearings all written material presented to the Board regarding the site locations, comprehensive program and the specific findings and any minority positions on the recommendation and specific findings. The Board shall identify the material submitted to the Board plus any additional materials used in arriving at the decision.

SEC. 29-4. APPROVAL PROHIBITED.

It shall be unlawful for any person or entity, or any entity who is owned wholly or in part, or any entity who is operated, managed, or controlled by any entity or person who has ever been cited for violations of health, safety or environmental law, rules, regulations, ordinances or requirements of any Federal, State or local government pertaining to the collection, storage, transportation, reclamation, disposal or use in landfills of solid waste, liquid waste, toxic or hazardous waste or nuclear waste to transport such waste into or through the boundaries of Pittsylvania County.

SEC. 29-5. REVOCATION OF APPROVAL.

Any approval issued by the Board may be revoked when any of the following conditions exist:

1. Any person or entity thereof violates any local, State or Federal Regulations so as to pose present or potential hazard to human health, or the environment; and
2. Any person or entity thereof maintains or operates a site in such a manner as to pose a substantial present or potential hazard to human health or the environment;
3. The person who was given expressed approval, abandons, sells, leases, or ceases to operate the site or facility;
4. There exists a substantial threat of a release into the environment of a hazardous substance or pollutant causing significant effects on the air, land, surface water or ground water;

5. There is a significant change in operation which may require safeguards to protect the public health and environment.

SEC. 29-6. NONCOMPLIANCE AND PENALTIES.

Any violation of any portion of all of this Ordinance shall be subject to a fine of up to one thousand (\$1,000.00) dollars and/or up to twelve months imprisonment as provided in the Virginia Code Section 15.2-1249, as amended. Each day that a person violates these Ordinances shall constitute a separate offense and such violation shall additionally be subject to injunctive relief in a State Court of competent jurisdiction.

SEC. 29-7. MUST MEET ALL OTHER RULES AND REGULATIONS.

Nothing in this Ordinance shall be construed to exempt the person requesting said approval, from any other Federal, State or local regulations required for request made in Article 3 of this Ordinance. Other regulations include, but are not limited to:

1. Federal Regulatory Acts as Defined by the Department of Defense, Corp of Engineers; Department of the Army Regulatory Programs of the Corps of Engineers, Final Rule. These acts include but are not limited to the following:
 - A. National Fishing Enhancement Act of 1984;
 - B. The Clean Water Act;
 - C. The National Environmental Policy Act of 1969
 - D. The Fish and Wildlife Act of 1956;
 - E. The Federal Power Act of 1920;
 - F. The Historic Preservation Act of 1966;
 - G. Full Disclosure Act;
 - H. The Endangered Species Act;
2. The Virginia Department of Waste Management Rules and Regulations.

SEC. 29-8. ADJUDICATION IN PART.

If any clause, sentence, paragraph, subdivision, section or part of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, the judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

SEC. 29-9. APPLICATION.

This ordinance shall not apply to any landfill licensed by the County on or before July 1, 1988 who has and continues to comply with all State and Federal regulations on landfills.

Adopted 11/7/1988, Amended 9/4/1990

