

**Article VIII Solid Waste and
Recycling Rules and Regulations**

ALLEGHENY COUNTY HEALTH DEPARTMENT

Rules and Regulations

ARTICLE VIII. SOLID WASTE AND RECYCLING MANAGEMENT

800. AUTHORITY. These regulations are promulgated under the powers granted to counties by the Local Health Administration Law, Act 315, P.L. 1304, adopted August 24, 1951, as amended; the Second Class County Code Act of July 28, 1953, P.L. 723, as amended; the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended; and the Municipal Waste Planning, Recycling and Waste Reduction Act of July 28, 1988, P.L. 556, No. 101, as amended.

801. PURPOSE. This Article provides regulations for establishing minimum standards for the regulation of the collection, processing, storage, and disposal of solid waste and recyclable material essential to prevent public health hazards in Allegheny County, establishing minimum standards governing the condition and maintenance of recycling facilities, solid waste processing, storage, and disposal facilities, solid waste collection and transportation vehicles and other equipment; fixing certain responsibilities and duties of owners, operators, and others in control of the processing, storage, and disposal of solid waste material and recyclable materials; issuing permits for persons engaged in the processing, transportation, and disposal of solid waste material and the processing and transportation of recycling materials; authorizing the inspection of all vehicles, equipment, and facilities; and providing notices, hearings, and penalties.

802. STATEMENT OF POLICY. It is hereby declared that the inadequate provision for the management of solid waste systems and recycling systems endangers the public health by causing or contributing to pollution of the air, water, and land, and provides a breeding place for insects and animal pests and that the establishment and maintenance of proper solid waste management standards and cooperation with other agencies to control this problem are essential to the public health, safety and welfare.

803. EFFECTIVE DATE. The provisions of this Article shall become effective on March 1, 1994.

804. DEFINITIONS. The following words and phrases, whenever used in this Article, have the meaning indicated in this Section, except where the context indicates a clearly different meaning:

“Access Road” - A roadway or course providing vehicular access to a solid waste management processing, transfer, or disposal facility, or recycling facility or areas within the facility, from a road that is under Federal, Commonwealth or local control.

“Article” - Allegheny County Health Department Rules and Regulations Article VIII "Solid Waste And Recycling Management".

“Article XX” - Allegheny County Health Department Rules and Regulations Article XX "Air Pollution Control".

“Clean Fill” - Uncontaminated, non-water soluble, non-decomposable, inert solid material used to level an area or bring an area to grade in a controlled manner, but not including materials placed into or on any waters of the Commonwealth. Clean fill includes the following, if they are separated from other wastes at the point of generation:

- (1) Uncontaminated soil, rock, stone, gravel, brick and block, and concrete which is free of all exposed metal.
- (2) Waste from on-site land clearing, grubbing and excavation, including trees, brush, stumps, and vegetative material.
- (3) Used asphalt.

“Commonwealth” - The Commonwealth of Pennsylvania.

“Compactor” - Any power-driven, mechanical device that reduces the volume of solid waste by compression and crushing. The term does not include single family in-home compactors.

“Compactor Vehicle” - A truck-mounted solid waste compactor, which comprises an engine powered truck cab and chassis or trailer, equipped with a compactor body and associated machinery for receiving, compacting, transporting and unloading solid waste.

“Composting” - The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

“Construction/Demolition Waste” - Solid waste resulting from the construction or demolition of buildings and other structures, including but not limited to wood, plaster, roofing materials, drywall, metals, asphaltic substances, bricks, block and unsegregated concrete. The term also includes dredging wastes. The term does not include materials defined as clean fill when separated from other wastes at the point of generation.

“Department” - The Allegheny County Health Department.

“Director” -The Director of the Allegheny County Health Department or his/her authorized representative.

“Disposal” - The deposition, injection, dumping, spilling, leaking, or placing of solid wastes into or on the land or water in a manner that the solid wastes, or a constituent of the solid wastes, enter the environment, are emitted into the air, or enter the waters of the Commonwealth.

“Facility” - All land, structures, and other appurtenances or improvements where recycling or solid waste disposal, processing, transfer, or storage is permitted or takes place.

“Final Closure” - The date after which no further treatment, maintenance, monitoring or other action is or will be necessary at a municipal waste processing or disposal facility to ensure compliance with the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as amended, the rules and regulations adopted thereunder, and this Article.

“Flue” - Any duct, pipe, stack, chimney, or conduit which conducts air contaminants into the open air and which permits the performance of the test methods and procedures specified in Chapter VI of Article XX.

“Incineration” - The process of burning solid waste to a gas and a residue in accordance with Article XX.

“Incinerator” - An enclosed device, including domestic refuse-burning equipment, using controlled combustion for the primary purpose of thermally breaking down solid waste, and which is equipped with a flue.

“Include” - Including, but not limited to.

“Including” - Including, but not limited to.

“Infectious Waste” - This term shall have the same definition as the term is currently defined in 25 Pa. Code, Section 271.1.

“Land Reclamation” - The land application of sewage sludge for its plant nutrient value or as a soil conditioner, in order to establish vegetative growth or restore or enhance the soil.

“Leachate” - A liquid, including suspended or dissolved components in the liquid, which has permeated through or drained from solid waste.

“Municipality” - A city, incorporated town, township, borough, county, any political subdivision, or any authority created by any of the foregoing.

“Municipal Waste” - Any garbage, refuse, lunchroom or office waste and other material including

solid, liquid, semisolid, or contained gaseous material resulting from the operation of residential, municipal, commercial, or institutional establishments, including hospitals, nursing homes, orphanages, schools, universities, day care facilities, and personal care boarding homes, and from community activities, and any sludge not meeting the definition of residual or hazardous waste under 25 Pa. Code, Chapter 271 from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

“Municipal Waste Management Plan” - A plan or revision to a plan officially adopted by a municipality and approved by Penn DER that provides a system for the management of municipal waste.

“Notice of Violation” - A written advisory stating that a person has, through an act of omission or commission caused, allowed to be caused, or allowed to exist, a condition contrary to statute, law or rules and regulations, or terms and conditions of a permit.

“Operator” - A person that operates a municipal waste processing or disposal facility, or recycling facility.

“Order” - A written document identifying violations of statute, law, rule and regulation of Allegheny County, the Commonwealth, or the United States, or terms and conditions of a permit, and mandating actions to be taken immediately upon receipt or by a specified time to correct the violations.

“Owner” - The person who is the owner of record of a facility.

“Penn DER” - Pennsylvania Department of Environmental Resources.

“Permit” - A permit, or any modification or amendment thereof, issued by the Department and/or Penn DER to operate a municipal waste disposal or processing facility, construction/demolition waste disposal facility, a solid waste transfer facility, residual waste disposal facility, or a recycling facility.

“Person” - A natural person, individual, corporation, municipality, county, political subdivision, partnership, association, institution, cooperative enterprise, municipal authority, Federal Government or agency, State institution, authority, agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Article pertaining to a fine or penalty, or any combination of the foregoing, the term “person” shall include the officers and directors of any corporation or other legal entity having officers and directors.

“Processing” - Any method or technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any method or technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include transfer facilities, composting facilities, and resource recovery facilities.

“Pumpings” - The grit, sludge, and other residues manually or mechanically removed from retaining or treatment tanks.

“Recycling” - The collection, separation, recovery, and sale or reuse of source-separated recyclable materials including metals, glass, paper, plastics, and other materials which would otherwise be disposed or processed as municipal waste.

“Recycling Facility” - Any facility employing any method or technology that separates or classifies source-separated recyclable materials and creates or recovers usable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term includes material recycling facilities (MRF). The term does not include transfer facilities, municipal waste landfills, composting facilities, construction/ demolition waste landfills, resource recovery facilities, or processing facilities nor does the term include point-of-origin and on-site activities.

“Recycling Transportation Vehicle” - A vehicle or machine used for the transportation of source-separated recyclable materials on a street or highway. The term includes a roll-off container transporter. The term includes a trailer. The term does not include a tractor used to haul a trailer.

“Residual Waste” - Any garbage, refuse, other discarded material or other waste including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, mining, and agricultural operations, and any sludge from an industrial, mining, or agricultural water supply treatment facility,

waste water treatment facility, or air pollution control facility, provided that it is not hazardous waste. The term "residual waste" shall not include coal refuse as defined in the Coal Refuse Disposal Control Act. "Residual waste" shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the "Clean Streams Law". The term does not include lunchroom waste or office waste from industrial facilities.

"Resource Recovery Facility" - Any municipal waste management facility using incineration of municipal waste or its by-products to recover usable energy in fuel-burning or combustion equipment, as defined in Article XX. This term includes gas recovery systems.

"Retaining Tank" - A water-tight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes the following: (1) Chemical toilet, (2) holding tank, (3) privy, (4) incinerating toilet, (5) composting toilet, and (6) recycling toilet, as those terms are defined in 25 Pa. Code, Chapter 73.

"Roll-Off Container" - A detachable vehicle container for the collection and transportation of solid waste.

"Roll-Off Container Transporter" - A vehicle designed to convey roll-off containers between two or more points.

"Salvaging" - The controlled removal or recycling of materials from a solid waste processing or disposal facility.

"Scavenging" - The uncontrolled removal of usable materials.

"Sewage Sludge" - The coarse screenings, grit, and dewatered or air-dried sludges and other residues from municipal sewage collection and treatment systems.

"Solid Waste" - Waste including municipal, residual, or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

"Solid Waste Storage Container" - Any receptacle used for the temporary storage of solid waste while awaiting routine collection. The term does not include compactors, trailers, or roll-off containers.

"Solid Waste Transportation Vehicle" - A vehicle or machine used for the transportation of solid waste on a street or highway. The term includes a roll-off container transporter. The term includes a trailer. The term does not include a tractor used to haul a trailer.

"Source-Separated Recyclable Materials" - Materials that are separated from municipal waste at the point of origin for reuse including metals, glass, paper, plastics and other materials which would otherwise be disposed or processed as municipal waste.

"Special Handling Waste" - Solid waste that requires the application of special storage, collection, transportation, processing or disposal techniques due to the quantity of material generated or its unique physical, chemical or biological characteristics. The term includes sewage sludge, blasting residue, infectious waste, chemotherapeutic waste, ash residue from a solid waste incineration facility, asbestos containing waste, PCB containing waste, waste oil that is not hazardous waste oil, fuel contaminated soil, waste tires and water supply treatment plant sludge.

"Storage" - The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. The containment of any waste in excess of one year constitutes disposal, unless evidence to the contrary has been submitted, in writing, and accepted as such by either the Department or Penn DER.

"Transfer Facility" - A facility which receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. The facility includes land affected during the lifetime of operations including areas where storage or transfer actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection and transportation facilities, closure and post-closure care and

maintenance activities, and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of a transfer facility. A facility is a transfer facility regardless of whether it reduces the bulk or volume of waste. The term does not include portable storage containers used for the collection of municipal waste other than special handling waste.

“Transportation” - The off-site removal of any source-separated recyclable material, leaf waste, yard waste, or any solid waste at any time after generation whether or not a fee is charged.

“Treatment” - Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, suitable for recovery, suitable for storage, or reduced in volume. Such term includes any activity or process designed to change the physical form or chemical composition of waste so as to render it neutral or non-hazardous.

“Treatment Tank” - A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following: (1) Septic tank and (2) aerobic sewage treatment tank, as those terms are defined in 25 Pa. Code, Chapter 73.

“Waste” - A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source-separated recyclable materials or material approved by the Department for beneficial use under 25 Pa. Code, Chapter 271, Section 271.232 (relating to beneficial use).

805. ENTRY AND INSPECTION OF PROPERTY, RECORDS, AND EQUIPMENT

- A. In order to carry out the purpose and provisions of this Article, the Director, upon showing proper identification of office, may enter and inspect any property, records which are required to be kept by this Article, the Solid Waste Management Act or the Municipal Waste Planning, Recycling and Waste Reduction Act, and equipment at all reasonable times and, in an emergency at any time. The owner, operator, employee, or any person having custody or control of such property, records, or equipment shall give the Director free access for the purpose of such inspections.
- B. Any time that the Director is denied access for the purpose of inspection at any facility, any permit issued under this or other Department rules and regulations may be immediately suspended and such suspension may continue until such time as an inspection is made by the Department.

806. VIOLATIONS

- A. Whenever the Director determines that there has been a violation of any provision of this Article or any applicable laws and regulations of Allegheny County, the Commonwealth or the United States, he may give notice of the violation, may issue orders to such persons as he deems necessary to aid in the enforcement of the provisions of the regulations of Allegheny County, the Commonwealth, or the United States, or may immediately proceed with enforcement.
- B. A notice of violation shall:
 - (1) Be in writing and
 - (2) list the sections of the laws and regulations violated.
- C. An Order shall:
 - (1) Be written, or verbal followed by written confirmation within twenty-four (24) hours;
 - (2) identify any sections of the laws and regulations violated;
 - (3) mandate actions to be taken immediately upon receipt of the Order and/or to be

taken by a specified time to abate the violations; and

- (4) inform the person responsible for compliance of his/her right to an administrative hearing in accordance with Department Rules and Regulations Article XI "Hearings and Appeals".

D. Failure to comply with any order issued under this Article is a violation of this Article.

E. A notice of violation or a written order shall be served upon the person responsible:

- (1) By handing a copy to him personally or by handing a copy to the persons designated by law to receive such notices of violation or orders; and/or
- (2) By sending a copy to his/her last known address by proof of mailing, postage prepaid, or by certified mail, postage prepaid, with a request for a return receipt; and/or
- (3) By posting a copy in a conspicuous place in or about the premises.

807. HEARINGS. Any person aggrieved by any action of the Department may request and shall be granted a hearing in accordance with Allegheny County Health Department Rules and Regulations Article XI, "Hearings and Appeals".

808. EMERGENCY ORDERS: ACTIONS BY THE DIRECTOR WITHOUT PRIOR NOTICE. Whenever the Director determines that an emergency exists which necessitates immediate action to protect the public health, safety, or welfare, he may without prior notice, issue an Emergency Order citing the existence of the emergency and requiring corrective action necessary to abate the emergency. Notwithstanding the provisions of this Article, this Emergency Order shall be effective upon service and shall be complied with immediately.

809. NOTICES OF VIOLATION AND ORDERS: NON-COMPLIANCE.

- A. In the event of the failure to comply with Commonwealth or County regulations, or with an Order issued pursuant to any Section or subsection of this Article, the Director may impose civil penalties; institute appropriate actions or proceedings in law; or institute proceedings in equity to restrain, correct, or abate the violation of the Order; or cause the Order to be carried out at the expense of the County; or any combination of these actions.
- B. Following the issuance of a notice of violation, the Director may impose civil penalties; institute appropriate actions or proceedings in law or in equity to restrain, correct, or abate the violations; or take any other action available to him to cause the violation to be abated.

810. ANNUAL OPERATING PERMITS: SOLID WASTE DISPOSAL FACILITY, PROCESSING FACILITY, RESIDUAL WASTE FACILITY, RESOURCE RECOVERY FACILITY, CONSTRUCTION/DEMOLITION WASTE DISPOSAL FACILITY, AND RECYCLING FACILITY.

- A. No person may own or operate a municipal waste disposal facility, processing facility, residual waste facility, construction/demolition waste facility, chemotherapeutic waste facility, infectious waste facility, special handling waste facility, resource recovery facility, leaf composting facility, yard waste composting facility or recycling facility unless the person has obtained and is in possession of an unrevoked or unsuspended annual operating permit for the facility from the Department. An annual operating permit is required until final closure of the facility.

An operating permit is not required:

- (1) For the use or application of poultry and livestock manure, or residual materials in liquid or solid form generated in the production and marketing of poultry, livestock, fur-bearing animals and their products, provided that such agricultural waste is not hazardous waste. The term includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, and silvicultural crops or

commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural facilities.

- (2) For the use or application of food processing waste used for agricultural purposes.
 - (3) For the beneficial use of municipal wastes for which prior written approval under Penn DER regulations has been received.
 - (4) For leaf composting or yard waste composting by a home owner for use in, on, or around the home garden.
 - (5) For the use of clean fill.
 - (6) For the land application of sewage sludge for its plant nutrient value or as a soil conditioner as part of an agricultural operation under Penn DER approval or permit.
 - (7) For point-of-origin recycling activities.
 - (8) For a gas recovery system installed at a municipal waste disposal facility, residual waste disposal facility, or construction/demolition waste disposal facility with a current valid permit from the Department.
 - (9) For a hazardous waste facility.
- B. Application for an annual operating permit shall be made to the Department on the application form provided by the Department. A separate application shall be filed whenever there is a need to amend or modify a permit or when the operator wishes to accept waste not previously approved in the permit. Following receipt of the application, the applicant will be invoiced for the permit application fee.
- C. The initial application for an annual operating permit to operate a municipal waste disposal facility, a processing facility, residual waste facility, chemotherapeutic waste facility, infectious waste facility, special handling waste facility, resource recovery facility, leaf composting facility, yard waste composting facility, recycling facility, or construction/demolition waste disposal facility shall include such information as the Department shall deem necessary.
- D. Renewal applications for an annual operating permit need not contain or be accompanied by the information required by the applicable sections of Penn DER's regulations. Renewal application forms shall include:
- (1) The name, address and telephone number of the applicant;
 - (2) the name, address and telephone number of any authorized representative or agent;
 - (3) the name, address and telephone number of the property owner;
 - (4) the type of facility;
 - (5) the name, address (including the municipality) and telephone number of the facility;
 - (6) twenty-four (24) hour emergency telephone numbers and contact persons; and
 - (7) the signature of the applicant or authorized representative.
- E. The Director may refuse to issue any annual operating permit under this Article if:
- (1) The applicant has or is responsible for outstanding, unresolved, violations of Commonwealth, Federal, or County environmental regulations; or
 - (2) the applicant, through past action, has demonstrated an inability or refusal to comply with Commonwealth, Federal, or County environmental regulations; or

- (3) the Director determines that the facility poses an unreasonable health risk to the residents of Allegheny County.
- F. The Director may issue an annual operating permit with specific conditions relating to health, safety and the requirements of this Article.
- G. Upon approval of the application, the Director shall issue an annual operating permit to the applicant provided the Director finds that:
 - (1) The solid waste management system complies with the standards contained in this Article, and other applicable rules, regulations, and laws of Allegheny County, the United States, and the Commonwealth.
 - (2) The applicant has paid the Department the annual operating permit fee.
- H. All annual operating permits issued under this Section are non-transferrable.
- I. At least ten (10) days prior to the sale or transfer of any facility permitted under this Article, the Department shall be notified, in writing, of such contemplated sale or transfer. The Department, at the request of any party, shall keep such information confidential. The Director may allow the purchaser to operate the facility upon notice of the sale or transfer and submission of an application pending the application approval.
- J. Annual operating permits issued under this Article shall expire on December 31 of the permit year. Permits shall be renewable annually, if the applicant has met all the requirements of this Article and has submitted payment of the annual operating permit fee.
- K. Permits may be suspended or revoked by the Director at such times when provisions of this Article or the permit conditions are not adhered to.
- L. The Director may issue an emergency or temporary permit or authorization for storage, transportation or processing of solid wastes to prevent or alleviate an actual or potential detrimental impact on the public health.

811. PERMITS: SOLID WASTE TRANSPORTATION VEHICLES, RECYCLING TRANSPORTATION VEHICLES AND COMPACTORS.

- A. This section shall not apply to vehicles transporting wastes or recyclable materials through Allegheny County where there is no addition to, transfer of, or disposal of such wastes or recyclable materials within Allegheny County.
- B. It shall be a violation of this Article for any person to transport solid waste; treatment tank pumpings; retaining tank pumpings; residual waste; special handling waste; infectious waste; chemotherapeutic waste; solid waste to be composted; or source-separated recyclable materials within, into, or out of Allegheny County without a current, valid permit issued by the Department for the solid waste transportation vehicle, recycling transportation vehicle, or compactor vehicle used to transport the aforementioned materials.
- C. Applications for permits shall be made on forms provided by the Department.
- D. Vehicles of 7,000 lbs. gross vehicle weight or less which transport those wastes referenced in Section 811.B. other than as part of the conduct of a business endeavor are exempt from the requirements of this Section.
- E. Exempt activities. Residential contractors including landscapers; plumbers; home remodelers; heating, air conditioning and ventilation contractors; and residential roofing contractors who only transport construction/demolition waste generated at a job site are exempt from the requirements of this Section.
- F. The Director may issue a permit with specific conditions.
- G. The Director may refuse to issue any permit under this Article if:

- (1) The applicant has or is responsible for outstanding, unresolved, violations of Commonwealth, Federal, or County environmental regulations; or
 - (2) the applicant, through past action, has demonstrated an inability or refusal to comply with Commonwealth, Federal, or County environmental regulations.
- H. Upon approval of the application, the Director may issue a permit to the applicant provided the Director finds that:
- (1) The solid waste transportation vehicle, compactor vehicle, recycling transportation vehicle or compactor complies with the standards contained in this Article and other applicable rules and regulations and laws of Allegheny County and the Commonwealth including the provisions of 25 Pa. Code, Chapter 285 and The Municipal Planning, Recycling, and Waste Reduction Act, Act of July 28, 1988, P.L. 556, No. 101, as amended.
 - (2) The applicant has paid the appropriate permit fee for each solid waste transportation vehicle, recycling transportation vehicle, compactor vehicle, or compactor.
 - (3) The solid waste transportation vehicle, recycling transportation vehicle, or compactor vehicle has a current, valid registration in at least 1 of the 50 states of the United States or the District of Columbia.
- I. A permit issued under this Section shall expire on April 30 of each calendar year. Permits shall be renewable annually, if the applicant has met all the requirements of this Article and has submitted payment of the permit fee.
- J. Permits may be suspended or revoked by the Department at such times when provisions of this Article or permit conditions are not adhered to.
- K. The permit is non-transferable between vehicles or owners.
- L. The owner or operator shall promptly notify the Director of any transfer, sale, or change in the status of a permitted vehicle covered by this Section.

812. SOLID WASTE TRANSPORTATION VEHICLE, RECYCLING TRANSPORTATION VEHICLES, COMPACTOR VEHICLE, ROLL-OFF CONTAINER, SOLID WASTE STORAGE CONTAINER, AND COMPACTOR STANDARDS.

- A. Every solid waste transportation vehicle, recycling transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, and compactor used for the storage or transportation of solid waste, waste to be composted or source-separated recyclable materials shall have a body constructed of easily cleanable, non-absorbent, waterproof material with no means of ingress or egress of animal pests.
- B. All joints in the hauling or storage body of the solid waste storage container, the solid waste transportation vehicle, or the recycling transportation vehicle shall be effectively closed and smooth so that no dripping or leakage of draining water or liquid or any loss of debris can occur.
- C.
 - (1) Every solid waste transportation vehicle, compactor vehicle, solid waste storage container, recycling transportation vehicle, and compactor shall be provided with a means of covering the solid waste to be hauled or stored, and of keeping such solid waste securely within the hauling or storage body. Waste shall be covered at all times unless actively being loaded or unloaded or otherwise exempt from being covered by this Article.
 - (2) Roll-off containers shall be securely covered when being transported from a customer's location to a solid waste disposal facility, processing facility, or transfer

station and anytime when containing putrescible waste.

- (3) The cover shall be either a tight metal hood or lid having adequate openings fitted with smoothly operating and unloading doors; or a heavy tarpaulin or other cover fitted with proper eyes, grommets, and tie ropes and hooks, whereby the cover can be held securely over the loaded wastes to prevent any waste from blowing or falling out of the hauling body during transportation.
 - (4) Solid waste transportation vehicles, compactor vehicles, solid waste storage containers, compactors, recycling transportation vehicles, and roll-off containers which use tarpaulins for covers, are not required to be covered when empty.
- D. Every solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, recycling transportation vehicle, and compactor shall be kept clean, and in good repair. Rusted through metal, punctures, and other holes constitute disrepair. The owner of the solid waste transportation vehicle, compactor vehicle, storage container, roll-off container, recycling transportation vehicle, or compactor shall be solely responsible for complying with this section.
 - E. Every solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, recycling transportation vehicle, and compactor shall be cleaned as necessary to arrest odors, and to eliminate breeding places for insects.
 - F. No solid waste transportation vehicle, compactor vehicle, solid waste storage container, or compactor shall be used to transport food, food stuffs, or food additives intended for human consumption nor shall they be used to transport materials intended to be used as packaging for food, food stuffs or food additives intended for human consumption.
 - G. Every solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, and compactor used for hauling municipal waste shall be cleaned and sanitized before being used for purposes other than the storage or transportation of waste.
 - H. No solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, or compactor without a permanent cover shall be loaded with waste to a level above the side wall height. A tarpaulin or similar cover is not a permanent cover.
 - I. No solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, recycling transportation vehicle, or compactor shall be loaded with waste in a manner which will permit material to fall to the ground while it is in motion.
 - J. Loose paper, trash, and other waste matters shall be properly secured to prevent such material from blowing or falling out of the solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, or compactor.
 - K. Whenever vehicles are to be used for the transportation of solid waste containers or roll-off containers holding waste matter, the solid waste container or roll-off container becomes the hauling body of the vehicle and shall comply with the requirements of this Section pertaining to hauling bodies.
 - L. Every solid waste transportation vehicle, compactor vehicle, solid waste storage container, roll-off container, recycling transportation vehicle, or compactor shall carry a legend on the side wall that meets the following:
 - (1) The sign shall include the name and business address of the person that owns the vehicle or conveyance.
 - (a) The name shall be the actually and commonly recognized name of the person. Abbreviations or acronyms are permissible if they do not obscure this meaning.
 - (b) The address shall include the city, state, and five digit zip code for the principal place of business for the person.

- (2) The sign shall include the specific type of solid waste or recyclable material transported by the vehicle or conveyance.
 - (a) Infectious or chemotherapeutic waste shall be designated:
INFECTIOUS/CHEMOTHERAPEUTIC WASTE
 - (b) Municipal waste (including construction/demolition waste) shall be designated:
MUNICIPAL WASTE
 - (c) Residual waste shall be designated:
RESIDUAL WASTE
 - (d) Mixed municipal and residual waste shall be designated:
MUNICIPAL/RESIDUAL WASTE
 - (e) Source-separated recyclable material, leaf waste and yard waste to be composted shall be designated:
RECYCLABLE MATERIALS

- (3) The sign on solid waste transportation vehicles, compactor vehicles or recycling vehicles shall have lettering that is 6 inches in height. If available space for lettering is so limited that all letters cannot be 6 inches in height, the lettering shall be as close to 6 inches as possible. The sign on the solid waste storage containers, roll-off containers or compactors shall be clearly visible and easily readable.
- (4) The sign may be permanent or detachable.

- M. The permit shall be placed on the driver side of the hauling body within three (3) feet of the cab of solid waste transportation vehicles, recycling transportation vehicle, or compactor vehicles and on the side of a compactor so as to be easily viewed.
- N. Except for infectious waste, the storage of solid waste for more than twenty-four (24) hours in a solid waste transportation vehicle or compactor vehicle is prohibited. Infectious waste may not be stored in an un-refrigerated environment for more than forty-eight (48) hours; if the infectious waste is stored in a refrigerated environment (2° to 7° C) or in a frozen environment (-20° to -18° C) the storage period may not exceed five (5) days.
- O. Any solid waste transporter or source-separated recyclables transporter discovering a violation of Section 813(L), regarding residential infectious waste, of this Article, shall provide educational materials on the proper disposal of residential infectious waste to the offending occupants. The transporter may, at his discretion, notify the municipality and the Department of second and subsequent offenses.

813. FUNCTIONS AND POWERS, ENFORCEMENT INTERPRETATION.

- A. The Department, in its enforcement of this regulation, shall do so in accordance with the rules and regulations of Penn DER. The Department may adopt or enforce a more restrictive standard than that of Penn DER.
- B. Solid Waste Management Systems, Prohibition. It shall be unlawful for any person to install, construct, alter, or operate any solid waste management system including transfer facility, processing facility, disposal facility, recycling facility, incinerator, composting facility, or any other approved method for the disposal of solid waste or source separated recyclable materials, unless such person has complied with the requirements and standards contained

in this Article, Article XX, all other applicable rules, regulations, and laws of Allegheny County, the Commonwealth, and the United States.

- C. Solid Waste Management, Prohibition of Un-permitted Disposal. It shall be unlawful for any person to dispose or cause the disposal of solid waste upon any public or private property or into the waters of the Commonwealth except in an approved manner as provided by this Article.
- D. Open Fires Prohibited. It shall be unlawful for any person to permit an open fire for the purpose of disposing of solid waste unless the provisions of Article XX have been met.
- E. Standards. Planning, design, and operation of any recycling facility, solid waste management facility or area of a solid waste management system including municipal waste disposal facilities, construction/demolition waste disposal facilities, residual waste disposal facilities, incinerators, composting facilities, transfer facilities, processing facilities, and solid waste salvage operations, shall be in accordance with the applicable regulations in 25 Pa. Code, Chapters 271 through 299 inclusive. The Department may adopt such standards as it deems necessary to prevent nuisances and pollution of air, land, or waters of Allegheny County. Such standards shall include procedures to ensure suitability of the site and the proper operation of the solid waste management systems and recycling facilities. No person shall operate a solid waste management system or recycling facility which is not in compliance with these standards.
- F. All areas of all recycling facilities and solid waste management systems, including all storage, transfer, processing and disposal facilities shall be operated in such manner as to prevent public health hazards and environmental pollution.
- G. Salvaging of materials is permitted only when properly controlled to prevent interference with prompt, sanitary disposal of solid wastes and in such a manner that these operations will not create health hazards.
- H. Scavenging at solid waste and source-separated recyclable material facilities, curbside collection points, locations, and solid waste storage container locations is prohibited.
- I. The processing, storage, or disposal of municipal waste, residual waste, chemotherapeutic waste, infectious waste, special handling waste, and source-separated recyclable materials in a wetland or in such a manner as to constitute stream encroachment is prohibited.
- J. Solid Waste Storage Containers:
 - (1) Any person, business, or institution using any solid waste storage containers shall ensure that the solid waste storage container area is maintained in such a manner as to prevent public health hazards and environmental pollution.
 - (2) Any person, business, or institution using any solid waste storage containers shall provide a sufficient number of solid waste storage containers or an adequate frequency of pick-up to assure that all solid waste is contained within the solid waste storage containers at all times.
 - (3) Any person, business, or institution using any solid waste storage containers shall ensure that such containers are covered with lids or other devices to prevent access by animal pests with the exception of roll-off containers at a construction, demolition or remodeling sites unless used for putrescible waste.
- K. All infectious wastes and chemotherapeutic wastes generated in or by any medical facility, hospital, clinic, doctor's office, dentist's office, mortuary facility, morgue, or in-home dialysis provider, shall be stored separately from other solid wastes, in containers clearly marked as infectious waste, chemotherapeutic waste, or biological hazard and in a manner to prevent unauthorized access. It shall be the responsibility of the person generating infectious and chemotherapeutic wastes to ensure that all sharps are rendered non-usable and disposed of in puncture-resistant containers. Storage, transportation, sterilization, and disposal shall be in accordance with the requirements of Penn DER regulations.

- L. For residential-generated sharps and other infectious wastes, it shall be the responsibility of the person generating such wastes to ensure that such wastes are placed in a hard, clear plastic container with a tight fitting lid and be sealed with tape. Glass, metal cans, opaque plastic, or other containers are not permitted. Any container used for the disposal of residential generated sharps or other infectious wastes is prohibited from being commingled with source-separated recyclable materials. These containers shall be disposed with other residential solid waste.
- M. When the Director has identified the improper disposal or storage of solid waste, the Director may require the owner or occupier of the property, or the generator of the waste, to properly dispose or store such waste notwithstanding the fact the owner or occupier did not dispose or store such waste.
- N. No person or municipality shall dispose of any recyclable material collected as a source-separated recyclable. No person or municipality may place collected source-separated recyclable materials into a solid waste transportation vehicle or container where it is commingled with solid waste for disposal as waste.

814. TREATMENT TANK PUMPINGS AND RETAINING TANK PUMPINGS. The land disposal, land application, or incorporation of treatment tank pumpings, retaining tank pumpings, or sewage sludge co-mingled with treatment tank pumpings or retaining tank pumpings is prohibited. This is not to be construed to prohibit land reclamation with stabilized sewage sludge which has not been commingled with treatment tank pumpings or retaining tank pumpings.

815. CONFORMITY WITH ALLEGHENY COUNTY SOLID WASTE MANAGEMENT PLAN.

- A. All municipal waste generated within Allegheny County (except source-separated recyclable material) shall be disposed or processed at those facilities cited in the approved Allegheny County Municipal Solid Waste Management Plan -- 1990 or any subsequent revision thereto.
- B. Municipal waste generated within Allegheny County (except source-separated recyclable material) shall not be transported to any solid waste facility except those facilities cited in the approved Allegheny County Municipal Solid Waste Management Plan -- 1990 or any subsequent revision thereto.
- C. Each city, borough, township and municipality within Allegheny County shall be responsible to assure that all residential municipal waste (except source-separated recyclable material) generated within their boundaries be disposed only at those municipal waste disposal and municipal waste processing facilities cited in the approved Allegheny County Solid Waste Management Plan -- 1990 or any subsequent revisions thereto.

816. REPORTING REQUIREMENTS

- A. Each person engaged in the transportation of source-separated recyclable materials; wastes to be composted; or solid waste shall file a quarterly report with the Department by the fifteenth of April, July, October, and January listing the amount in tons of wastes or source-separated recyclables and types of waste or source-separated recyclables handled each day, setting forth the municipality from which it was obtained, and the place of recycling, composting, disposal or incineration of each load. Reports are to be submitted on forms provided by the Department and in the method set forth on the forms.
- B. Each person engaged in the transportation of source-separated recyclable materials; wastes to be composted; or solid waste shall file an annual report by March 31 for the preceding year. This report shall include a description of operations, method(s) of disposal, counties and municipalities of the origin of the waste, and copies of contracts with disposal, processing, or transfer facilities.
- C. Manifests
 - (1) Upon the request of the Director, any person engaged in the removal or

transportation of solid waste shall submit a manifest for a specifically identified customer, job site, or waste material to the Department on forms provided by the Department for each load or partial load of solid waste. The manifest documents shall include the name and business address of the generator, the generation site, the name and business address of the hauler, the name and business address of any processing and/or storage facilities to which the waste is transported, the name and address of the ultimate disposal facility, the dates each transfer of responsibility occurred and any other information determined to be necessary by the Department.

- (2) Each person engaged in the transportation of solid waste which requires the completion and submission of a manifest pursuant to the requirements of the United States Environmental Protection Agency National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations shall submit copies of all such manifests with the quarterly report required under Section 816.A.
 - D. Vehicles of 7,000 lbs. gross vehicle weight or less which transport those wastes referenced in Section 811.B. other than as part of the conduct of a business endeavor are exempt from the requirements of Sections 816.A. and 816.B.
 - E. Exempt activities. Residential contractors including landscapers; plumbers; home remodelers; heating, air conditioning and ventilation contractors; and residential roofing contractors who only transport construction/demolition waste generated at a job site are exempt from the requirements of Sections 816.A. and 816.B.
 - F. All solid waste disposal facilities, processing facilities, residual waste facilities, resource recovery facilities, construction/demolition waste disposal facilities, and recycling facilities shall submit copies of all records or reports required by Penn DER or by permit condition to the Department.
 - G. All recycling facilities shall submit annual operating reports to the Department detailing the types, quantities, origin, and disposition of materials received, processed, or disposed.
- 817. FEES.** Upon the recommendation of the Director and upon approval of the Board of Health a Solid Waste and Recycling Management Fee Schedule shall be established. Those solid waste management facilities possessing a valid operating permit from the Department and those recycling and composting facilities in operation prior to May 1, 1994 are not required to pay a Permit Application Fee.

The minimum fees shall be as follows (shown on following page).

SOLID WASTE AND RECYCLING MANAGEMENT FEE SCHEDULE
Effective January 1, 2014

PERMIT APPLICATION FEE

Municipal waste disposal facilities	\$2,070.00
Construction/demolition waste disposal facilities	2,070.00
Residual waste disposal facilities	2,070.00
Resource recovery facilities	2,070.00
Transfer facilities	1,040.00
Recycling facilities	140.00
Composting facilities – Non-Municipally Owned	140.00
Composting facilities – Municipally Owned	FEE EXEMPT

PERMIT APPLICATION FEE - MAJOR AMENDMENTS

Municipal waste disposal facilities	\$140.00
Construction/demolition waste disposal facilities	140.00
Residual waste disposal facilities	140.00
Resource recovery facilities	140.00
Transfer facilities	140.00
Recycling facilities	50.00
Composting facilities – Non-Municipally Owned	50.00
Composting facilities – Municipally Owned	FEE EXEMPT

PERMIT APPLICATION FEE TO ACCEPT WASTES NOT INCLUDED IN EXISTING PERMIT

Municipal waste disposal facilities	\$140.00
Construction/demolition waste disposal facilities	140.00
Residual waste disposal facilities	140.00
Resource recovery facilities	140.00
Transfer facilities	140.00
Recycling facilities	50.00
Composting facilities – Non-Municipally Owned	50.00
Composting facilities – Municipally Owned	FEE EXEMPT

ANNUAL OPERATION PERMIT FEE

Municipal waste disposal facilities	\$2,070.00
Construction/demolition waste disposal facilities	2,070.00
Residual waste disposal facilities	2,070.00
Resource recovery facilities	2,070.00
Transfer facilities	1,040.00
Recycling facilities	140.00
Composting facilities – Non-Municipally Owned	140.00
Composting facilities – Municipally Owned	FEE EXEMPT
Non-vehicular compactors	50.00

Vehicles used exclusively as recycling transportation vehicles are exempt from permit fees. Corporations organized under the Pennsylvania Non-Profit Corporation Law or incorporated by an act of the United States Congress which have been determined to be tax exempt by the Pennsylvania Department of Revenue or the United States Internal Revenue Service and provide copies of the original ruling to the Department are exempt from permit fees.

818. SEVERABILITY CLAUSE. Should any section, paragraph, sentence, clause, or phrase of this Article be declared unconstitutional or invalid for any reason, the remainder of said Article shall not be affected thereby.

819. PENALTIES

- A. Summary Offenses. Any person who violates any of the provisions of this Article or who interferes with the Director or any other agent of the Department of Health in the discharge of his/her official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman, magistrate or justice of the peace of Allegheny County, or before any police magistrate if such offense be committed in a city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than thirty dollars (\$30.00) nor more than three hundred dollars (\$300.00) and, in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.
- B. Misdemeanors. Any person who violates any of the provisions of this Article or who interferes with the Director or any other agent of the Department of Health, in the discharge of his/her official duties, convicted of a second or subsequent offense shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or to undergo imprisonment not exceeding one (1) year, or both.
- C. Separate Offenses. For the purpose of this Section, violations on separate days shall be considered separate offenses. Each violation of any separate subsection or section of this Article shall constitute a separate offense.
- D. Civil Penalties. Pursuant to the provisions of the Department's Rules and Regulations Article XVI "Environmental Health Civil Penalties", any person who violates any of the provisions of this Article may be assessed a civil penalty whether or not the violation is willful.

819. REPEALER. Upon the effective date of this Article, the existing Article VIII, "Solid Waste Management" effective September 1, 1969, as amended, is hereby repealed and superseded by this Article.

Allegheny County Open Burn Ordinance

Open Burning Regulation

§2105.50 OPEN BURNING *{Subsection f amended May 8, 2007, effective, August 17, 2007, and amended July 16, 2009, effective July 26, 2009. Subsections a, b, and d amended, and Subsections e and f renumbered, November 13, 2014, effective January 1, 2015.}*

a. General.

1. No person shall conduct, or allow to be conducted, the open burning of any material, except where the Department has issued an open burning permit to such person in accordance with this Section or where the open burning is conducted solely for the purpose of preparation of food for human consumption, recreation, light, or ornament, and in a manner which contributes a negligible amount of air contaminants, and which is in accordance with Subparagraphs A through C, below.
 - A. No material other than clean wood, propane, or natural gas may be burned except as provided for in this subparagraph.
 - i. Charcoal may be used in an outdoor fireplace or grill for the purpose of cooking.
 - ii. Commercially available fire logs, paraffin logs, or wood pellets may be used in outdoor fireplaces.
 - iii. Paper or commercial smokeless fire starters may be used with clean wood to start an allowed fire.
 - B. Any volume of clean wood being burned shall be no larger than 3' wide x 3' long x 2' high and shall be at least 15 feet from the nearest neighbor's dwelling or inhabited area, any property line, roadway, sidewalk, or public access way.
 - C. Open burning using chimineas, firepits, or outdoor fireplaces may only be conducted using materials meeting Subparagraph A, above.

2. Any open burning shall be tended by a responsible person at all times.
 3. Wood burning activities shall not be conducted on Air Quality Action Days, with the exception of conducting such burning for the commercial preparation of food.
 4. The Department may prohibit, or reduce, any open burning activity which it determines to be a nuisance. This determination will be based on, but not limited to, the following criteria:
 - A. The severity of the amount of air pollutants, or malodorous material;
 - B. The duration or frequency of open burning;
 - C. The topography of the surroundings; and/or
 - D. The meteorological conditions.
 5. This Section shall not allow or permit any open burning which would not otherwise be allowed or permitted under any applicable ordinance or fire code.
- b. **Discovery of Fire.** Immediately upon the discovery of any open burning that is not being conducted in accordance with this Section, the person responsible for the property on which such burning occurs shall immediately extinguish, or cause the extinguishment of, such burning.
- c. **Presumption.** Proof that the defendant in any enforcement action owns or controls the property on which open burning occurs shall be prima facie evidence that such defendant has conducted, or allowed to be conducted, such open burning.

d. **Permits.**

1. The Department may issue a permit for open burning during a period specified by the Department, but only where the open burning is solely for:
 - A. The abatement of a fire or public health hazard when the burning is conducted under the supervision of a public officer;
 - B. The instruction of personnel in fire fighting, except that instruction using only propane does not require a permit;
 - C. The fostering of agriculture;
 - D. The conducting of a ceremony; or,
 - E. Clearing and grubbing wastes subject to, at a minimum, the following requirements:
 - i. Air curtain incineration units shall be used at all times when burning clearing and grubbing wastes.
 - ii. The use of air curtain incineration units shall not be permitted unless approved by the Department in writing with respect to equipment arrangement, design, and existing environmental conditions prior to commencement of burning.
 - iii. Approval for use of an air curtain incineration unit at one site may be granted for a specified period not to exceed three months, but may be extended for additional limited periods upon further written approval by the Department.
 - iv. The application for said permit must be accompanied by a non-refundable permit application fee, by check or money order payable to the "Allegheny County Air Pollution Control Fund," to cover the costs associated with processing, reviewing, and acting upon the application. The amount of the fee shall be set by the Board of Health.
 - v. If operated at commercial, industrial, or institutional facilities, the air curtain incinerator may also be subject to the NSPS requirements of 40 CFR 60 Subpart CCCC or EEEE.
 - F. Any fees approved by the Board of Health under the terms of this section shall not become effective until approved by Allegheny County Council.

2. The permit application shall be submitted on forms prepared by the Department at least 15 days prior to the proposed burning date(s) and shall specify the types of materials to be burned, and only those types of materials which are approved by the Department in the permit shall be burned.
 3. The Department may issue a permit subject to any additional terms and conditions as are appropriate to further the purposes of this Article, and may deny a permit application or rescind any such permit when it determines that an actual or potential air pollution problem exists.
 4. An approved permit shall be in the possession of the applicant or an authorized representative at the site of the permitted open burning at all times during said open burning and shall be available for inspection upon request by any County personnel, law enforcement officer, or fire protection officer.
 5. Any open burning permit issued by the Department shall immediately be suspended upon the declaration of an alert or localized incident pursuant to Part F of this Article and shall remain suspended for the duration of the alert or localized incident. If the open burning permit expires during such period of suspension, an extension of such permit shall be obtained from the Department prior to burning any materials.
 6. Open burning activities requiring a permit shall not be conducted on Air Quality Action Days.
- e. **Coal Refuse Piles.** In the case of a fire at any coal refuse pile or dump, the person responsible shall:
1. Report such fire immediately to the Department upon discovery;
 2. Immediately extinguish such fire, or demonstrate to the Department's satisfaction that all necessary steps are being taken to extinguish such fires as expeditiously as possible; and
 3. Report the status of such fire to the Department at such intervals as required by the Department.

- f. **Enforcement.** Notwithstanding any other provision of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the burning occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
- g. **Violations.** The open burning of any material (except as provided in Paragraph a.1 above) without a permit under this Section or in violation of any condition contained in such permit, or the failure by the person responsible to immediately report and take all reasonable steps to extinguish a coal refuse pile fire, shall be a violation of this Article giving rise to the remedies provided in §2109.02 of this Article.
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REVISED DEFINITION

§2101.20 DEFINITIONS *{Amended November 13, 2014, effective January 1, 2015.}*

"Open burning" means any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. The term includes any fire or combustion which occurs in a chiminea, fire pit, outdoor fireplace or grill.