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Loudoun County, VA Code of Ordinances

CHAPTER 1084

Solid Waste Collection and Transportation

EDITOR'S NOTE: This chapter, formerly a codification of Ordinance 92-08, passed August 5, 1992, was repealed and re-enacted in its entirety upon the adoption of Ordinance 02-09, passed May 20, 2002, codified herein.

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CROSS REFERENCES

Regulation of garbage and refuse pickup and disposal services - see 23 Code of Va. § 15.2-930

Separation of solid waste for recycling - see Code of Va. § 15.2-937

Preference of recycled paper products in purchasing - see Code of Va. § 15.2-938

Requirement for recycling reports - see Code of Va. § 15.2-939

Throwing or depositing injurious or hazardous materials upon highways - see TRAF. 442.01

Beverage container litter control - see GEN. OFF. Ch. 606

Dog waste - see GEN. OFF. 612.19(a)(9)

Noise regulations - see GEN. OFF. 654.02

Solid waste management facilities - see S.U. & P.S. Ch. 1080

Solid waste storage - see S.U. & P.S. Ch. 1082

Solid waste reduction and recycling - see S.U. & P.S. Ch. 1086

Land application of biosolids - see S.U. & P.S. Ch. 1090

1084.01 SHORT TITLE.

This chapter shall be known and may be cited as the “Loudoun County Solid Waste Collection and Transportation Ordinance.”

(Ord. 02-09. Passed 5-20-02.)

1084.02 DEFINITIONS.

As used in this chapter, the singular includes the plural, and vice versa, and the masculine includes the feminine, and vice versa. Definitions not included in this section shall assume the meanings included in Part I, 9 VAC 20-80, 9 VAC 20-101, and 9 VAC 20-130.

The following words and terms, when used in this chapter, shall have the following meanings:

(1) “Approved facility” means a location that is permitted in accordance with Chapter 1080 of these Codified Ordinances to receive solid waste or recyclable material for storage, disposal, transfer, processing, treatment, recycling, or composting. An approved facility includes, but is not limited to, permitted transfer stations, materials recovery facilities, sanitary landfills, yard waste composting facilities, and vegetative waste management facilities.

(2) “Board” means the Loudoun County Board of Supervisors.

(3) “Collection services” means the collection, removal, transportation, or disposal of solid waste for compensation.

(4) “Collection vehicle” means any vehicle or portion thereof used to collect, remove, transport, or dispose of solid waste or recyclable material and includes any container or other appurtenance attached to, or associated with the vehicle, whether such container or appurtenance is affixed temporarily or permanently.

(5) “Collector” means any person engaged in collecting, removing, transporting, or disposing of solid waste or recyclable material for compensation from two or more residential, commercial or industrial establishments in the County.

(6) “Commercial waste” means all solid waste generated by establishments engaged in business operations other than manufacturing or construction. Commercial waste includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants, and shopping centers.

(7) “Compensation” means any type of consideration paid for the collection, transportation, and/or disposal of solid waste, including, but not limited to, direct or indirect compensation.

(8) “Compliance schedule” means a time schedule for corrective actions to be taken by a person that will ultimately result in such person conforming to the provisions of this chapter.

(9) “Construction waste” means solid waste which is produced or generated during the construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction waste includes, but is not limited to, lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastic if they are part of the construction material or empty containers for such materials. Paints, coatings, solvents, asbestos-containing material, any liquid, compressed gases, or semi-liquids and garbage are not construction wastes.

(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) “County regulatory agency” means any and all of the following County Departments: Solid Waste Management, Public Health, and Building and Development.

(12) “Customer” means any person that provides compensation to a collector for collection services or recycling services.

(13) “Debris waste” means solid waste resulting from land clearing operations. Debris waste includes, but is not limited to, stumps, wood, brush, leaves, soil, and road spoils.

(14) “Demolition waste” means solid waste produced by destruction of structures and their foundations and includes the same materials as construction wastes.

(15) “Department of Environmental Quality” or “DEQ” means the Virginia Department of Environmental Quality.

(16) “Director of the Office of Solid Waste Management” or “Director” means the Director of the Office of Solid Waste Management of Loudoun County, or his or her authorized agent, responsible for the administration and enforcement of this chapter.

(17) “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or throwing or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters.

(18) “Garbage” means readily putrescible discarded materials composed of animal, vegetable, or other organic matter.

(19) “Household” means attached and detached single and multiple residences, including but not limited to, houses, apartment buildings, condominiums, townhouses, mobile homes, bunkhouses, and crew quarters.

(20) “Household waste” means any waste material, including garbage, trash, and refuse, derived from households.

(21) “Industrial waste” means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Industrial waste may include, but is not limited to, waste resulting from the following manufacturing processes: electrical power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

(22) “Inert waste” means solid waste which is physically, chemically and biologically stable from further degradation and considered to be nonreactive. Inert waste includes rubble, concrete, broken bricks, bricks and blocks. The term “inert waste” does not mean construction waste or demolition waste.

(23) “Institutional waste” means all solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools.

(24) “Landfill” means a solid waste facility which uses burial as the primary means of disposal and includes sanitary landfills, industrial waste landfills, or construction/demolition/debris landfills.

(25) “Landscape maintenance” means the care of lawns, shrubbery and vines, and includes the pruning of trees.

(26) “Litter” means any solid waste that is discarded or scattered about outside of a lawful container or collection vehicle.

(27) “Major collector” means a collector that operates four or more collection vehicles and/or collects more than 2,000 tons of solid waste per year. “Minor collectors” under contract or subcontract to a “major collector” shall be considered a “major collector” in accordance with this chapter and Chapter 1086 of these Codified Ordinances.

(28) “Materials recovery facility” or “MRF” means a solid waste facility which collects mixed solid wastes and manually or mechanically separates recyclable materials to be marketed and disposes of all non-recyclable wastes to a permitted facility, or a solid waste management facility for the collection, recovery and processing of materials, such as metals, paper, or glass, from solid waste for the production of a fuel from solid waste.

(29) “Minor collector” means a collector that operates three or fewer collection vehicles and collects 2,000 tons or less of solid waste per year. A minor collector shall not mean a collector that is a subsidiary of a major collector or has a parent company or owner that is a major collector or is a major collector doing business under another name. “Minor collectors” under contract or subcontract to a “major collector” shall be considered a “major collector” in accordance with this chapter and Chapter 1086 of these Codified Ordinances.

(30) “Mulch” means woody waste consisting of stumps, trees, limbs, branches, bark, leaves, and other clean wood waste which has undergone size reduction by grinding, shredding, or chipping.

(31) “Municipal solid waste” means that waste which is normally composed of residential, commercial, and institutional solid waste.

(32) “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, and as defined in Section 648.03(g) of these Codified Ordinances.

(33) “Office of Solid Waste Management” or “OSWM” means the Office of Solid Waste Management of Loudoun County.

(34) “Permit” means the official document signed by the Director which allows the operation of a collection vehicle(s) in Loudoun County for purposes of providing collection services or recycling services.

(35) “Person” means and includes an individual, business, corporation, association, firm, partnership, joint stock company, county, city, town, governmental body, or any other legal entity.

(36) “Pollute” means the release of any substance which causes or contributes to, or may cause or contribute to, environmental degradation when discharged into the environment.

(37) “Principal recyclable materials” means paper, metal (except automobile bodies), plastic, glass, yard waste, wood, and textiles. Principal recyclable materials do not include large diameter tree stumps (tree stumps larger than six inches in diameter).

(38) “Prohibited waste” means any waste that is radioactive, hazardous, infectious, pathological, or classified as a special waste by the Code of Virginia.

- (39) “Putrescible waste” means solid waste which contains organic material capable of being decomposed by micro-organisms and causes odors.
- (40) “Reclaimed material” means a material which is processed or reprocessed to recover a usable product or is regenerated to a usable form.
- (41) “Recyclable material” means any material separated from the waste stream for utilization as a raw material in the manufacture of a new product. The term “recyclable material” includes both source separated material and mechanically separated material.
- (42) “Recycled material” means a material that is derived from recycling.
- (43) “Recycling” means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product. For the purposes of this chapter, recycling does not include processes that only involve size reduction.
- (44) “Recycling drop-off center” means a lawful collection site for the acceptance by donation, redemption, or purchase of recyclable material from the public. Such a facility does not use power-driven processing equipment.
- (45) “Recycling facility” means a facility which collects, processes, repackages, and markets previously separated recyclable material. The term “recycling facility” does not include solid waste transfer stations, materials recovery facilities, sanitary landfills, yard waste composting facilities, or vegetative waste management facilities.
- (46) “Recycling services” means the collection of source-separated recyclable material and ensuring the delivery of the recyclable material to a recycling facility or other lawful facility for its ultimate disposition as a recycled material.
- (47) “Refuse” means all solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.
- (48) “Residential waste” means any waste material, including garbage, trash, and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day- use recreation areas.
- (49) “Resource recovery” means the recovery of material or energy from solid waste.
- (50) “Rubbish” means combustible or slowly putrescible discarded materials which include, but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags, and other combustible or slowly putrescible materials not included under the term “garbage.”
- (51) “Sanitary landfill” means an engineered land burial facility for the disposal of solid waste which is so located, designed, constructed and operated as to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.
- (52) “Scrap metal” means bits and pieces of metal parts such as bars, rods, wire, or metal pieces that may be combined together with bolts or soldering which are discarded materials and can be recycled.
- (53) “Site” means all land and structures, other appurtenances and improvements thereon used for treating, storing, and disposing of solid waste. “Site” includes adjacent land within the facility boundary used for the utility systems, such as repair, storage, shipping, or processing areas, or other areas incident to the management of solid waste. Further, “site” includes all sites, whether they are planned and managed facilities or open dumps.
- (54) “Solid waste” means any garbage, refuse, sludge, or other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from household disposal, commercial and

industrial operations, agricultural operations, or community activities. “Solid waste” does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges or special nuclear or by-product materials.

(55) “Solid waste management facility” or “SWMF” means a site used for the planned treating, recycling, storing and disposing of solid waste. A facility may consist of several treatment, storage or disposal units. Further, “solid waste management facility” or “SWMF” means a facility so located, designed and operated that it does not impose a present or potential hazard to human health or the environment, including the pollution of air, land, surface water or ground water.

(56) “Source-separated” means materials separated from the waste stream, by the waste generator, specifically for use, reuse, or recycling.

(57) “Transfer station” means any intermediate solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration, or resource recovery.

(58) “Unpermitted collector” means a collector as defined herein operating in Loudoun County without a permit issued by the Director.

(59) “Vegetative waste” means decomposable materials generated by yard and lawn care or land clearing activities and includes, but is not limited to, leaves, grass trimmings, woody wastes such as shrub and tree prunings, bark, limbs, roots, stumps, and mulch.

(60) “Vegetative waste management facility” means a solid waste facility that collects, processes, and manages vegetative waste.

(61) “Yard waste” means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six inches in diameter. (Note: Yard waste is also vegetative waste; however, the terms are not interchangeable because vegetative waste may include waste that is not yard waste.)

(62) “Yard waste composting facility” means an engineered facility for composting of yard waste which is so located, designed, constructed and operated to isolate, process and manage the yard waste and yard waste compost so that it does not pose a present or potential hazard to human health or the environment.

(Ord. 02-09. Passed 5-20-02.)

1084.03 APPLICABILITY AND EXCLUSIONS.

(a) Applicability. This chapter shall apply to any person that collects, removes, transports, or disposes of solid waste or recyclable material in Loudoun County. Except where expressly excluded in this chapter, solid waste shall include, but not be limited to, municipal solid waste, construction waste, demolition waste, debris waste, vegetative waste, yard waste, and inert waste. This chapter shall not apply to the collection, removal, transportation, or disposal of any materials other than solid waste or recyclable material.

(b) Exclusions. This chapter shall not apply to the following uses or activities:

(1) Any individual residing in Loudoun County who collects, processes, transports, or disposes solely of his or her own solid waste or recyclable material that was generated by his or her household, whether or not that person receives compensation, provided that such transportation does not result in the loss of any material being transported or such disposal does not occur in an unlawful manner or at an unlawful site;

(2) The collection, removal, transportation, or disposal of solid waste or recyclable material performed solely in any incorporated town within the boundaries of Loudoun County unless and until the governing body of any such town, by appropriate action, indicates its intention to have the collection, removal, transportation, or disposal of solid waste or recyclable material covered by the provisions of this chapter.

Upon the taking of such action by the governing body of any such incorporated town, the provisions of this chapter shall apply fully to any collection, removal, transportation, or disposal of solid waste or recyclable material in such incorporated town.

(Ord. 02-09. Passed 5-20-02.)

1084.04 ADMINISTRATION AND ENFORCEMENT.

(a) Administrative Authority. The Director of Solid Waste Management, or his or her agent, shall be responsible for the administration of this chapter and shall have the authority to enforce compliance through the use of administrative actions and civil and criminal penalties as authorized by this chapter.

(b) Right of Entry. The Director, or his or her agent, may, with proper identification, enter, at reasonable times, upon public or private property for the purposes of inspecting and investigating conditions relating to the enforcement of this chapter, but only after obtaining consent of the owner or occupant of the private property to be inspected, which owner or occupant has the authority, under law, to authorize such entry and inspection.

(c) Inspection Warrant.

(1) If such consent is not obtained for any reason or a justifiable reason exists for not seeking consent, including the inability to contact or locate the person with the authority to authorize such inspection, the Director shall obtain, from a County magistrate or judge, a warrant authorizing such entry, inspection or investigation upon such private property upon a showing of probable cause, supported by an affidavit, particularly describing the place, thing, or person to be inspected or investigated, and the purpose for which the inspection or investigation is to be made. Probable cause shall be deemed to exist either if reasonable administrative standards for conducting such inspection or investigation are satisfied, with respect to the particular place, thing or person, or if there exists probable cause to believe that there is a condition, object, activity, or circumstance which legally justifies such inspection or investigation. The supporting affidavit shall contain either a statement that consent to inspect or investigate has been sought and refused or not received or a description of the circumstances reasonably justifying the failure to seek such consent in order to effectively enforce this chapter.

(2) An inspection warrant shall be effective for the time specified therein, not to exceed ten days, unless extended or renewed by the judicial officer who signed and issued the original warrant, upon a showing that such extension or renewal is in the public interest. Such warrant shall be executed and returned to the judicial officer by whom it was issued within the time specified in the warrant or within the extended or renewed time. After the expiration of such time, the warrant, unless executed, shall be void. An inspection pursuant to such warrant may not be made in the absence of the owner, custodian or possessor of the particular place, thing, or person unless specifically authorized by the judicial officer upon a showing that such authority is reasonably necessary to effectuate the purpose of this chapter. An inspection pursuant to this warrant shall not be made by means of forcible entry, except that the judicial officer may expressly authorize a forcible entry where facts are shown sufficient to create a reasonable suspicion of a violation of any of the provisions of this chapter which, if such violation existed, would be an immediate threat to health or safety, or where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. In the case of inspection of a dwelling, prior consent must be sought and refused, unless the issuing judicial officer finds that failure to seek consent is justified and that there is a reasonable suspicion of an immediate threat to public health or safety.

(d) Compliance With Inspection Warrants. No person shall willfully refuse to permit an inspection lawfully authorized by a warrant issued pursuant to this chapter.

(Ord. 02-09. Passed 5-20-02.)

1084.05 GENERAL RESTRICTIONS AND SPECIFICALLY PROHIBITED ACTS.

(a) General Restrictions. No person shall engage in the collection, removal, transportation, or disposal of solid waste or recyclable material in such a manner as to create a public nuisance (for example, littering or excessive noise), pollute the air, cause a discharge of pollutants to the waters of Loudoun County or otherwise impair the quality of the environment or create a hazard to the public safety, health, or well-being.

(b) Specifically Prohibited Acts. No person shall engage in any act specifically prohibited in this chapter to include, but not limited to the following:

(1) No person shall dispose of solid waste in Loudoun County except at an approved facility that has been specifically permitted by the Director to accept such waste.

(2) No collector, except those specifically excluded under this chapter, shall collect, remove, transport, or dispose of solid waste in Loudoun County without a valid permit issued by the Director.

(3) No collection vehicle shall be operated in Loudoun County for the purposes of performing collection services or recycling services without a valid permit issued under this chapter.

(4) No collection vehicle shall be operated in Loudoun County for the purposes of performing collection services or recycling services without the proper vehicle permits, insurance, license, and inspections as required by County, State, or Federal regulations.

(5) No collection vehicle shall be operated in such a manner as to allow solid waste or recyclable material to blow, spill, leak, fall, or be thrown onto or into any street, alley, sewer inlet, water body, public or private property, or any other area of the County that is not an approved facility or recycling facility.

(6) No permitted collector, unless specifically exempted under this chapter, shall fail to provide recycling services to any customer as required under this chapter.

(7) No permitted collector shall dispose of any source-separated recyclable material except at a recycling facility or approved facility for ultimate disposition as a recycled material.

(8) No permitted collector shall mix any source-separated recyclable material with solid waste.

(9) No permitted collector shall discontinue collection services or recycling services without written notification to the customer and the Director in accordance with this chapter.

(c) Penalty. The commission of a specifically prohibited act shall subject the person to administrative and/or judicial remedies and penalties as authorized in this chapter.

(Ord. 02-09. Passed 5-20-02.)

1084.06 PERMITS.

(a) Required. An annual permit, as provided for in this chapter, is required for any collector as defined in Section 1084.02. No person shall engage in business within the County as a collector and transporter of solid waste or recyclable material, or conduct any portion of the operation of such business within this County, without a valid permit issued in accordance with this chapter. For previously permitted collectors, a new permit must be obtained prior to March 31 of each year, and any permit issued shall be valid from March 31 of the current year to March 31 of the following year. For a person that does not already have a permit, a new permit may be obtained at any time, but such permit may not be issued for a period of more than one year and shall be valid from the date of issuance to March 31 following the date of issuance.

(b) Exemptions. The permitting requirements contained in this chapter shall be deemed not applicable to the following uses and activities. Such uses and activities, however, shall be subject to the provisions set

forth in Section 1084.05.

(1) No permit shall be required for any person, collector, or collection vehicle that solely collects and transports solid waste that is generated outside Loudoun County.

(2) No permit shall be required for any person or collector that solely collects solid waste or recyclable material from an approved facility or recycling facility for purposes of transporting such solid waste or recyclable material to a location outside Loudoun County.

(3) No permit shall be required for any collector or collection vehicle that solely collects and transports debris waste and vegetative waste, provided that such waste is not mixed with other types of solid waste. This exemption shall not apply to source-separated yard waste or that part of the vegetative waste stream that is source-separated and intended for ultimate disposition as a recycled material.

(4) No permit shall be required for any collector or collection vehicle that solely collects and transports inert waste, provided that the inert waste is not mixed with other types of solid waste. This exemption shall not apply to inert waste that is construction waste or demolition waste.

(c) Application. Every person desiring a permit under this chapter shall submit a written application to the Director in the format specified by the Director. An application for a permit shall not constitute authorization to provide collection services pending action on the request. A previously permitted collector shall submit an application for a permit between January 15 and February 15 of the calendar year that the existing permit expires. Any person that does not already have a permit may apply for one at any time. The applicant shall provide sufficient information and documents to ensure that such applicant is capable of lawfully providing collection services and recycling services in accordance with this chapter. At a minimum, an application for a permit shall include:

- (1) Business name, business address, mailing address, and telephone number;
- (2) Type of business (sole proprietor, partnership, corporation, etc.);
- (3) Name of business owner(s) or principal official;
- (4) Name of parent company (if applicable);
- (5) Location (street address and city) of collection vehicle parking and collection container storage (if applicable);
- (6) Geographic areas within the County that the applicant serves;
- (7) The number of residential and nonresidential customers served;
- (8) The frequency of collection (regular collection schedule);
- (9) The weather conditions and holidays for which service shall be suspended and the collection schedule thereafter;
- (10) The number and types of collection vehicles to be used;
- (11) Certification of vehicle insurance, inspections, and licensure;
- (12) Statement of collection services to be provided to all customers;
- (13) Statement of recycling services to be provided to all customers, as applicable;
- (14) Any other additional reasonable information deemed necessary by the Director for the administration of this chapter.

(d) Fees. An application for a permit shall be accompanied by a fee of ten dollars (\$10.00) per collection vehicle for any minor collector and thirty dollars (\$30.00) per collection vehicle for any major collector. The fee shall be paid for each collection vehicle to be used by the applicant in providing

collection services or recycling services in Loudoun County. The annual license fee shall not be prorated. The applicant shall pay all required fees prior to issuance of a permit. Failure to submit any required fees shall result in an incomplete application and denial of a permit by the Director. The fee shall be waived for any County or Town-owned and/or operated collection vehicle.

(e) Action on Application. Within thirty days of receipt of a permit application as set forth in subsection 1084.06(c), a permit shall be issued or denied by the Director. The Director shall issue a permit upon a satisfactory finding that the applicant has complied with the provisions of this chapter. The permit issued shall indicate an assigned registration number for each collection vehicle covered by such permit. If a permit application is denied, the reasons for denial of the permit application shall be stated, in writing, to the applicant. Upon receipt of an amended application, the Director shall issue a permit upon finding that the applicant has addressed the reasons for the initial denial and demonstrated compliance with the provisions of this chapter. If an applicant does not submit an amended application within ninety days of the date of denial, the application shall expire at the close of the next business day.

(f) Numbering of Vehicles. As a part of permit issuance, the Director shall assign and provide to all collection vehicles covered by the permit a registration number that shall be permanently affixed by the applicant to a location specified by the Director. In the event that a collection vehicle covered under a permit is discontinued from service or sold, the registration number for that collection vehicle shall be returned to the Director within fourteen days from the date of sale or discontinuance from service. It shall be unlawful for a collector to transfer a registration number to another person, collector, or collection vehicle without prior written approval from the Director.

(g) Expiration. All permits issued under this chapter are valid for a period of not more than one year and, regardless of the date of permit issuance, shall expire on March 31 following the date of issuance.

(h) Amendment. A valid permit in good standing may be amended by the Director to include the addition or deletion of any collection vehicle(s) provided that such addition or deletion does not change the status of the collector from a minor collector to a major collector or vice versa. Any request by a permitted collector for such an amendment must be made in writing to the Director and submitted along with the vehicle information and documentation required under subsection 1084.06(c) and the applicable fee as provided for in subsection 1084.06(d). The Director shall approve or deny any such request for a permit amendment within fourteen days of receipt of the request. An application for a permit amendment shall not constitute authorization to provide collection services or recycling services using a collection vehicle that has not been issued a registration number pending action on the request.

(i) Compliance. Solid waste collection services and recycling services shall be performed in strict conformity with the permit and all other applicable County, State, and Federal regulations. Collection services or recycling services shall not occur prior to receipt of a permit issued by the Director or continue after expiration of a permit.

(Ord. 02-09. Passed 5-20-02.)

1084.07 REPORTING.

(a) Required. Each permitted collector shall submit quarterly collection reports to the Director on a form provided by the Director. Collection reports shall be submitted on a quarterly basis for the periods from October through December; January through March; April through June; and July through September, by no later than January 31; April 30; July 31; and October 31, for the preceding quarter. Submission of the quarterly collection report shall be part of the requirement for maintaining a permit in good standing. Failure to submit any quarterly collection report in accordance with this section shall be considered a violation of permit requirements and shall result in enforcement actions and penalties as authorized by this chapter.

(b) Collection Report Information. The quarterly collection report shall include information pertaining to the solid waste and recyclable material collected in Loudoun County by the permitted collector for the specified period of time. A report shall be certified and signed by a responsible company official. All measurements included in any report shall be based on the weight of each type of solid waste or recyclable material reported, provided that where such measurements cannot be accurately determined, the measurement shall be based on carefully estimated data. Where estimates are submitted, such estimates shall contain sufficient detail to reasonably describe how the estimate was prepared. The report shall contain, at a minimum, the following information:

- (1) Name and address of the reporting collector;
- (2) Period of time covered by the report;
- (3) Number of customers provided solid waste collection services;
- (4) Type of solid waste collected (municipal solid waste, arboreal/debris waste, construction/demolition waste);
- (5) Source of solid waste collected (household, commercial, institutional);
- (6) Amount (weight in tons) of solid waste collected;
- (7) Amount (weight in tons) of solid waste disposed;
- (8) Number of customers provided recycling services;
- (9) Type of recyclable material collected (commingled, glass, plastic, aluminum, newspaper, cardboard, paper, metal, yard waste);
- (10) Source of recyclable material collected (household, commercial, institutional);
- (11) Amount (weight in tons) of recyclable material collected;
- (12) Amount (weight in tons) of recyclable material recycled or diverted and location of recycling facility or diversion location;
- (13) Amount (weight in tons) of recyclable material disposed and location of disposal.

(c) Documentation. Supporting documentation used in the preparation of any quarterly collection report shall be retained for purposes of audit, inspection, and/or clarification of reported data by the Director for a period of four years following submissions of such report. Such documentation shall include, but not be limited to, weight or volume receipts received from solid waste management facilities and weight or volume receipts received from the marketing of collected materials at recycling or redemption centers. Such documentation shall be utilized by the Director to facilitate compliance with the requirements of Section 10.1-1411 of the Code of Virginia.

(Ord. 02-09. Passed 5-20-02.)

1084.08 RECYCLING SERVICES.

(a) General Requirements. Each permitted collector, unless specifically exempted under this section, shall provide recycling services to all residential and nonresidential customers in accordance with this chapter and Chapter 1086 of these Codified Ordinances. Each permitted collector shall provide curbside recycling services to each residence or business to which such collector provides curbside solid waste collection services. In addition, the permitted collector shall provide bulk container recycling services to each multifamily dwelling, apartment complex, and business to which such collector provides bulk container solid waste collection services. A permitted collector shall collect the source-separated recyclable material and transport such material to an approved facility or recycling facility for ultimate disposition as a

recycled material. No collector shall be required to collect from any customer any recyclable material that does not meet the set-out requirements as provided in Chapter 1086 of these Codified Ordinances, provided that such customer has been properly notified of the set-out requirements in accordance with this chapter. This chapter shall not impose any liability upon any collector for failure of a customer to participate in recycling as long as such collector provides the recycling services in accordance with this chapter and Chapter 1086 of these Codified Ordinances.

(b) Exemptions. Any minor collector may elect to be exempt from the provisions of Section 1084.08. Should a minor collector provide recycling services, such collector may choose to limit the required services under subsections 1084.08(c) and (d). In addition, such collector shall not be subject to the reporting provisions required under subsections 1084.07(b)(11) through (13).

(c) Required Services for Residential. Each permitted collector shall collect from all residential customers (single family and multifamily dwellings or facilities and apartment complexes) the following source-separated recyclable material, at a minimum:

(1) As of January 1, 2003:

- A. Newspaper and magazines;
- B. Container glass, metal and aluminum cans, and plastic beverage and detergent containers.

(2) As of July 1, 2003:

- A. Newspaper and magazines;
- B. Container glass, metal and aluminum cans, and plastic beverage and detergent containers;
- C. Cardboard and paperboard;
- D. Yard waste.

(d) Required Services for Nonresidential. As of October 1, 2003, each permitted collector shall collect from all nonresidential customers (business, commercial, industrial, and institutional) at least one principal recyclable material (PRM) that the customer generates annually in the greatest quantity provided that those materials are white office paper, mixed paper, or corrugated cardboard. Should the nonresidential customer generate a PRM that is not one of these three materials, the customer/generator is responsible for arranging for collection, transport and recycling of the principal recyclable material. In multi-tenant commercial properties in which individual businesses do not manage their own solid waste, the type of recyclable container provided by the collector shall be determined on the basis of the property's combined waste stream. For nonresidential customers, the minimum recycling storage capacity shall be twenty-five percent of the solid waste storage capacity, and the maximum recycling storage capacity shall be one hundred percent of the solid waste storage capacity.

(e) Permit. No permit shall be issued to a major collector or continued in effect until and unless such collector maintains recycling services for all customers as specified in this chapter.

(f) Liability. This section shall not affect the right of any person to sell or otherwise dispose of waste material as provided in Section 15.2-933 of the Code of Virginia or permitted under any other law of the Commonwealth of Virginia, nor shall it impose any liability upon any collector for failure of its customers to comply with this section.

(Ord. 02-09. Passed 5-20-02.)

1084.09 PERFORMANCE STANDARDS.

(a) General Requirements. Each collector shall provide solid waste collection services and recycling services in such a manner so as to not create a nuisance or adversely affect public health, or violate any ordinance or code of Loudoun County or the Code of Virginia. Each collector shall collect all solid waste and recyclable material from a customer in accordance with the requirements of this chapter, the permit, and the approved written statements of service provided to the customer pursuant to subsections 1084.06(c)(12) and (13) and 1084.10(c).

(b) Maintenance of Telephone. Each permitted collector must maintain a valid business mailing address and operable telephone number. A permitted collector shall provide written notification of any change of business address or telephone number to the Director within twenty- four hours of the change.

(c) Frequency of Service. All putrescible solid waste shall be collected and transported from the premises to which solid waste collection services are provided at least once per week. All other solid waste shall be collected with sufficient frequency as to prevent the blowing or spillage of solid waste from any storage container. All recyclable material shall be collected and transported from the premises to which recycling services are provided at least once every two weeks. In the event of mishap, or breakdown of regular equipment, or if collection services or recycling services to any customer is missed for any reason other than inclement weather or holidays, the collector shall provide alternate services within twenty-four hours, except that alternate services for collection missed on Saturday shall be provided within forty-eight hours. In the event of missed collection services or recycling services due to inclement weather or holidays, the collector shall provide alternate services to all affected customers in accordance with the permit and the written statement of collection and recycling services specified in subsection 1084.10(c).

(d) Solid Waste Disposal. No vehicle or container used by any person for collecting, transporting, or disposing of solid waste or recyclable material shall be emptied in the County on any ground or location other than at an approved facility or recycling facility. All solid waste or recyclable material collected by a collector shall become the property of that collector, who shall be responsible for its disposal at an approved facility or recycling facility.

(e) Leaking and Spillage. Collection services and recycling services shall be performed in a manner such that solid waste or recyclable material does not blow, leak, spill, fall, or is thrown onto or into any street, alley, sewer inlet, water body, private or public property, or any other area that is not a lawful disposal site. A collection vehicle and its contents shall not produce foul odors when parked nor leak any fluids while parked or moving. Solid waste and recyclable material must be completely contained or otherwise covered during transport so as to prevent any waste or material from blowing, leaking, spilling, falling, or being thrown. If any solid waste or recyclable material blows, leaks, spills, falls, or is thrown onto or into any street, alley, sewer inlet, water body, private or public property, or any other area that is not a lawful disposal site during the performance of collection services or recycling services, it shall be the responsibility of the collector to immediately correct such conditions. Any such condition that cannot be immediately corrected, shall be reported to the Director in person or by telephone within four hours of the incident with an explanation of the condition and the time frame in which the condition shall be corrected by the collector and said information shall also be sent in writing to the Director within twenty-four hours of the incident.

(f) Collection Containers. All containers used for the collection and/or transportation of solid waste and recyclable material shall be kept and maintained in a clean and sanitary condition and shall be constructed, maintained, and operated so as to prevent blowing, spilling, or leaking of solid waste or recyclable material. All collection containers with a capacity of two cubic yards or greater that are used for the collection of solid waste or recyclable material shall be clearly marked as to their capacity in cubic yards, the type of materials acceptable for the container, and the container owner's name and telephone number. Solid waste and recyclable material storage containers shall be adequately covered or secured in a manner sufficient to prevent leakage or spillage of the solid waste or recyclable material contained therein. A collector shall not store collection containers on any private property or public right of way unless the property owner has consented in writing and the Zoning Administrator of Loudoun County has issued a written determination that the site is a lawful place to store collection containers.

(Ord. 02-09. Passed 5-20-02.)

1084.10 NOTIFICATION.

(a) General Requirements. Each permitted collector that provides collection services or recycling services shall comply with the notification requirements set forth in this section.

(b) Exemptions. Any minor collector is exempt from the provisions set forth in subsections 1084.10(c) and 1084.10(d).

(c) Services Provided. Prior to commencement of collection services and no less frequently than annually thereafter, each permitted collector shall furnish to the Director, all existing customers, and all new customers a written statement of collection services and recycling services. The statement of services shall, at a minimum, include the following information:

(1) Business name, mailing address, and telephone number;

(2) Any company rules concerning collection, which must be consistent with the provisions of this chapter;

(3) Frequency of collection;

(4) The weather conditions and holidays for which service shall be suspended and the collection schedule thereafter;

(5) Rules concerning containerization of solid waste, which must be consistent with the provisions of this chapter and Chapter 1082 of these Codified Ordinances;

(6) Rules concerning containerization of recyclable material, which must be consistent with the provisions of this chapter and Chapters 1082 and 1086 of these Codified Ordinances. This provision shall not apply to minor collectors.

(d) Set-out Requirements. Solid waste intended for disposal shall be set out separately from recyclable material. The collector shall furnish to the Director, all existing customers, and all new customers a statement of set-out requirements for solid waste consistent with this chapter and Chapter 1082 of these Codified Ordinances. Major collectors must also provide to the Director, all existing customers, and all new customers a statement of set-out requirements for recyclable material consistent with this chapter and Chapters 1082 and 1086 of these Codified Ordinances. The collector shall include in the statement of set-out requirements that such collector is not required to collect from any customer any recyclable material that does not meet the set-out requirements.

(e) Termination of Service. Any collector who intends to terminate collection services or recycling services to any customer as the result of a sale, transfer, or cessation of business shall provide written notification to the Director and each affected customer of the intended termination of service at least thirty days prior to the date of intended termination of collection services. Any collector who intends to terminate collection services or recycling services to any customer as a result of nonpayment for services shall provide written notification to the affected customer of the intended termination of service at least fourteen days prior to the date of intended termination.

(Ord. 02-09. Passed 5-20-02.)

1084.11 VEHICLES USED FOR COLLECTION.

(a) General Requirements. Any vehicle used to provide collection services or recycling services in Loudoun County shall be in conformance with this chapter and operated in such a manner as to not create a

nuisance or adversely affect public health. Any collector operating a collection vehicle in violation of this chapter shall be subject to enforcement actions and penalties as authorized in this chapter.

(b) Identification. Any collection vehicle used to provide collection services or recycling services, which is not specifically excluded or exempted under this chapter, shall be operated only under a valid permit and shall have a registration number assigned to such vehicle by the Director. The business name and operable telephone number of the collector shall be visibly displayed on both sides of any permitted vehicle in letters and numbers not less than four inches high. No variances from these display provisions shall be allowed except by written permission of the Director.

(c) Design and Maintenance. Collection vehicles used for the collection and transportation of solid waste or recyclable material shall have protection against the leaking or spilling of solid waste or recyclable material and against solid waste or recyclable material being blown or hurled from such vehicles.

(d) Parking and Storage. Collection vehicles shall be stored in a neat and sanitary manner and shall not provide areas for insect breeding, vectors, or be a nuisance to adjoining property owners or a source of odors. Collection vehicles shall not be parked, except for temporary stops during the performance of collection services, on any public right-of-way, and shall be parked, except for temporary stops during the performance of collection services, in properly zoned locations. Parking of collection vehicles on the public right-of-way, other than temporary stops during the performance of collection services, shall be considered a public nuisance and is prohibited. A collector shall not park or store collection vehicles on any private property unless the property owner has consented in writing and the Zoning Administrator of Loudoun County has issued a written determination that the site is a lawful place to park or store a collection vehicle.

(Ord. 02-09. Passed 5-20-02.)

1084.12 COLLECTION AND ACCEPTANCE OF PROHIBITED WASTES.

No prohibited waste shall be knowingly collected or removed by a collector or any other person, unless such collector or person is specifically licensed or permitted to collect such waste and provide that the waste is disposed of at a lawful facility specifically licensed to accept such waste. This section shall not be construed to apply to materials loaded and carried by public officials in emergency situations.

(Ord. 02-09. Passed 5-20-02.)

1084.13 INSPECTIONS.

All County regulatory departments shall be allowed access to any collection vehicle at any reasonable time to inspect, investigate, evaluate, conduct tests, or take samples for testing as is deemed reasonably necessary to ensure compliance with the provisions of a permit and applicable County regulations.

(Ord. 02-09. Passed 5-20-02.)

1084.14 ADMINISTRATIVE ACTIONS.

(a) Notices of Violation. If the Director determines that a person has failed to comply with any of the provisions of this chapter, the Director shall immediately serve or have served upon the person, by hand delivery or by registered or certified mail, to the address indicated in County records a notice of violation. Such notice shall set forth specifically the corrective action needed to be taken by such person to come into compliance with this chapter and shall specify the time frame within which such corrective action shall be completed. If the person fails to comply within the time specified, such person shall be subject to any enforcement action and penalties as authorized in this

chapter.

(b) Compliance Orders. Whenever the Director determines that any permit holder is not in compliance with the permit, or that the permit holder is in violation of this chapter or any applicable County regulation, the Director may issue an order requiring immediate compliance or compliance within a specified time period.

(c) Suspension or Revocation of Permits. The Director may suspend or revoke a permit or deny issuance of a new permit in order to enforce the provisions of this chapter or protect the public health or environment. Once the Director has issued a suspension or revocation, the permittee will immediately stop operation and take appropriate corrective actions and shall not reinstate collection or recycling services until the Director reinstates the permit in writing. The permit shall be reinstated upon completion of corrective actions as outlined by the Director.

(Ord. 02-09. Passed 5-20-02.)

1084.15 APPEALS.

An applicant or a permittee may appeal the denial of a permit, a suspension or revocation, a notice of violation, a compliance order, or a required corrective action to the Director. Appeals must be made in writing with supporting justification for the appeal within thirty days after the decision (which is the subject of the appeal) has been rendered by the Director. Within thirty days of the receipt of the appeal, the Director will notify the appellant, in writing by registered or certified mail, return receipt requested, as to the Director's final determination. If the appellant disagrees with the Director's final determination, that person or business may appeal, in writing, within thirty days of receipt of the final determination, directly to the County Administrator. The County Administrator, or his or her designee, shall render a decision as to the appeal and notify both the appellant and the Director, in writing, within thirty days of receipt of the request for appeal. All administrative appeals must be made in writing and shall include justification for the appeal and any supporting documents. Failure to appeal within the period specified herein will constitute a waiver of any administrative or judicial remedies.

(Ord. 02-09. Passed 5-20-02.)

1084.16 EQUITABLE REMEDIES.

In addition to the penalty provided in Section 1084.99, the Director may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove a violation of any of the provisions of this chapter.

(Ord. 02-09. Passed 5-20-02.)

1084.99 PENALTY.

(a) In addition to the penalties provided in Section 202.99 and this section, a violation of any of the provisions of this chapter shall be:

(1) Cause for the denial, suspension, restriction, or revocation of any and all permits issued under this chapter;

(2) Subject to a civil penalty not to exceed five hundred dollars (\$500.00) for each offense. Each day any violation occurs or continues shall constitute a separate offense.

(b) Whoever fails to comply with a valid warrant obtained pursuant to Section 1084.04 is guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).

(Ord. 02-09. Passed 5-20-02.)