

LOUDOUN COUNTY SOLID WASTE MANAGEMENT PLAN - 2003

APPENDIX J – CHAPTER 1080

69

TITLE EIGHT - Garbage and Rubbish
Chap. 1080. Solid Waste Management Facilities.
Chap. 1082. Solid Waste Storage.
Chap. 1084. Solid Waste Collection and Transportation.
Chap. 1086. Solid Waste Reduction and Recycling.
Chap. 1090. Land Application of Biosolids.

CHAPTER 1080 Solid Waste Management Facilities

EDITOR'S NOTE: This chapter, previously titled "Solid Waste Management," and being a codification of Ordinance 91-15, passed July 2, 1991, and Ordinance 91-23, passed September 17, 1991, was re-titled and re-enacted in its entirety by Ordinance 92-08, passed August 5, 1992. This chapter was re-enacted in its entirety again by Ordinance 98-14, passed November 18, 1998, and again by Ordinance 99-06, passed May 19, 1999.

1080.01 Short title.	1080.15 Appeals.
1080.02 Definitions.	1080.16 General construction and operation requirements.
1080.03 Administration and enforcement; right of entry.	1080.17 Design and performance standards.
1080.04 General restrictions and specifically prohibited acts.	1080.18 Site operations and operation plans.
1080.05 Permits.	1080.19 Closure.
1080.06 Fees.	1080.20 Recycling facilities.
1080.07 Surety and insurance requirements.	1080.205 Vegetative waste management and yard waste composting facilities.
1080.08 Issuance or denial of permits.	1080.21 Materials recovery facilities.
1080.09 Certificate to Operate required.	1080.22 Landfills.
1080.10 Compliance with permits, Certificates to Operate, etc.	1080.23 Solid waste transfer stations.
1080.11 Inspections.	1080.24 Solid waste incinerator facilities.
1080.12 Amendments or attachment of additional conditions to permits.	1080.25 Experimental solid waste management facilities. (Repealed)
1080.13 Compliance orders.	1080.26 Existing sites and facilities. (Repealed)
1080.14 Revocation of permits and/or Certificates to Operate; stop-work orders; remedial measures.	1080.27 Equitable remedies.
	1080.99 Penalty.

CROSS REFERENCES

Regulation of garbage and refuse pickup and disposal services - see Code of Va. . 15.2-931
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)
Solid waste storage - see S.U. & P.S. Ch. 1082
Solid waste collection and transportation - see S.U. & P.S. Ch. 1084
Solid waste reduction and recycling - see S.U. & P.S. Ch. 1086
Land application of biosolids - see S.U. & P.S. Ch. 1090

1080.01 SHORT TITLE.

This chapter shall be known and may be cited as the "Loudoun County Solid Waste Management Facilities Ordinance."
(Ord. 99-06. Passed 5-19-99.)

1080.02 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 and 9 VAC 20-101.

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

- (1) "Abandoned facility" means any inactive solid waste management facility that has not met closure and post-closure requirements.
- (2) "Agricultural" means all solid waste produced from farming operations or related commercial preparation of farm products for marketing. Pesticides, herbicides and fertilizers or other chemicals identified in 9 VAC 20-60, or empty containers for such materials, are not considered agricultural waste.
- (3) "Agricultural operation" means any operation devoted to the bona fide production for sale of crops, animals or fowl, including, but not limited to, fruits and vegetables of all kinds; meat, dairy and poultry products; nuts, tobacco, nursery and floral products; and trees in such quantity and so spaced and maintained as to constitute a forest area.
- (4) "Air-curtain destructor" means a special incinerator device, usually erected for a temporary period of time, used to reduce the mass of land clearing products, such as stumps, which device conforms to specifications established by the Virginia Air Pollution Control Board and is approved for use with a permit granted by such Board.
- (5) "Approved facility" means a location permitted under this chapter to receive solid waste for disposal, transfer, processing, treatment, recycling or composting.
- (6) "Arboreal waste" means that portion of the solid waste stream consisting of tree stumps, logs, tree prunings, woody brush, leaves and minimal soil and rock materials usually, but not always, generated by land-clearing activities (debris wastes).
- (7) "Arboreal waste processing center" means an approved type of solid waste management facility wherein tree stumps, logs, tree prunings and woody brush are mechanically shredded, chipped, screened and sometimes bagged into mulch-like products for resale.
- (8) "Base flood" is as defined in Chapter 740.3(2) of the Loudoun County Zoning Ordinance.
- (9) "Biological waste" means feces, urine, vomitus, suctionings, live vaccines for animal use, blood, blood products and bodies or body parts.
- (10) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to aircraft or injury to its occupants.
- (11) "Board" means the Loudoun County Board of Supervisors.

- (12) "Buffer" means any device or natural growth, or combination thereof, which helps serve as a barrier to vision or noise between a solid waste management facility and adjoining property. No solid waste shall be deposited within the buffer area, herein defined as the area within a 300-foot setback from the facility property line, where such line abuts property zoned for residential use. Where the facility property line abuts property zoned for commercial or industrial use, the buffer areas shall have a minimum setback width of 200 feet from adjoining property lines. To the maximum extent feasible, this buffer area shall remain undisturbed, except for the following: storm water management ponds, ground water or methane gas monitoring facilities, access roads and fencing. Other uses will not be installed in buffer areas without approval of the Director of the Office of Solid Waste Management.
- (13) "Burial" means to dispose of by depositing in or on the earth's surface and covering with approved material.
- (14) "Cement bentonite grout" means a grout mixture consisting of neat Portland cement and four to six percent bentonite by volume.
- (15) "Certificate to Operate" or "CTO" means a document issued by the Director of the Office of Solid Waste Management that certifies that construction of a solid waste management facility is complete and in conformity with approved construction plans. Active operations may not commence before receipt of this Certificate. This Certificate postdates the issuance of a permit which authorizes construction.
- (16) "Clean fill" means natural soil, rock brick, ceramics or paving fragments which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard.
- (17) "Closed facility" means a solid waste management facility which has been properly secured in accordance with an approved facility closure plan.
- (18) "Closure" means the act of securing a solid waste management facility pursuant to the requirements of this chapter.
- (19) "Collector" or "hauler" means any person engaged in the removing or transporting of solid waste for compensation from two or more residential, commercial or industrial establishments in the County, whether or not a portion of such activity is conducted outside the County.
- (20) "Compliance schedule" means a time schedule for measures to be employed on a solid waste management facility which will ultimately upgrade it to conform to the provisions of this chapter.
- (21) "Compost" means a stabilized organic product produced by a controlled aerobic decomposition process in such a manner that the product can be handled, stored and/or applied to the land without adversely affecting public health or the environment.
- (22) "Composted sludge" shall be as defined by the Virginia Sewerage Regulations.
- (23) "Composting" means the manipulation or control of the natural aerobic process of decomposition of organic materials that allows development of thermophilic temperature as a result of biologically produced heat, with the final product (compost) being sufficiently stable for storage or application to the soil.
- (24) "Construction/demolition/debris landfill" means a land burial facility engineered, constructed and operated to contain and isolate construction waste, demolition waste, debris-waste, inert waste or combinations of such solid wastes.
- (25) "Construction waste" means solid waste which is produced or generated during the construction of structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, metal and plastic, provided that such metal or plastic is a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.
- (26) "Contamination" means the degradation above background of naturally occurring water, air or soil quality, either directly or indirectly, as a result of human activity.

- (27) "Controlled site" means the location of a solid waste management facility that is enclosed within a building or an impervious surface, such as concrete, and where runoff water is directed to an approved treatment facility.
- (28) "County regulatory agency" means any and all of the following County Departments: - Solid Waste Management, Public Health, and Building and Development.
- (29) "Cover material" means compactable soil or other approved material which is used to blanket solid waste in a landfill.
- (30) "Debris waste" means that portion of the solid waste stream consisting of tree stumps, logs, tree prunings, woody brush, leaves and minimal soil and rock materials that are usually, but not always, generated by land-clearing activities (arboreal wastes).
- (31) "Department of Environmental Quality" or "DEQ" means the Virginia Department of Environmental Quality.
- (32) "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.
- (33) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking 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.
- (34) "EPA" means the United States Environmental Protection Agency.
- (35) "Facilities Standards Manual" means the Facilities Standards Manual of the County.
- (36) "Flood plain" means any land area susceptible to being inundated by water from the base flood and having a drainage area greater than 100 acres. For purposes of regulation under this chapter, a distinction shall be made between flood plains in watersheds of greater than 640 acres and those in watersheds of less than 640 acres.
- (37) "Geologically unstable" means a site which, under normal conditions, is subject to sinkholes, sliding or collapsing.
- (38) "Ground water" means any water, except capillary moisture or unsaturated zone moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this Commonwealth, regardless of whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.
- (39) "Hazardous waste" has the same meaning as "hazardous waste" as described in the Virginia Hazardous Waste Regulations or by the EPA.
- (40) "Health Director" means the Health Director of Loudoun County, or his or her authorized agent.
- (41) "Household 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.
- (42) "Incineration" means the controlled combustion of solid waste for disposal.
- (43) "Incinerator" means a facility or device designed for the treatment of solid waste by combustion.
- (44) "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.
- (45) "Infectious waste" means solid waste which contains pathogens with sufficient virulence and quantity so that exposure to such waste by a susceptible host could result in an infectious disease, and as defined in Part III of the Regulated Medical Waste Management Regulations 9 VAC 20-120.
- (46) "Karst" means a type of topography that is formed on limestone, gypsum and other rocks by dissolution, and that is characterized by sinkholes, caves and underground drainage.

- (47) "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.
- (48) "Landfill disposal area" means the area within the boundary of a landfill facility in which solid waste is buried or permitted for actual burial.
- (49) "Landscape maintenance" means the care of lawns, shrubbery and vines, and includes the pruning of trees.
- (50) "Leachate" means a liquid change that has passed through or emerged from solid waste and contains soluble and or suspended degradation products of waste. Leachate and any material with which it is mixed is solid waste, except that leachate that is pumped from a collection tank for transportation to disposal in an off-site facility is regulated as septage, and leachate discharged into a wastewater collection system is regulated as industrial wastewater.
- (51) "Lift" means the daily landfill layer of compacted solid waste plus the cover material.
- (52) "Litter" means any solid waste that is discarded or scattered about a solid waste management facility outside the immediate working area.
- (53) "Lower explosive limit" means the lowest concentration by volume of a mixture of explosive gases in air that will explode or burn in air at twenty-five degrees Celsius and at atmospheric pressure.
- (54) "Materials recovery" means a component of any comprehensive waste management program. The term "materials recovery" refers to the recovery of solid waste materials by source separation or mechanical means for resale into the secondary materials marketplace.
- (55) "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.
- (56) "Monitoring" means all methods, procedures and techniques used to systematically analyze, inspect and collect data on operational parameters of the facility or on the quality of air, groundwater, surface water, soils and soil gases.
- (57) "Monitoring well" means a well point below the ground surface used for the purpose of obtaining periodic samples from ground water for quantitative and qualitative analyses.
- (58) "Municipal solid waste" means that waste which is normally composed of residential, commercial, and institutional solid waste.
- (59) "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.
- (60) "Office of Solid Waste Management" or "OSWM" means the Office of Solid Waste Management of Loudoun County.
- (61) "Open burning" means the combustion of solid waste without:
 - A. Control of combustion air to maintain adequate temperature for efficient combustion;
 - B. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; or
 - C. Control of the combustion products' emissions.
- (62) "Open dump" means a non-permitted site on which any solid waste is placed, discharged, deposited, injected, dumped or spilled so as to create a nuisance or potential hazard to human health or the environment, including the pollution of air, land, surface water or ground water, and/or any permitted site that does not comply with this chapter. For further details regarding open dumps, see Sections 1080.04 and

1080.05. Further, an open dump is a nuisance, as defined in Section 648.03(g) of these Codified Ordinances.

- (63) "Operational limits" means the solid waste disposal area as approved in the CTO.
- (64) "Operator" means the person responsible for the overall operation and site management of a solid waste management facility.
- (65) "Owner" means the person who owns a solid waste management facility or part of a solid waste management facility.
- (66) "Pathological waste" means solid waste that consists of human tissues, organs, body parts, fetuses, placentas, effluences or similar materials, or animal tissues, organs, body parts, fetuses, placentas, effluences or similar materials from animals exposed to human pathogens for the purposes of testing or experimentation.
- (67) "Perched water" means water that has become separated from the main ground water source by an impermeable layer of stratum and is capable of being recharged.
- (68) "Permit" means the official document signed by the Director to own, operate or construct a solid waste management facility. Operations of a solid waste facility also requires a CTO.
- (69) "Permit by rule" means a permit granted by the Virginia Department of Environmental Quality when provisions of the State Solid Waste or Vegetative Waste Regulations state that a facility or activity is deemed to have a permit if it meets the requirements of the provision.
- (70) "Permitted phase" means an area in an approved facility that is cleared, excavated and prepared in order that solid waste may be placed there.
- (71) "Plume" means a liquid or air distribution of a substance, decreasing in concentration from the point of origin, and generally used to portray the movement of concentrations of pollutants in ground water or air.
- (72) "Pollutant" means any substance which causes or contributes to, or may cause or contribute to, environmental degradation when discharged into the environment.
- (73) "Post-closure" means the requirements placed upon solid waste disposal facilities after closure to ensure environmental and public health safety for a specified number of years after closure.
- (74) "Progressive cover" means cover material placed over the working face of a solid waste disposal facility advancing over the deposited waste as new wastes are added, keeping the exposed area to a minimum.
- (75) "Prohibited wastes" means any waste that is radioactive, hazardous, infectious or pathological.
- (76) "Putrescible waste" means solid waste which contains organic material capable of being decomposed by micro-organisms and causes odors.
- (77) "Radioactive waste" or "nuclear waste" means:
 - A. "Low-level radioactive waste," which is material that:
 - 1. Is not high-level radioactive waste, spent nuclear fuel, transuranic waste or by-product material as defined in Section 11e(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and
 - 2. The Nuclear Regulatory Commission, consistent with existing law, classifies as low-level radioactive waste; or
 - B. "High-level radioactive waste," which means:
 - 1. The highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and
 - 2. Other highly radioactive material that the Nuclear Regulatory Commission, consistent with existing law, determines, by rule, requires permanent isolation.
- (78) "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) and the Hazardous and

Solid Waste Amendments of 1984, and the "Solid Waste Disposal Facility Criteria; Final Rule of October 1991" (40 CFR, Parts 257 and 258).

- (79) "Reclaimed material" means a material which is processed or reprocessed to recover a usable product or is regenerated to a usable form.
- (80) "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. Recyclable materials include, but are not limited to, newspapers, office paper, glass, metal, plastic and corrugated cardboard.
- (81) "Recycled material" means a material which is used, reused or reclaimed.
- (82) "Recycling" means any process whereby material which would otherwise be solid waste is used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product.
- (83) "Recycling drop-off centers" means collection sites for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment.
- (84) "Recycling facility" means a solid waste facility which collects, repackages and markets previously separated recyclable materials.
- (85) "Recycling residue" means:
 - A. Nonmetallic substances, including, but not limited to, plastic, rubber and insulation, which remain, after a shredder has separated for purposes of recycling, the ferrous and nonferrous metal from a motor vehicle, appliance or other discarded metallic item; and
 - B. Organic waste remaining after removal of metals, glass, plastics and paper which are to be recycled as part of a resource recovery process for municipal solid waste resulting in the production of a refuse derived fuel.
- (86) "Resource recovery" means the recovery of material or energy from solid waste.
- (87) "Runoff" means the surface flow of water or waste water from any part of a solid waste management facility.
- (88) "Runon" means any rain water, leachate or other liquid that drains over land onto any part of a facility.
- (89) "Salvage" means the authorized controlled removal of waste materials from a solid waste management facility.
- (90) "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.
- (91) "Seasonal high water table" means a water table, normally perched, that occurs seasonally during wet periods, which is evidenced by observed water or chroma two mottles on a Munsell Soil Color Chart.
- (92) "Secure site" means a site where measures have been taken to ensure the minimization of erosion, the migration of contaminants or other nuisances off that site.
- (93) "Site" means all land and structures, other appurtenances and improvements thereon used for treating, storing and disposing of solid waste. The term "site" includes adjacent land used for utility systems, such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste. Further, the term "site" includes all sites, whether they are planned and managed facilities or open dumps.
- (94) "Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility.
- (95) "Solid waste" means any garbage, refuse, demolition or debris waste and other discarded material resulting from household disposal, commercial and industrial operations, agricultural operations and community activities. The term "solid waste" shall 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.

- (96) "Solid waste boundary" means the outermost perimeter of the solid waste (projected on a horizontal plane) as it would exist at completion of the disposal activity.
- (97) "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.
- (98) "State Water Control Board" means the Commonwealth of Virginia State Water Control Board.
- (99) "Surface waters sampling sites" means upgradient and downgradient sample points on any stream within 100 feet of the property boundary and the content or outfall of any storm water management, sediment control or other drainage device serving the disposal site.
- (100) "SW-846" means "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, Second Edition, 1982, as amended by Update I (April, 1984), Update II (April, 1985) and the third edition, November, 1986.
- (101) "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.
- (102) "Vector" means a living animal, insect or other arthropod which transmits an infectious disease from one organism to another.
- (103) "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 and stumps.
- (104) "Vegetative waste management facility" means a solid waste management facility that manages vegetative waste.
- (105) "Vegetative Waste Management and Yard Waste Composting Regulations" means the Vegetative Waste Management and Yard Waste Composting Regulations of the State of Virginia Code 9 VAC 20-101.
- (106) "Virginia Solid Waste Management Regulations" or "VSWMRs" means the Virginia Solid Waste Management Regulations of the State of Virginia.
- (107) "VPDES" means the Virginia Pollutant Discharge Elimination System regulation 9 VAC 25-30.
- (108) "Waste energy plant" means a solid waste management facility that uses a furnace or similar equipment to reduce the volume of solid waste while producing an energy product for resale, usually steam, hot water or electricity or a combination thereof.
- (109) "Water table" means the upper surface of the zone of saturation in ground waters in which the hydrostatic pressure is equal to the atmospheric pressure.
- (110) "Working face" means that area within a landfill which is actively receiving solid waste for compaction and cover.
- (111) "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 wastes are also vegetative waste; however, the terms are not interchangeable because vegetative wastes may include wastes that are not yard wastes.)
- (112) "Yard waste compost" means a stabilized organic product produced from yard waste by a controlled aerobic decomposition process in such a manner that the product can be handled, stored and/or applied to the land so that it does not pose a present or potential hazard to human health or to the environment.

(113) "Yard waste composting" means the controlled aerobic decomposition process of yard waste by which yard waste compost is produced.

(114) "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. 99-06. Passed 5-19-99.)

1080.03 ADMINISTRATION AND ENFORCEMENT; RIGHT OF ENTRY.

(a) Administrative Authority. The Director of Solid Waste Management, or his or her agent, shall be responsible for the administration and enforcement of 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, 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. 99-06. Passed 5-19-99.)

1080.04 GENERAL RESTRICTIONS AND SPECIFICALLY PROHIBITED ACTS.

(a) General Restrictions. No person may engage in the removal, storage, disposal or treatment of solid waste in such a manner as to create a public nuisance, pollute the air, cause a discharge of pollutants to the surface and/or ground water of this 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.

- (1) No solid waste management facility shall be constructed or operated within Loudoun County without a valid permit issued under this chapter. No person shall cause, suffer, allow or permit the construction or operation of an unpermitted solid waste management facility on his or her property.
 - (2) Liquid wastes and wastes containing free liquids may be disposed of only at a solid waste management facility that has been specifically authorized by the Director and the Virginia Department of Environmental Quality to accept such waste.
 - (3) Solid waste may not be burned at a solid waste management facility except as permitted by the Director, the Virginia Air Pollution Control Board, regulations for the control and abatement of air pollution, and the Loudoun County Department of Fire, Rescue and Emergency Services.
 - (4) No person shall dispose of solid waste in open dumps.
 - (5) Open dumping is prohibited in Loudoun County. No person shall cause, suffer, allow or permit open dumping on his or her property.
 - (6) Infectious waste shall not be accepted at any solid waste management facility.
 - (7) Scavenging or salvaging is prohibited at any County-owned solid waste management facility, except as authorized by the Director.
- (Ord. 99-06. Passed 5-19-99.)

1080.05 PERMITS.

(a) Required. A permit is required for all solid waste management facilities. No person shall construct and/or operate a solid waste management facility without a valid permit issued by the Director. Permits are required for any new and existing facility or any previously permitted facility that substantially modifies its approved operation and maintenance plan. Facilities must satisfy the design and operational criteria outlined in the Facilities Standards Manual and Sections 1080.16 through 1080.25. Permits shall be issued for no longer than five years for solid waste management facilities. All permits are subject to amendment and revocation as provided in this chapter. Open dumps are prohibited in the County.

- (b) Exemptions. The following activities are exempt from permit requirements, as provided in this section, but may be subject to other provisions of this chapter.
- (1) Agricultural land clearing. Solid waste management practices that involve only the placing of stumps and other land clearing debris from agricultural or forestal activities at the site of the clearing that do not receive waste from off-site and that do not create an open dump, hazard or public nuisance are exempt from all requirements of this chapter.
 - (2) Recycling facilities. No permit shall be required pursuant to this chapter for recycling or for temporary storage incidental to recycling. A CTO is required for recycling facilities. Anyone proposing to operate such a facility shall contact the Director for a written exemption based on the provisions of this section.
 - (3) Land clearing of arboreal waste for land development. Any person who removes arboreal waste from land clearing operations for land development and processes the waste through mulching, chipping, or grinding is exempt from all requirements of this chapter, provided that such material is deposited, placed, and processed on the same property from which the materials were cleared; is removed from the property within six months of placement of the waste; and does not create an open dump, hazard or public nuisance.
 - (4) Yard waste. Owners or other persons authorized by the owner of real property who receive only yard waste or processed vegetative waste generated off-site for the purpose of producing compost on said property shall be exempt from all other provisions of this chapter as applied to the composting activity, provided that:
 - A. Not more than 500 cubic yards of yard waste generated off-site is received at the owner's said property in any consecutive twelve-month period;
 - B. No compensation is received, either directly or indirectly, by the owner or other persons authorized by the owner of said property from parties providing yard waste generated off said property; and
 - C. The activity poses no nuisance or present or potential threat to human health or the environment.

(c) Application for Permits. 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 operate pending action on the request. The application shall provide sufficient information to address the requirements of this chapter. When co-processed with State permit applications, complete copies of the Part A and Part B application to the Virginia Department of Environmental Quality shall be provided to the County. Copies of the construction contract documents or such documents as are required by the permit by rule provision in 9 VAC 20-80 (solid waste management), and 9 VAC 20-101 (vegetative waste management and yard waste composting) shall be provided to the County when they are submitted to the State. In addition, the Director may require reasonable additional information as deemed necessary due to site conditions and to determine site suitability (i.e., additional geotechnical borings, wells, etc.)

(d) Conformance With Zoning Ordinance. An application for a permit under this chapter shall be submitted contemporaneously with a letter of compliance with the Zoning Ordinance from the Zoning Administrator, or with copies of the application for a special exception permit if required by the Zoning Ordinance. Prior to acting upon an application for a solid waste management facility permit, the Director shall require the applicant to furnish evidence from the Department of Building and Development that the property and the proposed use are in compliance with the land use requirements of the County.

(e) Waivers of Technical Requirements. Upon petition to the Director, the applicant may request of the Board a waiver of any technical application submission requirement, provided that the Director finds that such requirement(s) are not necessary to demonstrate compliance with the intent of this chapter. Upon petition to the Director, the applicant for any existing facility that has been deemed in compliance with this chapter may request of the Board a waiver of any siting or operational regulation required by this chapter, provided that such waiver will not place a solid waste management facility in noncompliance with any State or Federal requirements and only upon a finding that such waiver will not result in a negative impact on the environment or cause a public nuisance.

(f) Public Participation Process Required. Before any solid waste management facility permit required by this chapter is issued, the Director will advertise the intent to issue said permit for two successive weeks in a newspaper of general circulation in the County in which the public will be invited to submit written comment on the proposed permit regarding any aspect of alleged non-conformance contained in the proposed permit. A draft of the proposed permit will be kept at the Loudoun County Office of Solid Waste Management for review by the public during regular business hours. Written comment from the public will be accepted for thirty calendar days following the first advertisement of intent to issue. All written comments which are timely submitted will be reviewed by the Director. No permit shall be issued prior to the completion of the public participation process.

(g) Temporary Permit. An applicant whose permit and/or CTO has expired or who was not previously required to obtain a permit and/or CTO, and who has been in operation for at least one calendar year immediately prior to the submission of the application in full compliance with all applicable requirements of this chapter, may apply to the Director for a temporary permit. An application for a temporary permit shall not constitute authorization to operate pending action on the request. Any such application shall be presented to the Board of Supervisors for approval.

The Board of Supervisors shall determine the duration of the temporary permit which shall in no case exceed six months, and which shall not be subject to renewal or extension. The temporary permit shall be contingent upon the applicant's continuing adherence to a permitting compliance schedule established in advance by the Director, and provided that the operation of the facility does not pose a present or potential hazard to public health or the environment. If at any time the Director finds that the applicant has failed to adhere to the compliance schedule or that continued operation of the facility constitutes a present or potential hazard to public health or the environment, the temporary permit shall be withdrawn and the facility shall cease operations. (Ord. 99-06. Passed 5-19-99.)

(h) Limits on Facility Permits. No permit shall be issued by the Director to any facility to process, manage, sort, store or transfer more than 600 tons of municipal solid waste (MSW) per day. The aggregate permitted tonnage at all facilities, excluding the County Landfill, shall not exceed 750 tons of municipal solid waste per day. For the purposes of this subsection, tons per day is defined as the total tonnage of MSW accepted by the facility in any consecutive seven-day period of operation, divided by seven. The County Landfill is exempt from this subsection. This subsection shall not apply to consumer separated recyclables, vegetative waste or construction waste. All permits issued after the date of adoption of this subsection shall conform to this subsection. (Ord. 00-10. Passed 10-16-00.)

1080.06 FEES.

All solid waste management facilities shall be subject to the following fees:

- (a) Application Fees. Each application shall be accompanied by a fee of twenty-five (\$25.00) per proposed project acre. This fee will be waived for County-owned and/or operated facilities.
- (b) Public Participation Fees. A public participation fee as listed in the following chart shall be paid prior to commencement of the public participation process.
- (c) Permit Fees. Upon approval of the application and all construction and operating plans for solid waste management facilities, and prior to the initiation of the public participation process, a permit fee must be paid. The fee will be assessed according to the following Solid Waste Facility Fee Schedule.
- (d) CTO Fees. An annual CTO fee, as provided in the fee schedule below, must be paid annually, commencing one year after the date of the initial CTO issuance, to offset the cost of site inspections by the County staff. This fee is waived for County-owned and/or operated facilities.

SOLID WASTE FACILITY FEE SCHEDULE

	Recycling		MRF or Transfer Station	Vegetative Waste Management Facilities	Landfill	Incinerators
	<1ac.	≥1ac.				
Application Fees	\$25.00/per proposed project acre					
Public Process	\$1,000/per public hearing; \$1,000/draft permit process					
Permit Required	No	No	Yes	Yes	Yes	Yes
Permit Fees	N/A	N/A	\$3,000	\$4,500	\$10,000	\$10,000
CTO Fees	N/A	\$1,000	\$2,500	\$3,500	\$2,500	\$1,000

(Ord. 99-06. Passed 5-19-99.)

1080.07 SURETY AND INSURANCE REQUIREMENTS.

(a) Initial Construction Surety. Subsequent to the approval of a permit and prior to commencing the construction of the solid waste management facility, the permit holder shall place with the County a construction and erosion control bond or other instrument of the kind and amount specified in the Facilities Standards Manual.

(b) Environmental Impairment Surety. Subsequent to the approval of a permit and prior to issuance of the Certificate to Operate (CTO), the permit holder shall provide the County with a cash escrow to be held in the Environmental Impairment Trust Fund, or a corporate surety bond satisfactory to the Board as to the form, amount and surety, to ensure that when the facility is closed or abandoned, the costs of closure, long-term maintenance of the environmental protection systems and any remedial measures that might be required are covered. The amount of the cash escrow or bond shall be prepared and submitted by a professional engineer certified in the State of Virginia for the owner/operator, and is subject to County approval. Any and all forms of surety shall be at least equivalent to 100 percent of the approved estimate of the cost of closure, long-term maintenance of the environmental protection systems and any remedial measures that might be required. A reasonable allowance for estimated administrative costs and inflation should also be included.

The amount of closure/post-closure costs shall be reviewed and recertified as adequate in accordance with this chapter on an annual basis as part of issuance of a CTO. The amount of the environmental impairment surety required shall be not less than the annually adjusted estimate of closure/post-closure costs. This surety will remain in effect for a minimum of ten years after closure or as otherwise specifically required in this chapter and shall be released upon application of the solid waste management facility operator only when the Director determines, through test and analysis, that there is no appreciable potential hazards to public safety or the environment. The requirement for a surety is not applicable for County-owned and/or operated facilities.

(c) Management of Escrow Accounts. The Department of Financial Services, through its Division of Accounting and Control, shall account for the Environmental Impairment Trust Fund separately from all other funds and, along with the County Treasurer, shall maintain records of individual cash escrows as to principal and accumulated interest. Upon the written request of the Director, the Department of Financial Services, through its Division of Accounting and Control, shall be authorized to disburse or transfer funds to the General Fund or to the General Capital Projects Fund, as appropriate, for the purposes stated herein, or to release funds, either in full or the residual thereof, as stated herein, the sum of which is equal to, but not in excess of, the cash escrows deposited to the Fund, including interest accrued upon the amount so released, less an administrative fee equal to five percent of the total interest accrued on the Fund for a particular facility. Any disbursements, transfers or releases to be made will be in accordance with County policies and will be expended or released on order of the County Administrator. The County Administrator is authorized, pursuant to Section 15.1-117(11) of the 1950 Code of Virginia, as amended, and pursuant to a resolution adopted by the Board of Supervisors on July 1, 1963, as amended, to pay all normal and routine claims when presented, for which sufficient funds are available.

(d) Public Liability Insurance. The operator of any solid waste management facility shall provide, before commencing operation of the facility, evidence satisfactory to the Director of adequate public liability insurance covering the operation of the facility and naming the County as an additional insured. This provision is waived for publicly-operated facilities. (Ord. 99-06. Passed 5-19-99.)

1080.08 ISSUANCE OR DENIAL OF PERMITS.

Prior to acting upon an application for a solid waste management facility permit, the Director shall refer the application, along with all other pertinent information, to the County Department of Building and Development, the Health Director and other appropriate referral agencies for their reports and recommendations.

Upon a determination of the Director that the proposed solid waste management facility meets the requirements of applicable County ordinances and regulations, the Director will issue a permit for the construction of the facility. The Director may attach conditions to a permit when necessary to protect the public health or the environment. Permits shall be nontransferable without prior approval of the Director. The Director shall deny the permit if it is determined that the facility as designed cannot meet applicable County requirements. The Director shall notify the applicant, in writing, of the decision to deny the permit and shall specify therein the reasons for denial. Decisions of the Director under this section shall be based upon:

- (a) The application and supporting documentation;
 - (b) Additional information furnished by the applicant at the request of the Director; and
 - (c) Information furnished by County staff, by consultants employed by the County or by any local, State or Federal agency at the request of the Director.
- (Ord. 99-06. Passed 5-19-99.)

1080.09 CERTIFICATE TO OPERATE REQUIRED.

Solid waste management facilities shall not commence operations until a CTO is issued by the Director. The CTO shall be administered in conformance with State regulations 9 VAC 20-80 and 9 VAC 20-101, this chapter, the Facilities Standards Manual and the approved operations and maintenance plan. The CTO is in addition to the required permit and may be suspended, amended or revoked pursuant to the provisions of this chapter. A CTO will be granted within thirty days after the facility is constructed and after copies of all local, State and Federal clearances or permits have been received by the Director. The CTO must be renewed annually.

(Ord. 99-06. Passed 5-19-99.)

1080.10 COMPLIANCE WITH PERMITS, CERTIFICATES TO OPERATE, ETC.

Operation of the solid waste management facility shall be in strict conformity with the permit, the CTO, the approved operation and maintenance plan, the Facilities Standards Manual and all other applicable County, State and Federal regulations. Commencement of active operations shall not occur prior to receipt of a CTO issued by the Director.

(Ord. 99-06. Passed 5-19-99.)

1080.11 INSPECTIONS.

All County regulatory departments shall be allowed access to any site or facility 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 the permit and applicable County, State and Federal regulations. At a minimum, inspections shall be conducted quarterly by the Director, and a written report of inspection shall be provided to the operator.

(Ord. 99-06. Passed 5-19-99.)

1080.12 AMENDMENTS OR ATTACHMENT OF ADDITIONAL CONDITIONS TO PERMITS.

The Director may amend or attach additional conditions to a permit when:

- (a) The testing and inspection process has found substances that are defined by the EPA or other County, State or Federal regulatory agencies as indicators of potential pollution that will cause adverse effects to the air, land, surface water or ground water; and
- (b) An investigation has shown the need for additional equipment, construction procedures and/or testing to ensure the protection of the public health and/or the environment from adverse effects.

(Ord. 99-06. Passed 5-19-99.)

1080.13 COMPLIANCE ORDERS.

Whenever the Director determines that any permit holder is not in compliance with any approved construction plan and/or operational plan, or that the permit holder is in violation of any applicable County regulation, the Director may issue an order requiring immediate compliance or compliance within a specified time period.

(Ord. 99-06. Passed 5-19-99.)

1080.14 REVOCATION OF PERMITS AND/OR CERTIFICATES TO OPERATE; STOP-WORK ORDERS; REMEDIAL MEASURES.

(a) The Director may revoke a permit and/or a CTO, issue a stop-work order or require immediate remedial measures if any of the following conditions exists:

- (1) The permit holder violates any section of this chapter so as to pose a substantial present or potential hazard to human health or the environment, or the violation is representative of a pattern of serious or repeated violations which, in the opinion of the Director, demonstrate the permittee's disregard for or inability to comply with the provisions of this chapter.
- (2) The solid waste management facility is maintained or operated in such a manner so as to pose a substantial present or potential hazard to human health or the environment.
- (3) Leachate or residues from the facility pose a threat of contamination or pollution of the air, surface water or ground water in a manner resulting in a substantial present or potential hazard to human health or the environment.
- (4) The permit holder abandons, transfers ownership of, leases or ceases to operate the solid waste facility.
- (5) The permit holder fails to maintain acceptable evidence of financial responsibility as required by local or State regulation.
- (6) The Director has issued a compliance order and the permit holder has failed to comply within the specified time period.
- (7) An unpermitted facility is in operation in the County.
- (8) A permitted facility that has not received a CTO is in operation.
- (9) The manner or scope of operation significantly changes from the original permit conditions described by the permit or operations and maintenance plan.
- (10) The solid waste facility operator fails to follow the permitted operation and maintenance plans.

(b) Once the Director has issued a revocation or stop-work order pursuant to subsection (a) hereof, the operator will immediately stop operation and take appropriate actions to secure the site and shall not reinitiate operations until the Director rescinds the stop work order or reinstates the CTO in writing. The reinitiation clearance will not be unreasonably withheld by the Director, provided that the operator/applicant has taken appropriate corrective action or favorable action has been completed on an appeal.
(Ord. 99-06. Passed 5-19-99.)

1080.15 APPEALS.

(a) An applicant or an operator may appeal the denial of a permit or a CTO, a revocation, a stop-work order or required remedial measures, in writing, with supporting justification for the appeal, to the Director. Within seven days of the receipt of the appeal, the Director may vacate or reinstate the permit or convene a review board composed of three impartial professionals with requisite qualifications in solid waste facility management (one selected by the County, one selected by the operator/applicant and one selected by mutual agreement) to consider the appeal and submit a decision based on consent of two-thirds of its members to the Director within fourteen days of receipt of the appeal. The review board member selected by mutual agreement shall serve as chair. All documentation will be considered and one or more meetings may be required with interested parties. At the completion of the review, the Director will notify the operator/applicant, in writing, within three days, as to the decision of the review board and disposition of the case. All costs and fees for this review board will be borne by the operator/applicant. If the Director disagrees with the decision of the review board, a synopsis of the differing opinions will be immediately prepared for submission to the Board of Supervisors at its next scheduled business meeting. This appeal mechanism may also be used by the applicant during the design review process prior to the issuance of a permit if irreconcilable differences develop between the technical staff and the applicant.

(b) If the operator feels that a decision rendered by the review board under subsection (a) hereof is incorrect, an appeal may be taken directly to the Board of Supervisors.
(Ord. 99-06. Passed 5-19-99.)

1080.16 GENERAL CONSTRUCTION AND OPERATION REQUIREMENTS.

(a) The design, construction, operation and closure of all solid waste management facilities shall be conducted in strict compliance with all regulations of the Virginia Department of Environmental Quality, the Virginia Water Control Board, the Virginia Air Pollution Control Board, these Codified Ordinances, including the Facilities Standards Manual, and applicable Federal regulations.

(b) Solid waste management facilities, including vegetative waste management facilities, shall not be located in critical environmental areas (e.g. the floodplain, as defined in Section 740.3(4) of the Zoning Ordinance), areas of general slope in excess of fifteen percent, major groundwater recharge areas, limestone conglomerate areas and wetlands. Solid waste management facilities, with the exception of vegetative waste management facilities, are subject to siting criteria as defined by 9 VAC 20-80-250. Vegetative waste management facilities are subject to siting criteria as defined in 9 VAC 20-101-120.
(Ord. 99-06. Passed 5-19-99.)

(c) Solid waste shall not be deposited closer than 300 feet to any residential property line and 200 feet to any commercial or industrial property line. The setback shall apply to waste handled both inside structures and outside structures. The Board of Supervisors may reduce this setback distance of commercial or industrial property lines if the owner or operator successfully shows that a nuisance will not be created owing to the operation of such facility, and provided that the operation of said facility is conducted wholly within an enclosed building and that said facility does not handle municipal solid waste. This subsection shall not apply to scales offices or other structures that are not used for the purposes of depositing, separating or loading solid waste. All requests for a reduction in setback requirements shall be advertised for a public hearing in a newspaper of general circulation in the County. This public hearing can be held concurrently with a public hearing to consider a request for a rezoning, a special exception or a waiver of selected technical standards in this chapter for the same use on the same property. The waiver provision of Section 1080.05(e) shall not apply to this section.
(Ord. 00-12. Passed 11-20-00.)

(d) All solid waste management areas shall be adequately screened and/or buffered within the required setbacks from all adjacent properties and all streets. Buffering may include trees or other natural screening or approved man-made structures.

(e) The operational plan, construction plan and operational and maintenance plan shall be developed in accordance with the Facilities Standards Manual, this section and Sections 1080.16 through 1080.25 and implemented to specifically monitor and control the following environmental and public health concerns:

- (1) Surface water contamination;
- (2) Ground water contamination;
- (3) Wetlands degradation;
- (4) Methane gas migration;
- (5) Noise;
- (6) Odor;
- (7) Dust;
- (8) Smoke;
- (9) Insect and rodent vectors;
- (10) Hours and days of operations; and
- (11) Other operational criteria as identified by the Director.

(f) All solid waste facilities shall be operated by a licensed waste management facility operator as defined by the Virginia Department of Professional and Occupational Regulations. The operator shall possess at least a Class I license.

(g) All applications for solid waste facility permits shall include a disclosure statement on a form approved by and obtained from the Director. The disclosure statements shall include the following:

- (1) The name, address and business address(es) of the owner(s), operator and all real parties in interest.

- (2) Identification of any and all compliance actions initiated against the applicant by any local, State or Federal solid waste regulatory agency within the last ten years, which are either pending or which resulted in a finding of violation or an entry of a consent agreement for violation of any law, regulation or requirement.
- (3) An affirmation by the owner of the property upon which the business is to be conducted that the applicant has the owner's permission to operate a solid waste management facility on said property.

- (4) A disclosure form affidavit in which the applicant certifies, under oath, that the information contained in the disclosure form is true accurate and complete.

The disclosure form shall be reviewed quarterly by the owner or operator of the facility and revised, if needed, to maintain current information.

(Ord. 99-06. Passed 5-19-99.)

1080.17 DESIGN AND PERFORMANCE STANDARDS.

A comprehensive set of construction plans and specifications shall be prepared and certified by a professional engineer licensed to practice in Virginia, which certifies that the minimum standards of this chapter are met. In addition, these plans and specifications must meet the requirements of 9 VAC 20-80 or 9 VAC 20-101. The following subsections emphasize details that must be included in the design:

- (a) Site-Analysis Information. The following information shall be submitted to support any application for a solid waste management facility, unless otherwise specifically noted in this chapter:
- (1) An environmental inventory shall be provided which includes, but is not limited to, the following items:
 - A. A map, drawn to 1:2,400 scale (one inch equals 200 feet) on a sheet twenty-four inches by thirty-six inches, containing the following details located to National Map Accuracy:
 1. Existing topography, with not greater than five-foot intervals;
 2. Planimetric detail, including swamps, marshes, ponds, wooded areas, buildings, roads, fence lines, utility structures, etc.;
 3. The Virginia Coordinate Grid System, at 1,000-foot intervals, a location map and a north arrow.
 - B. A boundary survey and proposed operational limits;
 - C. A soils overlay map;
 - D. Delineation of critical environmental areas and other areas designated in Section 1080.16.
 - E. The location of all structures, pollution sources and wells (existing and proposed), known pollution sources and natural water sources on the site and within 2,000 feet outside the site boundary. An aerial photo is acceptable with proper labeling of structures.
 - F. Monthly prevailing wind direction as obtained from historical records for at least a twelve-month period.
 - (2) A report detailing investigations of hydrogeological and geotechnical conditions shall be submitted in accordance with 9 VAC 20-80, Part V, or as otherwise specifically required in this chapter.
- (b) Construction Plans; Site Plans. A comprehensive plan detailing the design of the facility shall be submitted. Such plan shall meet all requirements of 9 VAC 20-80 or 9 VAC 20-101 and this chapter. Where a site plan for a proposed facility is required to be submitted under the Subdivision Regulations, such plan shall meet

all of the requirements of such Regulations. In addition, plans shall meet the following requirements:

- (1) The scale of this construction plan shall be as follows:
 - A. For facility sites up to ten acres in size, one inch equals fifty feet;
 - B. For facilities greater than ten to 200 acres, one inch equals 100 feet;
 - C. For facilities greater than 200 acres, one inch equals 200 feet.

The Director may approve other scales or direct that additional scales be used for projects with special needs.
- (2) Plans may be prepared and submitted for approval by phases, with a maximum of five years being incorporated in each phase.
- (3) Survey monuments and benchmarks shall be constructed on-site and maintained unless the entire facility operation is housed within a structure.
- (4) All fencing and barriers to be constructed at a facility shall be shown on the plans in full elevation and shall be fully dimensioned, and the type of construction materials shall be identified and specified. Fencing with

controlled access may be required around the operational area, as determined by the Director.

- (5) All utilities to be installed at a facility shall be shown in plan, section and profile, where applicable. The design shall initiate at a point of service connection, on-site or off-site, and be shown complete to the point of usage. Written assurances and easements from the provider that utility connections are available must be submitted. If community waste disposal and water facilities are not supplied, permits for all on-site waste disposal and water supplies are required.
- (6) Roads and access shall be provided as follows:
 - A. Off-site access roads to the entrance of the solid waste management facility shall be a State maintained, paved road with a minimum pavement width of twenty feet.
 - B. An on-site, all-weather road negotiable by loaded solid waste transport vehicles shall be provided from the entrance gate to the unloading area on-site.
 - C. The unloading area shall be of adequate size and design to facilitate the rapid unloading of solid waste from collection vehicles, with minimum delay and confusion. A vehicle stacking area shall be provided on-site to prevent build-up on main roads.
 - D. Provision shall be made to minimize the tracking of debris or other material onto any public road and to ensure immediate clean-up of debris, mud, dirt or other material on roads in the vicinity of the site access.
- (7) A firebreak of a minimum of fifty feet shall be maintained completely around the waste footprint, including stockpiled or decomposing material.

(c) Groundwater Monitoring Programs. Where required, a groundwater monitoring program consistent with the technical requirements of 9 VAC 20-80, Part V, shall be submitted.

(d) Surface Water Monitoring Programs.

- (1) All solid waste management facilities, except those in which solid waste is stored, deposited, placed, processed or otherwise managed wholly within a closed building and no discharge is permitted other than to an approved sewage treatment system, require a surface water monitoring program as described in this subsection. Surface water sampling sites shall be located according to the following or as otherwise approved by the Director:
 - A. Upstream of the solid waste management facility on any stream, or catch out device;
 - B. Downstream of the solid waste management area on any stream;
 - C. From within any storm water management pond, or similar drainage device serving as a leachate control device for the facility; or
 - D. At the outfall of any storm water management, sediment control or other drainage device serving the site, or other locations as determined by the Director.

- (2) Surface water samples shall be taken prior to acceptance of any waste and once every three months thereafter. The minimum parameters to be monitored shall be COD, BOD, TOC, TSS, pH, NH₅N, NO₃N, total phosphates and RCRA metals included as priority pollutants. Methods proposed for sampling and analysis shall be listed as acceptable methods for such parameters in the Virginia Solid Waste Management Regulations at the time of each monitoring event. This monitoring program may be conducted between the time of application for the zoning clearance and the beginning of waste storage and/or processing operations. The initial CTO will not be issued by the Director until background information is submitted and accepted. Subsequent CTO renewals will not be issued unless monitoring programs are current and quarterly reports have been received. Surface water monitoring shall be conducted within forty-five days of report submittal to the Director. Reports of quarterly surface water monitoring shall be provided to the Director by October 1, January 1, April 1, and July 1 for the preceding quarter.
- (3) Surface water sampling sites shall be accessible by utility vehicles for sampling and monitoring.
(Ord. 99-06. Passed 5-19-99.)
- (e) Leachate Management Plans. A plan to manage leachate in accordance with 9 VAC 20-80 or 9 VAC 20-101 shall be included. Documentation, including prediction of qualities produced, proper treatment and disposal of all leachate and other effluents collected, will be provided to the Director by the applicant. Such documentation shall include a contractual agreement with the operators of an approved treatment facility and a contractual arrangement for the transporting of leachate to such site.
- (f) Comprehensive Operational and Management Plans. A comprehensive operational and management plan in accordance with 9 VAC 20-80 or 9 VAC 20-101 shall be included.
- (g) Comprehensive Erosion Control and Storm Water Management Plans. An erosion control and storm water management plan in accordance with these Codified Ordinances and this chapter shall be submitted and shall include provisions for the following:
 - (1) Erosion control. Temporary erosion control, including, but not limited to, diversion ditches, embankments, channels, vegetation growth, straw bales, grade stabilization, etc., as required by Chapter 1220 of these Codified Ordinances, shall be undertaken as needed to minimize erosion and deposition off-site. A grading permit from the Department of Building and Development is required before any land disturbing activity commences.
 - (2) Storm water management. Provisions shall be made to manage surface water at the solid waste management facility. Calculations indicating water quantities shall be calculated based on a twenty-four -hour rainfall in inches to

be expected once in twenty-five years. Design construction plans shall show the following:

- A. All ditches and surface drainage facilities, fully dimensioned, indicating gradient and elevations.
- B. Diversion ditches constructed, fully dimensioned, indicating length, gradient and cross-sectional configuration. Side slopes of diversion ditches shall not be greater than two horizontal to one vertical or fifty percent.
(Ord. 99-06. Passed 5-19-99.)

1080.18 SITE OPERATIONS AND OPERATION PLANS.

Site operations and the operation plan shall include provision for the following:

- (a) Where operational problems occur, or geologic or hydrologic conditions warrant, the Director may require the performance of additional tests and submission of additional information to ensure continued disposal site suitability and operation plan viability.
- (b) Daily operational records shall be maintained by the operator that show the type and general origin of incoming waste or recyclables, the destination and amount of waste transshipped or buried, and the amount and destination of material recycled by material type. Summary waste handling reports shall be provided to the Director by the operator on a quarterly basis for 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.
- (c) Names, addresses and telephone numbers of all authorized persons who are to be placed in responsible charge of operations of the solid waste management facility will be provided and kept updated upon any change of key personnel. At least one such person shall be on duty at all times during hours of operation. At all other times, the site will be secured so as to prohibit access by unauthorized persons.
- (d) At the entrance to the site, a sign will be erected that states the name of the facility, a schedule of days and hours of operation and an emergency number accessible twenty-four hours a day. No solid waste will be accepted outside the posted hours of operation. Facility operations are authorized only during the hours approved in the permit.
- (e) Adequate sanitary and shelter facilities, Health Department approved, shall be provided on-site for landfill personnel.
- (f) Sufficient equipment and adequate personnel shall be available on-site at all times of operation in order to comply with the approved operation plan and the provisions of this chapter.
- (g) Equipment provided for operation of the facility shall be in operable condition and adequate in size and performance capability to continuously conduct the operations in accordance with this chapter.

- (h) Standby equipment shall be reasonably available in the event of major equipment breakdown.
- (i) An attendant shall direct vehicles to the unloading area, or clearly marked signs shall be prominently located directing vehicles to the unloading area.
- (j) Litter control fences shall be located in the immediate operating area, approximately fifty to seventy-five feet downwind from any area where waste can be blown by the wind. The operator shall keep the entire landfill adequately policed and free of litter. Litter shall be collected routinely at no greater than weekly intervals from all areas other than the unloading area, such as from fences, roadways and treeline barriers, and such litter shall be disposed of according to this chapter.
- (k) No salvaging shall be permitted at the facility except as provided in the operation plan. Any salvaging operations approved by the Director will be strictly supervised and conducted in accordance with the operation plan.
- (l) The applicant must provide certification from the Fire Marshal's office that fire-fighting resources are adequate to protect the site and its contents.
- (m) Vectors and rodents shall be effectively controlled so as not to constitute nuisances or hazards. If, in the opinion of the Director of the Health Department, a vector infestation occurs, the Director may order the facility closed and the rodents or other vectors controlled at the expense of the owner or operator of the facility.
- (n) To control dust and mud problems off-site, the following measures shall be implemented:
 - (1) Paving of access roads leading to the unloading area;
 - (2) Spraying clean water, as needed, on roadways;
 - (3) Providing a wash rack for vehicles;
 - (4) Applying water or other material approved by the Director to travelways or work areas to control dust; and
 - (5) Other measures approved by the Director as needed.
(Ord. 99-06. Passed 5-19-99.)

1080.19 CLOSURE.

(a) All solid waste management facilities are subject to closure requirements provided in this section. The owner or operator shall close a facility in a manner that minimizes the need for further maintenance. The owner or operator shall control, minimize or eliminate, to the extent necessary to protect human health and the environment and to prevent nuisances, the post-closure escape of uncontrolled leachate, surface-water runoff, waste decomposition products to the ground water and surface water and decomposition gas migration.

(b) All solid waste management facilities in operation as of the date of adoption of this chapter shall fully comply with this chapter or shall immediately proceed to close in accordance with the following requirements.

- (1) The owner/operator shall submit a closure plan which meets the requirements of 9 VAC 20-80 or 9 VAC 20-101;
- (2) Closure construction operations shall be completed within 180 days of the adoption of this chapter; and
- (3) Post-closure monitoring shall be conducted in accordance with 9 VAC 20-80.

(c) All solid waste management facilities shall have a closure plan which meets all requirements of 9 VAC 20-80 or 9 VAC 20-101.

(d) The post-closure period shall be determined by the Director.

(e) The owner/operator shall complete closure activities in accordance with the approved closure plan and within six months after receiving the final wastes.

(f) The owner operator shall be responsible for post-closure monitoring as required.
(Ord. 99-06. Passed 5-19-99.)

1080.20 RECYCLING FACILITIES.

(a) General Requirements. All recycling facilities of one acre or more are subject to the general requirements governing solid waste management facilities provided in this chapter and as specified herein. A permit, as described in Section 1080.05, will not be required. However, a CTO shall be required prior to facility operation.

(b) Specific Design and Performance Standards. Proposals for recycling facilities shall contain the following:

- (1) Site-analysis information. An environmental inventory as provided for in Section 1080.17(a)(1) shall be required. A Type-II Geotechnical Report will be required for any proposed structures. Additional Type-II reports may be required by the Director.
- (2) Construction plans. The construction plan will ensure the proper collection, treatment and disposal of any leachate or other effluents generated. Documentation for these procedures will be provided to the Director and may include a contractual agreement with the operators of a treatment facility off-site and a contractual arrangement for the transporting of leachate or effluents to such site.
- (3) Ground water monitoring plans, depending on the proposed use and/or site and at the discretion of the Director.
- (4) A surface water monitoring plan if the site is not controlled as defined in this chapter.
- (5) A leachate or liquid effluent control plan to account for seepage from temporarily stored waste, excess liquid from air pollution or dust control or other liquids.

- (6) An erosion control and storm water management plan, as provided for in Chapter 1220 of these Codified Ordinances.
- (7) An operation and maintenance plan.
- (8) A waste and recovery materials stockpile plan, which shall provide design and maintenance criteria for controlling effluents.

(c) Operational Standards. The operations and maintenance plan shall include necessary provisions to ensure compliance with the following standards:

- (1) The recycling facility will be operated and maintained in accordance with approved construction plans and specifications and the operations manual.
- (2) Before commencing operation of a recycling facility, the owner/operator shall have completed site and structure preparation in accordance with an approved comprehensive construction plan and plan of operation and shall have been issued a CTO.
- (3) Surface water monitoring consistent with Section 1080.17(d) may be required by the Director.
- (4) Burning, storage or burial of solid waste is prohibited at the recycling facility.
- (5) Recycled materials collected at the facility will be transferred from the facility as described in the approved operations and maintenance plan or more frequently as required by the Director or demands on the facility.
- (6) Residual materials shall be transported to an approved disposal facility.

(d) Closure. All recycling facilities are subject to closure requirements provided in Section 1080.19 and as follows:

- (1) All proposals for recycling facilities shall have an approved closure plan.
- (2) All recycling facilities in operation as of the date of adoption of this chapter shall fully comply with this chapter or shall immediately proceed to close in accordance with the closure requirements provided in Section 1080.19.
(Ord. 99-06. Passed 5-19-99.)

1080.205 VEGETATIVE WASTE MANAGEMENT AND YARD WASTE COMPOSTING FACILITIES.

(a) General Requirements. All vegetative waste management and yard waste composting facilities are subject to the general requirements governing solid waste management facilities provided in this chapter and as specified herein. A permit and a CTO will be required prior to commencement of operations.

(b) Specific Design and Performance Standards. Proposals for vegetative waste management and yard waste composting facilities shall contain the following:

- (1) An environmental inventory as provided for in Section 1080.17(a)(1) shall be required. An investigation and report addressing soils and geotechnical conditions at the site to a depth of five feet and the effect of these conditions on the proposed facility operation will be required. Detailed geotechnical and

hydrogeological investigations and reports pursuant to Section 1080.17(a)(2) are not required. A geotechnical report may be required for any proposed structures. Additional reports may be required by the Director.

- (2) A construction plan as provided for in Section 1080.17(b) shall be required. The site plan shall include designated solid waste facility management sheet(s) which depicts only site conditions during operations as described in the operations plan.
- (3) Groundwater monitoring plans per Section 1080.17(c) are not required for facilities which process out waste within eighteen months of receipt on site.
- (4) A surface water monitoring plan as provided for in Section 1080.17(d) shall be required.
- (5) A leachate or liquid effluent control plan as provided for in Section 1080.17(e) shall be required.
- (6) An erosion control and storm water management plan, as provided for in Chapter 1220 of the Codified Ordinances of Loudoun County shall be required.
- (7) An operation and maintenance plan as provided for in Section 1080.17(f) shall be required.
- (8) A waste and recovery materials stockpile plan, which shall provide design and maintenance criteria for controlling effluents shall be required.
- (9) A copy of the DEQ-Water Division application for a surface discharge permit, or documentation that the site will operate as a no-discharge facility.
- (10) An environmental impairment surety as provided for in Section 1080.07 shall be required. The amount of the surety shall be calculated as the independent third party cost to remove all waste from the permitted site, pay transportation and disposal fees, restore permanent vegetation to the site, and include reasonable administrative costs to oversee the site restoration.

(c) Operational Standards. The operations and maintenance plan shall describe, in detail, the processes by which waste will be received, processed, stored, and otherwise managed while it is located at the facility. It will include necessary provisions to ensure compliance with the following standards:

- (1) All vegetative waste management and yard waste composting facilities will be operated and maintained in accordance with approved construction plans and specifications.
- (2) All vegetative waste management and yard waste composting facilities will be operated and maintained in accordance with any applicable State regulations and/or permits.
- (3) All vegetative waste management and yard waste composting facilities will be operated and maintained in accordance with the Zoning Ordinance, the Erosion and Sediment Control Ordinance and the County Fire Code.

- (4) Before commencing operation of a vegetative waste management or yard waste composting facility, the owner/operator shall have completed site and structure preparation in accordance with an approved comprehensive construction plan and shall have been issued a permit and CTO.
- (5) Vegetative waste and composted yard waste material collected at the facility shall be managed as described in the approved operations and maintenance plan.
- (6) Surface water monitoring shall be conducted in accordance with the approved surface water monitoring plan.
- (7) Burning, storage or burial of solid waste is prohibited at vegetative waste management and yard waste composting facilities.
- (8) All designated facility access and service roads shall be maintained in serviceable condition at all times. All designated fire breaks and windrow separation shall be maintained at all times.
- (9) No solid waste shall be permitted in windrows. Vegetative waste that is contaminated with solid waste, including bags, shall not be moved to or placed in windrows from the receiving area until all solid waste is removed. Residual solid waste materials shall be containerized and transported to an approved disposal facility.
- (10) The maximum height of vegetative waste windrow or stockpiles shall not exceed twenty feet and the maximum base perimeter of windrows and stockpiles shall not exceed 800 linear feet. Windrows and stockpiles shall be separated by a clear access way that shall be a minimum width of sixteen feet.
- (11) All vegetative waste that is stockpiled, windrowed, or otherwise processed or composted shall be removed from the site within eighteen months of the initial placement of the waste on the property.
- (12) All vegetative waste management and yard waste composting facilities will have designated waste receiving areas for in-processing of waste. Receiving areas will be sized to accept no more than the waste received in six working days or one working week, whichever is less. All non-permitted waste and contamination, such as plastic bags, will be removed in the receiving area before waste is moved to stockpiles or windrow locations. All putrescible waste in non-biodegradable bags shall be debagged or removed from the property within seventy-two hours of the initial placement of the waste in the receiving area. Short term storage of solid waste in approved containers in accordance with the requirements of Chapter 1082 is permitted.
- (13) Fugitive dust and mud deposits on off-site roads will be controlled at all times to limit nuisances.
- (14) Dust, odors, and vectors shall be controlled so that they do not constitute nuisances or hazards.

(d) Closure. All vegetative waste management and yard waste composting facilities are subject to the closure requirements provided in Section 1080.19 and as follows:

- (1) All proposals for vegetative waste management and yard waste composting facilities shall have an approved closure plan.
- (2) All vegetative waste management and yard waste composting facilities in operation as of the date of adoption of this chapter shall fully comply with all requirements of this chapter, including permitting requirements, or shall immediately proceed to close in accordance with the closure requirements provided in Section 1080.19.
- (3) Upon removal of all waste material from the facility site and completion of site restoration (grading of the site to remove ponds and other grading as may be required to ensure adequate drainage) and establishment of permanent vegetative cover, the facility owner may petition the Director for release of the environmental surety. Provided that the Director finds that the site has been restored and vegetated, and that there are no harmful residual effects of the facility operation, he or she shall release the environmental surety. No post-closure care or monitoring will be required if the surety is released.
(Ord. 99-06. Passed 5-19-99.)

1080.21 MATERIALS RECOVERY FACILITIES.

(a) General Requirements. All materials recovery facilities are subject to the general requirements governing solid waste management facilities provided in this chapter and as specified herein:

- (1) The design and operation of materials recovery facilities shall be in conformance with the requirements presented in this section, as well as all County, State and Federal regulations. Close coordination will be maintained by the County with State agencies to minimize unnecessary duplication of requirements.
- (2) The collection or acceptance of sewage liquids or solids and solid or liquid hazardous wastes is prohibited.
- (3) The burial of any solid waste is prohibited on the site.

(b) Specific Design and Performance Standards. Proposals for materials recovery facilities shall contain the following:

- (1) Site analysis information. A hydrogeological investigation is not required for a materials recovery facility. Geotechnical investigation requirements are limited to compliance with the Facilities Standards Manual as related to new buildings.
- (2) Construction plans.
- (3) A surface water monitoring plan if the site is not controlled as defined in this chapter.

- (4) A leachate or liquid effluent control plan to account for seepage from temporarily stored waste, excess liquid from air pollution or dust control or other liquids.
- (5) An erosion control and storm water management plan.
- (6) An operation and maintenance plan.
- (7) A waste and recovery materials stockpile plan that shall provide design and maintenance criteria for controlling effluents.

A ground water monitoring plan is not required for materials recovery facilities.

(c) Operational Standards. The operations and maintenance plan shall include necessary provisions to ensure compliance with the following standards:

- (1) The materials recovery facility will be operated and maintained in accordance with approved construction plans and specifications and the operations manual.
- (2) Before commencing operation of a materials recovery facility, the permittee shall have completed site and structure preparation in accordance with an approved comprehensive construction plan and plan of operation and shall have been issued a CTO.
- (3) Surface water monitoring consistent with Section 1080.17(d) may be required by the Director.
- (4) Burning, storage or burial of solid waste is prohibited at the materials recovery facility.
- (5) Materials collected at the materials recovery facility will be transferred from the facility as described in the approved operation and maintenance plan or as required by the Director or demands on the facility.

(d) Closure. All materials recovery facilities are subject to closure requirements provided in Section 1080.19 and as follows:

- (1) All applications for materials recovery facilities shall have a closure plan.
- (2) All materials recovery facilities in operation as of the date of adoption of this chapter shall fully comply with this chapter or shall immediately proceed to close in accordance with the closure requirements provided in Section 1080.19.

(Ord. 99-06. Passed 5-19-99.)

1080.22 LANDFILLS.

(a) General Requirements. All landfills are subject to the general requirements governing solid waste management facilities provided in this chapter and as specified herein. The application of these requirements shall be consistent with the Virginia Solid Waste Management Regulations. The County may accept an application as submitted to the DEQ to address the provisions of this chapter. Applications submitted to the DEQ shall be submitted concurrently to the County. The review and approval of permit applications for these facilities

shall occur concurrently with the review and approval by the Virginia Department of Environmental Quality. A permit shall not be issued until all permitting conditions of the VSWMRs are met.

(b) Specific Design and Performance Standards. Proposals for landfills shall contain the following:

- (1) Site-analysis and facility siting information in accordance with the VSWMRs.
- (2) Design plans in accordance with the VSWMRs.
- (3) A groundwater monitoring plan in accordance with the VSWMRs.
- (4) A surface water monitoring plan in accordance with the VSWMRs.
- (5) A leachate control plan in accordance with the VSWMRs.
- (6) An erosion control and storm water management plan in accordance with the VSWMRs.
- (7) An operation and maintenance plan in accordance with the VSWMRs.
- (8) A gas monitoring and control plan in accordance with the VSWMRs.

(c) Operational Standards. All landfills shall operate in accordance with the approved operations and maintenance plans. Operations and maintenance plans shall include necessary provisions to ensure compliance with the following standards:

- (1) The landfill will be operated and maintained in accordance with approved design and construction plans and specifications and the operations manual.
- (2) Before commencing operation of a landfill, the permittee shall have completed the site preparation in accordance with the approved comprehensive construction plan, site plan and plan of operation.
- (3) No landfilling may occur prior to the issuance of a CTO in accordance with this chapter.
- (4) No landfilling may occur prior to occupancy approval by the Director of Building and Development.
- (5) Maximum compactive effort during the course of construction and operations will be made to support the eventual use of the site.
- (6) A groundwater monitoring program shall be conducted in accordance with the VSWMRs.
- (7) A surface water monitoring program shall be conducted in accordance with the VSWMRs.
- (8) A gas monitoring program shall be conducted in accordance with the VSWMRs.
- (9) A leachate monitoring program shall be conducted in accordance with the VSWMRs.

(d) Closure. All landfills are subject to closure requirements in accordance with the VSWMRs.

(e) Surety. All landfill facilities are required to provide the County an environmental impairment surety in accordance with Section 1080.07. The amount of the surety shall be calculated as the independent third party cost to remove all waste from the permitted site, pay transportation and disposal fees, conduct long term environmental monitoring and post-closure site maintenance, and include reasonable administrative costs to oversee the site restoration and post-closure care.
(Ord. 99-06. Passed 5-19-99.)

1080.23 SOLID WASTE TRANSFER STATIONS.

(a) General Requirements. All solid waste transfer stations are subject to the general requirements governing solid waste management facilities provided in this chapter and as specified herein:

- (1) The design and operation of transfer stations shall be in conformance with the requirements presented in this section, as well as all County, State and Federal regulations. Close coordination will be maintained by the County with State agencies to minimize unnecessary duplication of requirements.
- (2) The collection of sewage liquids or solids and solid or liquid hazardous wastes is prohibited.
- (3) The burial of any solid waste is prohibited on the site.

(b) Specific Design and Performance Standards. Proposals for solid waste transfer stations shall contain the following:

- (1) Site analysis information. Hydrogeological investigations are not required for a solid waste transfer station. Provisions of a Type-II Geotechnical Report in accordance with the Facilities Standards Manual for the proposed facility structure shall fulfill the requirements for geotechnical investigation for solid waste transfer stations.
- (2) Construction plans.
- (3) A surface water monitoring plan, if the site is not controlled as defined in this chapter. The plan shall provide for management and treatment of runoff from waste handling and treatment areas.
- (4) A leachate or liquid effluent control plan to account for seepage from temporarily stored waste, excess liquid from air pollution or dust control or other liquids.
- (5) An erosion control and storm water management plan.
- (6) An operation and maintenance plan.

A ground water monitoring plan is not required for solid waste transfer stations.

(c) Operational Standards. The operations and maintenance plan shall include necessary provisions to ensure compliance with the following standards:

- (1) The transfer station will be operated and maintained in accordance with approved construction plans and specifications and the operations manual.
- (2) Before commencing operation of a transfer station, the permittee shall have completed site and structure preparation in accordance with an approved

comprehensive construction plan and plan of operation and shall have been issued a CTO.

- (3) Surface water monitoring consistent with Section 1080.17(d) may be required by the Director.
- (4) Burning, storage or burial of solid waste is prohibited at the transfer station.
- (5) Solid waste collected at the station will be transferred from the station at least daily or as required by the demands on the facility.

(d) Closure. All solid waste transfer stations are subject to closure requirements provided in Section 1080.19 and as follows:

- (1) All applications for solid waste transfer stations shall have a closure plan.
- (2) All solid waste transfer stations in operation as of the date of adoption of this chapter shall fully comply with this chapter or shall immediately proceed to close in accordance with the closure requirements provided in Section 1080.19. (Ord. 99-06. Passed 5-19-99.)

1080.24 SOLID WASTE INCINERATOR FACILITIES.

(a) General Requirements. All incinerator facilities are subject to the general requirements governing solid waste management facilities provided in this chapter and as specified herein. The application of these requirements shall be consistent with the Virginia Solid Waste Management Regulations. The review and approval of permit applications for these facilities shall occur concurrently with the review and approval by the Virginia Department of Environmental Quality. A permit shall not be issued until all permitting conditions of the VSWMRs are met.

(b) Design And Performance Standards. Proposals for incinerator facilities shall contain the following:

- (1) Site analysis information that addresses all facility siting requirements of the VSWMRs.
- (2) Design and construction plans in accordance with the VSWMRs.
- (3) An environmental monitoring plan in accordance with the VSWMRs.
- (4) A leachate or liquid effluent control plan to account for seepage from temporarily stored waste, excess liquid from air pollution or dust control or other liquids in accordance with the VSWMRs.
- (5) An erosion control and storm water management plan as described in Chapter 1220 of the Codified Ordinances of Loudoun County.

(c) Operational Standards.

- (1) An operation and maintenance plan shall be required in accordance with the VSWMRs.
- (2) Solids, residue, fly ash and bottom ash shall be disposed of in accordance with the VSWMRs.

- (3) Any effluent from an incinerator shall be treated as an industrial waste and subsequently handled and disposed of in accordance with the VSWMRs.
- (4) Air discharges shall be in accordance with the VSWMRs.
- (5) A waste and materials stockpile plan shall be required in accordance with the VSWMRs.

(d) Closure. All incinerator facilities are subject to closure requirements in accordance with the VSWMRs.

(e) Surety. All incinerator facilities are required to provide the County an environmental impairment surety in accordance with Section 1080.07. The amount of the surety shall be calculated as the independent third party cost to remove all waste from the permitted site, pay transportation and disposal fees, conduct long term environmental monitoring and post-closure site maintenance, and include reasonable administrative costs to oversee the site restoration and post-closure care.
(Ord. 99-06. Passed 5-19-99.)

1080.25 EXPERIMENTAL SOLID WASTE MANAGEMENT FACILITIES.
(REPEALED)

(EDITOR'S NOTE: Section 1080.25 was repealed by Ordinance 98-14, passed November 18, 1998.)

1080.26 EXISTING SITES AND FACILITIES. (REPEALED)

(EDITOR'S NOTE: Section 1080.26 was repealed by Ordinance 98-14, passed November 18, 1998.)

1080.27 EQUITABLE REMEDIES.

In addition to the penalty provided in Section 1080.99, 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. 99-06. Passed 5-19-99.)

1080.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

- (a) In addition to the penalties provided in Section 202.99 and this section, a conviction for a violation of any of the provisions of this chapter shall be cause for the revocation of any and all permits issued under this chapter.
- (b) Whoever fails to comply with a valid warrant obtained pursuant to Section 1080.03 is guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).
(Ord. 99-06. Passed 5-19-99.)