

COMPREHENSIVE LITTER AND
SOLID WASTE CONTROL PLAN FOR
FAYETTE COUNTY

2013 Update

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Date

COMPREHENSIVE LITTER AND
SOLID WASTE CONTROL PLAN FOR
FAYETTE COUNTY

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1.0 INTRODUCTION

1.1 Background

On March 12, 1989 the State of West Virginia enacted HB 3146 which required the development and adoption of a Comprehensive Litter and Solid Waste Control Plan (the “Plan”). The objective of this Plan was to assess solid waste disposal needs, develop a comprehensive recycling plan, evaluate available solid waste disposal technologies, provide the framework for developing appropriate solid waste disposal facilities in accordance with the State’s regulations and develop a program to clean up litter and open and unpermitted dumps.

The original Plan was approved by the West Virginia Solid Waste Management Board (SWMB) on November 4, 1992, in conjunction with Raleigh and Fayette County Solid Waste Authorities.

1.2 Scope

The scope of work for this Plan consists of the following specific tasks:

1.2.1 Assessment of Disposal Needs – Identify solid waste collection and disposal practices throughout the county to assess short-term and long-term disposal requirements and present waste disposal alternatives.

1.2.2 Recycling – Identify and estimate potential quantities in the waste stream that could potentially be separated from the waste stream and recycled, thereby, minimizing future waste disposal requirements.

1.2.3 Litter Control & Cleanup – Address programs to control and remove litter, and for the cleanup of open and unpermitted dumps by providing general information regarding similar programs implemented in other areas of the state.

1.3 Purpose

The purpose of this update is to address the requirements of the above-mentioned regulations and to define the current and future issues facing the management of solid waste in Fayette County. Current disposal methods including pick-up, hauling and landfilling as well as current recycling programs are discussed. The plan also covers new and future waste management practices which are anticipated to be placed in operation.

2.0 EXECUTIVE SUMMARY

This document serves as an update to the Comprehensive Litter and Solid Waste Control Plan developed for FCSWA. This update does not contain much of the information included in the original plan, but that is available upon request. This has been prepared in accordance with the regulations adopted by the SWMB and contains updated information to better describe the solid waste management activities in Fayette County.

2.1 Goals and Objectives

The goals of the FCSWA are summarized below:

1. To increase the available recycling opportunities for its citizens;
2. Implement a mandatory garbage collection program to insure all residents are disposing of their solid waste in a manner compliant with the law;
3. To identify and eliminate open dumps within the county;
4. Increase volunteer participation in county-wide litter control and clean-up programs;
5. Encourage recycling and source reduction through a public education programs;
6. Encourage residents of the county to reduce yard waste by promoting backyard composting; and
7. Continue to build on existing relationships with outside entities to enforce current litter laws.

The general objectives of the solid waste management plan are:

1. Provide for the safe and sanitary disposal of solid waste from all residential, commercial, and industrial sources in Fayette County;
2. Reduce the degradation of the environment by eliminating random litter and open dumps;
3. Reach waste stream reduction and recycling goals;
4. Create a public awareness of the importance of responsible solid waste management on an individual level.

2.2 Hierarchy of Solid Waste Disposal

The FCSWA recognizes the hierarchy established in W.Va. Code §22C-1 and gives preference to alternatives in the following order of priority:

2.2.1 Source reduction;

2.2.2 Recycling, reuse and resource recovery; and

2.2.3 Landfilling.

2.3 Funding Strategies

The FCSWA will secure its funding from the following sources:

2.3.1 West Virginia Solid Waste Assessment Interim Fee processed through the SWMB and as provided by authority of W.Va. Code §20C, Article 4, Section 30.

2.3.2 SWMB Grants.

2.3.3 Department of Environmental Protection's Rehabilitation Environmental Action Plan's (DEP-REAP) Recycling Grants and Litter Control Grants Programs.

2.3.4 Fayette County Commission Funds.

2.3.5 Private Foundation and other grant funds as available.

2.4 Timetable for Implementation of Plan

This plan will become effective upon adoption by the FCSWA and approval by the SWMB and will be in effect for the next five years.

TABLE 1: TIMETABLE FOR IMPLEMENTATION OF PLAN

TASK	2018	2023	2028	2033
Recycling	X	X	X	X
Mandatory Garbage Disposal	X	X	X	X
Open Dump Cleanup	X	X	X	X
Volunteer Participation	X	X	X	X
Public Education Programs	X	X	X	X
Yard Waste	X	X	X	X
Coordination Efforts	X	X	X	X

All programs will be based on the availability of personnel and funds.

3.0 ASSESSMENT OF EXISTING SOLID WASTE DISPOSAL

3.1 Solid Waste Collection and Disposal Methods

At the present time, two main avenues exist for the collection of residential solid waste. The most common method of collection is the use of private haulers who provide curbside collection service to Fayette County. The second method of collection is direct transportation of solid waste to the Raleigh County landfill by the citizens for disposal.

Collection of commercially generated solid waste is typically provided by private haulers. The use of commercial dumpsters is common throughout the county. Most haulers utilize packer trucks, which compact the garbage by means of a hydraulic piston masher. Most of the waste from Fayette County is transported to the Raleigh County landfill for disposal. Waste from the Montgomery area of Fayette County is typically hauled to the City of Charleston's landfill for disposal. A small amount of waste is being diverted to the landfills in Greenbrier and Nicholas Counties, as well.

There are currently seven commercial solid waste hauling companies operating within Fayette County:

- A & W Sanitation, Inc.
- Dave's Sanitation
- Loup Creek Trash
- Lusk Disposal Service, Inc.
- Oak Hill Garbage Disposal, Inc.
- Waste Management of WV, Inc.
- Western Greenbrier Disposal

The area covered by the solid waste collection services are designated by the Public Service Commission. All areas of Fayette County are presently being served in some manner. Collection areas and hauling routes are defined on the map included.

3.2 Existing Solid Waste Management Facilities and Activities

Currently, there are no private recycling companies serving residents in Fayette County with curbside recycling collection. The Town of Fayetteville will respond to requests for pick-up of recyclables from commercial establishments on an as-available basis.

Some private waste haulers have initiated commercial recycling and focus primarily on cardboard. The private commercial recycling facilities currently in Fayette County, and according to the Department of Commerce's Division of Energy, are JR's Recycling and Auto's Recycling which offer ferrous and non-ferrous metal buy-back services.

The FCSWA received a grant from the DEP-REAP Recycling Program in 2007 to purchase trailers that were placed on the property of schools located in Fayette County. These trailers were used to collect paper and cardboard from the residents of Fayette County and helped to promote recycling among the residents. Today, more than two-thirds of Fayette County schools remain as outlets for deposit of recyclables. There are also bins in several locations in The City of Oak Hill and the Town of Fayetteville.

A program funded in 2001 to provide these services at whitewater rafting outfitters has since ceased operation on a formal basis, but outfitters continue to separate glass and some other recyclables as a means of source reduction and to decrease their trash hauling fees.

There are currently no permitted and approved landfills, transfer stations, composting facilities, energy recovery facilities or incinerators operating within the county.

3.3 Demographic and Population Projection Information

Fayette County occupies approximately 668 square miles of which, 664 is land and 4 square miles is water. According to the 2010 Census, Fayette County had a population of 46,039 people, or an average of 69 people per square mile.

Approximately two-thirds of the county’s population resides in one of the many unincorporated communities. There are only four incorporated cities and six incorporated towns in Fayette County; the Cities of Montgomery (1,638), Mount Hope (1,414), Oak Hill (7,730), and Smithers (813), the Towns of Ansted (1,404), Fayetteville (2,892), Gauley Bridge (614), Meadow Bridge (379), Pax (167) and Thurmond (5).

Future waste generation projection is based primarily on two factors. The first is the projection of population decline or increase. The second factor is waste reduction. The amount of waste reduction depends upon the successful implementation of waste reduction and recycling programs. The following table illustrates population and solid waste projections for Fayette County. This information was obtained from the WVU Regional Research Institute. The disposal projections are goals that are aimed at successful waste reduction strategies.

TABLE 2: POPULATION AND WASTE DISPOSAL PROJECTIONS

Projections	2015	2020	2025	2030	2035
Population	45,669	44,916	44,007	42,749	41,246
Waste (tons per month)	3,077	3,026	2,965	2,880	2,779

3.4 Transportation and Geographic Information

Fayette County is located in the south central portion of West Virginia. It is bounded by the counties of Nicholas (north), Greenbrier (east), Summers (southeast), Raleigh (south), and Kanawha (west).

Interstates 64 & 77 run through the lower western portion of the county. US routes 19 & 60 as well as State routes 16, 41 & 61 provide secondary transportation access throughout Fayette County.

Railways: Railways for commercial hauling purposes continue to exist in paths which generally follow both sides of New River. Some spurs continue to be developed for the purpose of servicing coal mining. There is limited passenger service available in the City of Montgomery, the Town of Thurmond, and the unincorporated town of Prince.

Waterways: the only navigable waterway in Fayette County is the upper reaches of the Kanawha River from the Town of Smithers to the Kanawha County border.

Fayette County is located in the Kanawha Appalachian Plateau and elevations rise generally from the valleys of the northwest to the mountains of the east. The lowest point is at 597.2 feet above sea level in Montgomery, WV and is located where the Kanawha River leaves the county in its descent towards the Ohio River. Its highest summit is on the crest of Sewell Mountain on Myles Knob at 3,375 feet above tide.

3.5 Identification of Out-Of-County Waste

Fayette County does not have any permitted solid waste facilities, so out-of-county solid waste is not a problem. Therefore an elaborate system to identify disposal of solid waste not generated within the county is not necessary. Any future needs in the matter will be met with assistance from the FCSWA.

3.6 Facilities Generating More Than Five Tons of Solid Waste Per Month

The following list highlights the facilities within Fayette County that are estimated to produce more than five tons of solid waste per month:

- ACE Adventure Resort
- Adventures on the Gorge
- Fayette County Board of Education
- Hilltop Health Care Center, Inc.
- Kroger Co.
- Lowe's Home Centers, Inc.
- Montgomery General Hospital

- New River Health Association
- Plateau Medical Center
- Wal-Mart Stores, Inc.
- WV Department of Corrections Mount Olive Correctional Facility
- West Virginia Institute of Technology
- WVA Manufacturing, LLC

4.0 ALTERNATIVE APPROACHES TO SOLVING PROBLEMS

4.1 Open Dumps

Litter and open dumps continue to be a problem in Fayette County. Despite the efforts of the Adopt-a-Highway program and state-funded educational programs, many people still don't seem to understand the detrimental effects of littering.

The FCSWA has continued its efforts in combating this chronic problem. With financial assistance from the Fayette County Commission, the FCSWA has a Litter Control Officer dedicated specifically to fighting litter and cleaning up open dumps.

The FCSWA is taking a much-needed step in the right direction through a coordinated effort with the Department of Highways (DOH) and the DEP-REAP's Pollution Prevention Open Dump (PPOD) Program. The FCSWA and the DEP-REAP PPOD Program has committed the personnel and financial resources necessary to implement an effective cleanup effort.

Since 1994, the FCSWA and the DEP-REAP PPOD have cleaned up 1,134 open dumps, reclaiming 864 acres of land, removing 7,731 tons of materials and 95,166 tires.

4.2 Voluntary Assistance Programs

A wide range of community groups and watershed organizations rely on volunteer assistance in performing regular cleanups along the roads and waterways in which they have an interest. Including but not limited to:

- Arbuckle Creek Watershed Association
- Dunloup Creek Watershed Association
- Fayette County Urban Renewal Authority
- Make It Shine Litter Sweeps
- Morris Creek Watershed Association
- Mountain Pride Litter Sweeps
- Plateau Action Network
- Upper Paint Creek Watershed Association

The FCSWA promotes and encourages groups to volunteer for the DEP's Adopt-A-Highway (AAH) program. As of the year 2012, there are 31 AAH groups utilizing 900 volunteers to clean up the 156 miles of adopted highway in Fayette County.

4.3 Coordination with Other Entities

Coordination with other agencies is a key component to successful enforcement and cleanup programs. The FCSWA works with various state, county, municipal, and law enforcement entities, including:

- Department of Environmental Protection (DEP)
- Department of Highways (DOH)
- Division of Natural Resources (DNR)
- Fayette County Board of Education (FCBOE)
- Fayette County Community Corrections
- Fayette County Commission
- Health Department
- Magistrates
- Sheriff's Department
- Solid Waste Management Board (SWMB)

The FCSWA coordinates with the DEP on the cleanup of litter from county roadways and open dumps. Trash bags and work gloves are provided free through the DEP's REAP program. To assist with the cleanups the county Litter Control Officer obtains workers who have been sentenced by the courts to the Fayette County Day Report Center. The DEP and the FCSWA also sponsor an annual free waste tire disposal day. This allows for each resident to dispose of ten waste tires every year. The Litter Control Officer coordinates with the DOH for the use of their dumpsters to put the bags of litter which have been collected. The DOH has dumpsters at their offices located at Oak Hill, Fallsview and Lookout. The Fayette County Litter Control Officer has also participated in several regional litter sweeps sponsored by the New River Gorge Regional Development Authority.

The Fayette County Litter Control Officer works with all state, county and local law enforcement agencies to enforce litter laws, and mandatory trash disposal regulations.

The Town of Fayetteville held two electronic recycling events in 2012, collecting a total of 12.21 tons. Their e-cycling contractor was Scott Recycling in Knoxville, TN. Additionally, in 2011 REAP and Electronic Manufacturers Recycling Management Company sponsored an event held in Fayetteville collecting a total of 17.69 tons of electronic recycling material.

The FCSWA coordinates with the SWMB for grants and to attend various educational seminars and conferences.

4.4 Use of Inmates for Litter Pick-up

The FCSWA employs, with financial assistance from the Fayette County Commission, a Litter Control Officer who is in charge of cleaning up roadsides and open dumps utilizing the assistance of those sentenced through Community Corrections and the Day Report Center.

Inmate labor is acquired through the Department of Corrections and involves the labor of six to eight inmates collecting and bagging litter and placing it along the shoulder of the highway where it is then hauled for disposal by the DOH.

5.0 RECOMMENDATION FOR SITING OF A LANDFILL

At the present, there are no existing landfills operating, or permitted solid waste facilities within Fayette County. Solid waste generated within the county is currently being taken to the Raleigh County Landfill, which has a projected estimated life expectancy of 78 years; City of Charleston Landfill, with 15 years; Nicholas County Landfill, with 35 years; and Greenbrier County, with 100 plus years.

Due to the estimated remaining life of these three landfills, the FCSWA feels that there will be no need to site a landfill within the county anytime in the near future. The countywide zoning ordinance allows for a landfill only as a special use (requiring a hearing and permit from the Board of Zoning Appeals) within H-I (heavy industrial districts). Sites with the appropriate zoning to seek a special use permit exist near the communities of Robson, Lochgelly, Scarbro, Alloy, Red Star, Hico, Clifftop, Elkridge and within the corporate limits of Mount Hope.

6.0 CONCLUSIONS

The main plan for the future is to continue to provide litter and open dump cleanup for Fayette County as well as maintain and hopefully expand the recycling programs. The FCSWA plans to continue to expand its recycling program to reach more citizens in the County.

A great deal of time, money and effort has been placed upon the development of mandatory garbage enforcement ordinance. The FCSWA, through the Office of the Fayette County Community Resource Coordinator will continue to explore mechanisms to reduce the numbers of people not in compliance.

7.0 UPDATE AND AMMENDMENT PROCESS

The FCSWA shall review and update the plan every five years. A public hearing on the updates and any amendments must be held in the same manner as outlined in Title 54 Series 3-6 Comprehensive Litter and Solid Waste Control Plans. Any changes or amendments necessary shall be submitted to the SWMB for approval.

At the time of the five year review the authority shall, in addition to any other amendments considered necessary, extend the period of time covered by the plan to include the next 20 years following the five year review or amendment date.

The plan may be amended at any time by the county authority that originated the plan. Amendments must meet all requirements of the original plan, including that of holding a public hearing as detailed in the rules. No amendments may become effective until approved by the SWMB in the same manner as the original plan.

Upon application from any person or group, the authority may amend the siting plan by altering a zone or any portion of a zone. In such case, the person seeking the change has the burden to affirmatively and clearly demonstrate, based on all of the criteria set forth in the rule, that the request is appropriate and proper and that any solid waste facility sited could be appropriately operated in the public interest at such location.

In order to make such demonstration, the person seeking the changes shall make whatever examination is necessary and submit specific detailed information to the authority.

Fayette County
Solid Waste Authority
Comprehensive Recycling Plan

Fayette County
Solid Waste Authority's
Comprehensive Recycling Plan

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1.0 RECYCLING GOALS

- Develop an avenue for community and school-based recycling drives for items such as tires and electronics.
- Encourage school-based education models on the importance of recycling.
- Partner with the Boy Scouts of America to piggyback off of their recycling efforts at the National Jamboree to allow for public access to those drop-off points during the times that the Jamboree is not in session.
- Partner with Solid Waste Authorities in adjoining counties to study the feasibility of developing regional recycling programs to ascertain the critical mass needed to attain cost effectiveness.

2.0 COLLECTION AND PROCESSING

There are recycling assets scattered throughout Fayette County which currently lack coordination and cohesion. Those recyclables which are collected are processed in either Raleigh or Kanawha County. This plan does not attempt to develop processing centers beyond those current sources, but instead focuses on coordination of the use of current assets and to develop emerging assets.

2.1 Characterization of Waste Stream

Based upon the 2010 Census, Fayette County has a population of 46,039 people. Based on landfill tonnage reports, solid waste generation for Fayette County is estimated to be approximately 29,018 tons for the calendar year 2011.

The waste stream is made up primarily of residential and commercial waste with some construction/demolition, industrial petroleum contaminated soil, and asbestos. The waste stream break down for Wasteshed G is as follows:

- Residential – 34.6%
- Commercial – 50.1%
- Construction/Demolition – 4.3%
- Asbestos – 3.5%
- Industrial Sludge – 0.3%
- Industrial Waste – 0.2%
- Other Waste – 3.0%
- Petroleum Contaminated Soil – 1.3%

Based upon these estimates of solid waste generation (not including open dumps, litter, or recycling) and Fayette County population of 46,039, the waste generation equates to 3.45 pounds per person per day. This number is derived by the following calculation:

- $(29,018 \text{ tons per year} \times 2,000 \text{ pounds per ton}) / (46,039 \text{ persons}) / (365 \text{ days per year}) = 3.45 \text{ pounds per person per day.}$

Through the same type of calculation as above, we can see how the pounds

per person per day disposal rate changes with the disposal goals. According to the projections for the year 2015, the disposal rate from Fayette County will be:

- $(3,077 \text{ tons per month} \times 2,000 \text{ pounds per ton} \times 12 \text{ months}) / (45,669) / 365 \text{ days per year} = 4.43 \text{ pounds per person per day.}$

This disposal rate is 4.43 pounds per day and is almost 0.98 pounds per day more than the 2010 estimate.

According to a 1997 waste characterization study done by the SWMB which determined that the average West Virginian disposed of 4 pounds of waste per day. The 2000 U.S. Census noted that Fayette County had a population of 47,579 persons in 2000.

Based on the calculations of 4 pounds per person, with 47,579 people, the monthly solid waste projections for Fayette County would be 2,894 tons per month.

The following table shows the monthly recycling potential based on the waste stream characterization study for Wasteshed F and H as conducted for the West Virginia SWMB.

TABLE 3: MONTHLY RECYCLING POTENTIAL

Material	Percentage in Waste Stream	Waste Stream in Tons	Percentage Recyclable	Recyclable Tons
Paper	45.4%	1,313.88	22.4%	648.26
Plastics	15.4%	445.68	13.0%	376.22
Glass	7.8%	225.73	7.8%	225.73
Metals	5.3%	153.38	5.0%	144.70
Misc.	26.2%	758.23	0.00%	0.00
Totals	100%	2,896.90	48.2%	1,394.91

By taking the above data into consideration, the FCSWA has chosen to designate paper/cardboard, plastics, and aluminum to be source separated by the individual consumer.

2.2 Existing and Anticipated Markets

Opportunities to collect significant quantities of recyclable materials will increase – particularly since new facilities are being developed using “green marketing” strategies. The goal should be to leverage these assets to develop a hub and spoke system which reaches out first to large producer/consumers of recyclable products and subsequently provides convenient access to recycling drop-off to the community at large.

Today, more than two-thirds of Fayette County schools are outlets for the deposit of recyclables for the residents of Fayette County, via collection trailers for paper and cardboard. There are also bins in several locations in The City of Oak Hill and the Town of Fayetteville.

The Town of Fayetteville held two electronic recycling events in 2012, collecting a total of 12.21 tons. Their e-cycling contractor was Scott Recycling in Knoxville, TN. Additionally, in 2011, REAP and Electronic Manufacturers Recycling Management Company sponsored an event held in Fayetteville collecting a total of 17.69 tons of electronic recycling material.

Whitewater rafting outfitters separate glass and some other recyclables as a means of source reduction and to decrease their hauling fees.

Commercial recycling facilities within Fayette County are JR’s Recycling located in Oak Hill, and Auto Recycling located in Lochgelly. However, other avenues such as increased partnering with adjoining counties should not be overlooked in developing the recycling infrastructure needed to meet the county goals.

3.0 POTENTIAL STRATEGIES FOR COLLECTION OF MATERIALS

At this point in time, funding for a curbside network is not feasible. Due to the rural situation of Fayette County, drop off options appear to be the most economical option.

4.0 PUBLIC EDUCATION PROGRAM

FCSWA will create and implement a multi-media campaign to include local radio, television, newspaper, county and partnering websites, and public service announcements.

Fayette County
Solid Waste Authority
Mandatory Garbage Enforcement

Fayette County
Solid Waste Authority's
Mandatory Garbage Enforcement

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Section 1. General

1.1 Purpose: The purpose of regulations is to assure the regular (mandatory) removal of trash/garbage from all private and commercial properties in Fayette County.

1.2 Authority: Chapter 22C, Article 4, Section 23 of the West Virginia Code, 1931 as amended.

1.3 Effective Date: These regulations become effective March 27, 2003.

Section 2. Application and Enforcement

2.1 Application: Applies to all garbage/disposal in Fayette County.

2.2 Enforcement: Enforcement of these regulations is vested in the Fayette County Solid Waste Authority, U. S. Park Service, State of West Virginia, Division of Natural Resources, Division of Environmental Protection, Fayette County Commission and Local Law Enforcement Agencies.

Section 3. Definitions

3.1 Residence: Any structure or shelter of any part thereof, in which a person spends one or more nights per year.

3.2 Business: Any location not classified as a residence that generates solid waste. 22C-4-2

3.3 Solid Waste: "Solid waste" means any garbage, paper, litter, refuse, cans, bottles, waste processed for the express purpose of incineration, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, other discarded material, including offensive or unsightly matter, solid, liquid, semisolid or contained liquid or gaseous material resulting from industrial, commercial, mining or community activities but does not include solid or dissolved material in sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources and have permits under article eleven (22-11-1 et seq.), chapter twenty-two of the West Virginia Code, or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, including any nuclear or byproduct material considered by federal standards to be below regulatory concern, or a hazardous waste either identified or listed under article eighteen (22-18-1 et seq.), chapter twenty-two of the West Virginia Code, or refuse, slurry, overburden or other waste material resulting from coal-fired electric power or steam generation, the exploration, development, production, storage and recovery of coal, oil and gas, and other mineral resources placed or disposed of at a facility which is regulated under article two, three, four, six, seven, eight, nine or ten (22-2-1 et seq., 22-3-1 et seq., 22-4-1 et seq., 22-6-1 et seq., 22-7-1, et seq., 22-8-1 et seq., 22-9-1, et seq. or 22-10-1 et seq.), chapter twenty-two or chapter twenty-two-a (22A-1-1 et seq.) of the West Virginia Code, so long as such placement or disposal is in conformance with a permit issued pursuant to said chapters. "Solid Waste" does not include materials which are recycled by being used or reused in an industrial process to make a product, as effective substitutes for commercial products, or are returned to the original process as a substitute for raw material feedstock.

3.4 Persons: Individuals, partnerships, associations, syndicate, company, firm, trust, corporations, government corporation, institution, department, division, bureau, agency, federal agency, or any other entity recognized by law.

3.5 Private Hauler: Any hauler with a certificate of convenience with the West Virginia Public Service Commission to service Fayette County.

Section 4. Proof of Proper Solid Waste Disposal and Fees

4.1 Every person occupying a residence and/or operating a business must have solid waste disposal service through a private hauler or shall be able to provide proof of legal disposal.

4.2 Fees for the collection service will be determined by the Public Service Commission in accordance with its rules and regulations.

Section 5. Solid Waste Handling

5.1 The storage, collection, transportation, and disposal of solid waste (trash/garbage) shall be conducted as not to create unsanitary conditions, nuisances, rodent harborage, insect breeding, accidents of fire hazards, or air pollution and in accordance with existing law.

5.2 All solid waste shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be maintained in a clean condition and kept in good repair.

5.3 Residential Solid waste shall be collected at least one time per week, or shall be removed from the property of an individual disposing of his/her own solid waste at least one time per week.

Section 6. Customer Listing

6.1 Every common carrier of solid waste shall, on an annual basis provide a listing of its residential customers, including names and service addresses or, in the alternative, a listing of the names and addresses of non-subscribing residents in its service area. PSC Rule -150-9.7

6.2 At any time service is terminated by customer or by common carrier notice of such termination will be provided to the Fayette County Solid Waste Authority.

Section 7. Penalty

7.1 Civil Penalty: A civil penalty of one hundred fifty dollars shall be assessed to any persons not receiving service. For each week after notification of the violation and until proof of compliance is received shall constitute a separate and distinct offense.

7.2 Criminal Penalty: Any person who violates the Litter Control Law WV Code 22-15A-4(a) is subject to a fine of not less than \$50 nor more than \$25,000.

Section 8. Solid Waste Authority

The Fayette County Solid Waste Authority shall deliver notice to the property owner informing the resident that State Law 22C-4-10 and Fayette County Solid Waste Authority regulations require you to subscribe to and use a solid waste collection service or an approved collection facility. Enforcement of Section 7 will be referred to the appropriate Enforcement Agency as defined Section 2.2.

Severability:

Should any Article, Section, Subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision will not affect the validity or constitutionality of the ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Fayette County
Solid Waste Authority

Appendix A

Hauler Map

TO BE PROVIDED BY THE SWMB