

ADOPTION OF AMENDMENTS TO CHAPTER 109.1

(SOLID WASTE MANAGEMENT)

OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax, County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, February 23, 2021, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted amendments regarding Chapter 109.1 (Solid Waste Management) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to wit:

*BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA:*

That Chapter 109.1 (Solid Waste Management) is amended as follows:

As adopted by the Board on February 23, 2021
AMENDMENTS TO CHAPTER 109.1 (SOLID WASTE MANAGEMENT ORDINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

Amend Article 1 General Requirements, Section 109.1-1-2 Definitions, by revising it as follows:

Section 109.1-1-2. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

Authorized Agent means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

Brush ~~is a component of Yard Waste that includes means~~ shrub and tree trimmings arising from i) general residential landscape maintenance and ii) similar non-residential landscape maintenance.

Certificate-to-Operate is the permit/approval for any person to engage in the business of collecting MSW in Fairfax County.

Collection means the collection and transportation of MSW.

Collection vehicle means any vehicle used to collect and/or transport MSW.

Collector means any person engaged in the regularly-scheduled commercial collection and/or transportation of MSW from two or more residential, commercial, industrial, institutional or other establishments.

Community Association or Homeowners' Association means an unincorporated association, corporation or other organization that owns or has under its care, custody, or control real estate subject to a recorded declaration of covenants that obligates a person, by virtue of ownership of specific real estate, to be a member of the unincorporated association, corporation or other organization. For the purposes of this Chapter, an unincorporated association, corporation or other organization representing residents shall be considered the designee of Association members when acquiring solid waste services.

Compensation means any type of consideration paid for the collection, transportation or disposal of MSW, including, but not limited to, direct or indirect compensation by tenants, licensees, or similar persons.

Composting facility means a permitted facility producing a stabilized organic material.

Construction/Demolition Debris (CDD) means solid waste generated during construction, remodeling, repair, or demolition of pavements, houses, commercial buildings or any other structures. CDD includes, but is not limited to: lumber; wire; sheetrock; brick; shingles; glass; pipes; concrete; paving materials; metals; and plastic; if part of the materials of construction and/or empty containers for such materials.

Construction/Demolition Debris (CDD) landfill means a land burial facility which accepts CDD for disposal.

Customers means anyone providing compensation to collectors and/or recycling or disposal facilities. Persons using County drop-off facilities shall also be considered customers.

Department means the Fairfax County Department of Public Works and Environmental Services.

Director means the Director of the Fairfax County Department of Public Works and Environmental Services or his/her designee.

Disposal means the final placement or destruction of MSW.

Disposal site means a facility at which MSW is disposed.

Energy/Resource Recovery Facility (E/RRF) means a disposal site designed for the purpose of

reducing the volume of MSW through incineration. The process further produces steam, and/or electricity, as a result of the combustion process.

Hazardous waste means a "hazardous waste" as defined by the Virginia Hazardous Waste Management Regulations (9 VAC 20-60).

Household Hazardous Waste (HHW) means discarded household products that contain corrosive, toxic, ignitable, or reactive ingredients, or are otherwise potentially harmful if released to the environment. Products that fall into this category include, but are not limited to certain paints, cleaners, and pesticides. Latex paint is not HHW.

Materials Recovery Facility (MRF) means a facility where source-separated recyclables are either stored until large enough volumes are collected to be shipped to a buyer or processor, or they are processed to meet the specifications of recycling markets.

Mixed paper means corrugated cardboard, magazines, catalogues, envelopes, office paper, brochures, phone books, junk mail, food boxes (such as cereal and cracker boxes), shoe boxes, and any other clean paper product without food residue.

Municipal Solid Waste (MSW) means that waste which is normally composed of residential, commercial, non-residential and institutional solid waste and residues derived from combustion of these wastes, as defined in Virginia's solid waste management regulations at 9 VAC-20-81-10. MSW includes recyclables.

Person means and includes an individual, designee, corporation, association, firm, partnership, joint stock company, county, city, town, school, or any other legal entity.

Pipestem driveway means an extension off of a public road where one or more houses share a private drive to which their own driveways connect.

Principal Recyclable Material (PRM) means the recyclable material from the following list that comprises the majority of a business or commercial property's waste stream: newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard, kraft paper, container glass, aluminum, mixed paper, metal cans, cloth, automobile bodies, plastic, clean wood, brush, leaves, grass and other vegetative materials. "Principal recyclable materials" do not include large diameter tree stumps.

Property Manager (PM) means a company, employee, or individual employed or otherwise engaged, including as a volunteer, by a property owner or a community association to manage day-to-day operations at one or more locations on the owner or owners' behalf and is considered to be a designee when acquiring solid waste services.

Putrescible material means organic material that can decompose.

Recyclables means any of the materials that are or may be recycled, including but not limited to those listed in Article 2 – Recycling and the Recycling Program Requirements.

Recycling means the process of separating a material from the waste stream with the intent of diverting it from disposal.

Recycling center means a facility used for the collection of source-separated recyclable materials.

Recycling route means the route a collector follows to collect source-separated recyclable materials from customers.

Recycling system means the means by which recyclable materials are separated from the waste stream at the point of generation, and may include the means of delivering source-separated materials to a recycling center or MRF.

Refuse means all MSW having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination, or other discarded materials.

Regulations means rules, guidance, and/or requirements issued by the Director pursuant to this Chapter.

Responsible company official means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

Reusable container means any rigid plastic container, tarpaulin, or yard waste storage device whose use does not introduce plastic into the yard waste stream. Other types of reusable storage devices may be classified as Reusable Containers, if approved in writing by the Director.

Sanitary landfill means a land burial facility for the disposal of MSW which is so located, designed, constructed and operated to contain and isolate the MSW so that it does not pose a substantial present or potential hazard to public health or the environment; provided, however, that the term "sanitary landfill" shall not mean a land burial facility which only accepts non-putrescible MSW (such as a CDD landfill, as defined in this Chapter).

Significant Modification means any physical change in or change in the method of operation of a commercial establishment that has the potential to result in a change in the quantity or characteristics of MSW being generated or managed by the establishment or facility.

Solid waste means any material defined as "solid waste" in 9 VAC 20-81-10 et seq., of Virginia's solid waste management regulations.

Solid waste broker means a person or entity that, for a fee or other consideration, brokers, acts as a designee or otherwise arranges agreements between solid waste generators (including property owners, community/homeowner's associations, property managers or other entities) and providers of municipal solid waste collection, recycling, or disposal services.

Solid waste generators includes any persons that produce solid waste.

Source reduction is the reduction or elimination of the quantity or toxicity of waste being generated, which can be achieved through changes within the production process, including process modifications, feedstock substitutions, improvements in feedstock purity, shipping and packing modifications, housekeeping and management practices, or increases in the efficiency of machinery and recycling within a process. The term does not include dewatering, compaction, or waste reclamation.

Source separation is the process of removing recyclable materials from the waste stream at the point where the material is generated. For residential material, the source is considered the household and contiguous residential property such as lawns or yards. For commercial material, the source is considered the commercial premises in which business is conducted and contiguous property such as storage yards.

Tare weight means the operating weight of a fully-fueled vehicle with no payload but includes the driver; i.e., the empty weight of the vehicle.

Transfer station means any MSW storage or collection facility at which MSW is transferred from collection vehicles to other vehicles or means of transportation, for shipment to another site for permanent disposal.

Tree removal means any activity which generates MSW from the maintenance, trimming, or removal of trees or shrubs where any individual piece or bundle exceeds 50 pounds in weight, is longer than four feet in length, or larger than six inches in diameter. Christmas trees are exempt from these size limitations if they are less than eight feet in length.

Unacceptable waste means waste which is prohibited from disposal at Fairfax County facilities by Fairfax County Code, rules or regulations, the *Virginia Code* and/or the Code of Federal Regulations.

Waste collection route means the route a collector follows to collect any MSW set out by customers for collection.

Yard waste means the organic fraction of MSW that consists of grass clippings, leaves, vines, and brush arising from general landscape maintenance. Yard waste also includes similar materials collected from non-residential landscape maintenance, such as maintenance of streets, parks and

recreational areas. Yard waste does not include any materials arising from tree removal, land clearing, or development activities.

Amend Article 2 Recycling, Section 109.1-2-6 Maintenance of Recycling System, by revising it as follows:

Section 109.1-2-6. Maintenance of Recycling System.

(a) No solid waste permit shall be issued to a collector or continue in effect until and unless the collector provides a written statement indicating that it: maintains a recycling system for residential customers in accordance with this Chapter and offers and/or maintains a recycling system to multi-family and non-residential customers in accordance with this chapter.

(b) Recycling containers shall be subject to the requirements of Article 5 - Collections, Section 109.1-5-6.

(c) The mixing of refuse with any recyclables required to be source-separated or that have been source separated, except as provided for in 109.1-5-3 (d) (3), is prohibited.

(d) Where source-separated recyclable materials (including yard waste) are set out for collection on a scheduled refuse-only collection day, collectors shall not collect those recyclables. That material will be collected on the next scheduled recyclables or yard waste collection day. Collectors shall leave information for the customer to inform them about why those materials were not collected.

(e) Construction and demolition debris cannot be collected in the same container with MSW and/or recyclables.

(f) Only certain recyclables as designated by the Director can be collected in an open-top container. They are: white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.

Amend Article 4 Required Permits, Registrations, and Certifications, Section 109.1-4-2 CTO Application and Recycling Registration Requirements, by revising it as follows:

Section 109.1-4-2. CTO Application and Recycling Registration Requirements.

(a) No person shall engage in the business of collecting MSW without a valid and current CTO or appropriate solid waste permit from the Director.

(b) No person shall engage in the business of collecting recyclables (including yard waste) without first registering with the County as a recycling business. However, CTO holders that also collect recyclables are exempt from the requirement to register as a recycling business.

(c) The provisions of 109.1-4-2 (a) and (b) shall not apply to the County, nor employees for the holder of any CTO or permit/approval, nor shall this provision prohibit any person from collecting, processing, recycling, or disposing of their own household solid waste.

(d) A CTO or permit shall only be issued upon receipt of a complete application and upon a finding that the applicant has complied with all applicable sections of the Fairfax County Code and the *Code of Virginia*. This includes proof of payment of other fees required by Fairfax County required under other codes. CTO Permit holders will be invoiced monthly for disposal charges incurred during the month.

(e) Applicants for a CTO shall provide the Director with a copy of the Statement of Service required by the Fairfax County Solid Waste Management Program Permit Manual, accompanied by proof acceptable to the County that customers are or will be furnished with the Statement of Service upon

occupancy and at least annually thereafter.

(f) MSW collectors with only one permitted collection vehicle shall provide written certification to be included with the CTO application that another collector holding a current CTO is committed to act in a backup capacity should the permitted vehicle become unusable. The applicant must immediately notify the Director concerning any change in this backup arrangement during the term of the CTO. Backup collection arrangements obtained by the CTO holder may not be used by the CTO to avoid payment of delinquent disposal fees.

(g) The Director may require additional information of any applicant or holder of a CTO, permit, or registration as is necessary to ensure that the individual or company is competent to satisfactorily and lawfully perform or continue to perform the proposed service.

(h) Applications shall be approved or denied by the Director with 30 days of the receipt of a complete application.

(i) Applicants operating without the appropriate CTO or other permit(s), or operating while a CTO or permit has been suspended, may be denied renewal of a CTO or other required permit(s) for a period of up to one year from the time of the offense, in addition to any other penalties described in this Chapter.

(j) All CTO and permit holders shall pay solid waste disposal fees and abide by the rules and regulations of the facility at which material is being discharged.

Amend Article 5 Collection of Solid Waste, Section 109.1-5-2 Manner of Collection, by revising it as follows:

Section 109.1-5-2. Manner of Collection.

(a) No person shall knowingly or willfully contract with any MSW collector who does not possess a County-issued Certificate-to-Operate for collection services or with any recycling business that is not registered with Fairfax County. For purposes of this Section, evidence of a knowing violation is the voluntary contracting by a person after having received written notice from the County that the MSW collector is not authorized to operate within the County or that the recycling business is not registered in the County.

(b) MSW collection shall be conducted in such a manner that it does not create a nuisance or safety hazard, adversely affect public health, violate any ordinance or Code of the County of Fairfax, nor allow such conditions to continue. This includes, but is not limited to, obeying all applicable speed limits and other traffic controls in transit to, from, and while serving collection routes, operating the vehicle on the correct side of the street at all times, giving way to oncoming traffic where it is required by law to do so, picking up litter that may have gathered around the collection container or been released during transportation, and returning empty containers so that they do not interfere with pedestrian or vehicular traffic.

(c) Collection of MSW shall be by permitted collection vehicles and shall be conducted in such a manner that it is not dumped, spilled, stored or thrown into any street, court, lane, alley, sewer inlet, vacant public lot, stormwater structure, public way, private property, or any area not designated as a lawful disposal site.

(d) In the event any MSW spills or falls into a street, public way, court, lane, or alley during the process of collection, it shall be deemed the responsibility of the collector to immediately correct such conditions.

(e) MSW shall be completely emptied at a lawful disposal or recycling site as soon as possible after the completion of any daily collection route, and shall not be stored in MSW collection vehicles for a length of time exceeding 24 hours, excluding Sundays.

(f) Collection vehicles shall not be parked overnight anywhere other than in properly zoned locations. Parking of collection vehicles on the public right-of-way, other than temporary stops during the

collection route, is a violation of 109.1-6-2 (a).

(g) The following collection methods are prohibited unless specifically approved in writing by the Director:

- (1) Commingling refuse and recyclables in one collection container.
- (2) On-call service or collection of refuse or recyclables less frequently than once per week.
- (3) Collection of refuse or recyclables in an open-top container, other than white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.
- (4) Collection of yard waste in plastic bags (other than for purposes of disposal of invasive, noxious, or diseased vegetative material).

Amend Article 5 Collection of Solid Waste, Section 109.1-5-3 Solid Waste to be Collected, by revising it as follows:

Section 109.1-5-3. Solid Waste to be Collected.

(a) MSW generated by normal household or commercial activities from premises to which collection services are being provided shall be collected in accordance with the requirements of this Chapter.

(b) The following materials are not subject to the collection requirement of 109.1-5-3:

- (1) Dead animals and pets;
- (2) Manure;
- (3) Tree stumps;
- (4) Dirt, stone, rock, and brick;
- (5) Containerized liquids;
- (6) Friable asbestos;
- (7) Lead-acid batteries;
- (8) Appliances containing ozone-depleting chemicals;
- (9) Scrap metal and discarded appliances that are over 50 pounds in weight or 48 inches in length; and
- (10) Poisons, corrosives, flammables, explosives or other unacceptable or hazardous waste. It should be noted that items considered to be household hazardous waste (HHW) are subject to the collection requirements of 109.1-5-3.

(c) For materials required to be collected curbside under this Article: (1) materials too large for containers shall be collected if tied securely in bundles not exceeding four feet in length; and (2) no single container or bundle shall exceed 50 pounds gross weight.

(d) The base price for any collection contract shall include the minimum level of service unless otherwise approved by the Director. The minimum level of service for collection by material type shall be as follows:

- (1) *Refuse*: For residential customers, weekly removal of all refuse that is set out

and prepared in accordance with Section 109.1-5-3(c). For non-residential customers, weekly collection is required unless specifically approved by the Director in writing.

- (2) *Recyclable Materials*: weekly removal of all recyclable materials from residential and non-residential customers properly prepared and set out. Other collection frequencies may be adopted for containerized and non-residential recycling service through application for and approval of an alternative recycling system.
- (3) *Yard waste from single-family and townhouse residential units, including brush*, from March 1 to December 24, weekly removal for recycling of up to ten individual paper bags, reusable containers, or bundles. ~~Brush~~Yard waste may be limited to individual pieces or bundles of no greater than 50 pounds in weight, four feet in length, and no piece larger than six inches in diameter. Yard waste set out for collection shall not be placed in plastic bags. Outside this period, yard waste may be collected with refuse.
- (4) *Christmas trees from single-family and townhouse residential units*: removal and recycling of all trees of less than 8 feet in length that are set out during the first two weeks of January.
- (e) Nothing in this Chapter shall preclude the collector from providing a higher level of service than required, with regard to frequency, quantity, size, material type, or other factor.
- (f) All MSW collected by the collector, upon being loaded into the collection vehicle, shall become the property of the collector.

Amend Article 5 Collection of Solid Waste, Section 109.1-5-5 Collection Points and Set-Out Restrictions, by revising it as follows:

Section 109.1-5-5. Collection Points and Set-Out Restrictions.

- (a) Set-out of **residential** refuse and recycling shall comply with the following:
 - (1) Containers for residential use shall be stored upon the residential premises.
 - (2) The outside storage of refuse and recyclables in plastic bags with closed tops for not more than 12 hours is allowed by residential customers only.
 - (3) Loose, bulky non-putrescible materials which are too large to fit into mechanically dumped containers may be set out, provided that they are: 1) securely bundled; or 2) completely contained and adequately secured to prevent leakage or spillage; and, 3) individual bundles, bags, boxes or other containers do not exceed four feet in length and 50 pounds in weight.
 - (4) ~~Yard waste may only be set out in bags, reusable containers, or in piles as instructed by the company which will be collecting them.~~ Yard waste shall be set out in paper yard waste bags, reusable containers, other storage devices as approved by the Director, or bundled with string as instructed by the collection provider, and shall not weigh more than fifty pounds. Yard waste shall not be placed in plastic bags.
 - (5) Recyclable materials shall be set out separately from MSW intended for disposal and contained so as to prevent leakage or spillage but not to preclude visual identification and inspection. Recycling shall be set out as described in subsections (3) and (4) above. Individual containers, bundles, bags, and/or boxes of recyclable materials set out for collection shall not exceed four feet in

length and 50 pounds in weight.

- (6) On each scheduled collection day, residential refuse and recyclables shall be placed at the curb line or at a point on the property line at the edge of pavement or terminal point of a pipestem driveway easement, adjacent to the public right of way where the collection vehicle stops. Residential refuse and recyclables shall not be set out for curbside collection on any sidewalks or any other portion of the public right of way where they could interfere with pedestrians or vehicular traffic.
 - (7) If MSW placed at the curb or in the public right-of-way by a residential customer is not picked up within ten days, the County may remove them and recover the costs of removal.
- (b) Set-out of **non-residential** refuse and recycling shall comply with the following:
- (1) All containers shall be stored upon private property, at points which shall be well drained and fully accessible to collection vehicles and to public health inspection, fire inspection, and solid waste inspection personnel, in addition to complying with Section 109.1-5-6.
 - (2) Non-residential customers are only permitted to store refuse and recyclables outdoors inside of an approved container as described in Section 109.1-5-6. Non-residential customers are not permitted to store refuse or recyclables in bags, boxes or bundles outside unless specifically approved in writing by the Director.
 - (3) Recyclable materials shall be set out separately from MSW intended for disposal and contained as described in Section 109.1-5-6 so as to prevent leakage or spillage but not to preclude visual identification and inspection. Co-collection of recyclables and refuse in a single container is not permitted and does not comply with the recycling requirements in Article 2 of this Chapter.
 - (4) If MSW placed at the curb or in the public right-of-way by a non-residential customer is not picked up within ten days, the County may remove it and recover the costs of removal from the customer, collection company and/or designee.

Amend Article 5 Collection of Solid Waste, Section 109.1-5-6 Collection Containers and Vehicles, by revising it as follows:

Section 109.1-5-6. Collection Containers and Vehicles.

- (a) Containers (including compactors, front-end containers and roll-off containers) used to collect refuse and recycling shall comply with the following:
 - (1) All refuse containers shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the disposed materials contained therein and must be closed when not in use.
 - (2) Any dumpster, front-loading container, compactor or wheeled cart provided for collection of recycling shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the recyclables contained therein but not to preclude visual identification and inspection and must be closed when not in use.
 - (3) Collectors who provide refuse and/or recycling containers shall be responsible for maintaining up-to-date name and contact information on these containers. Where a collector chooses to change this information, the collector must either correct the changes on every container (except containers used for collection at single-family homes or townhouses), or remove that container from service. Collectors

may not charge a fee for updating containers in this manner.

- (4) Open-top containers may not be used to collect, store, or transport refuse or any other putrescible items. Open-top containers may not be used for recyclables except per 109.1-5-2 (g)(3).
 - ~~(5) Yard waste may only be set out in bags, reusable containers, or in piles. —as according to Section 109.1-5-5 (a) (4).~~
 - (56) All roll-off containers and compactors shall have safety reflectors affixed to both sides and ends of container. Safety reflector requirements for said roll-off container or compactor shall include the use and/or combination of reflective tape, reflective paint, or reflective glass
 - (67) All solid waste collection containers with a capacity of two cubic yards or larger and are used for the collection of solid waste shall be clearly marked with the owner's name and telephone number and the type of material acceptable for the container.
 - (78) In the event of refuse or recycling collection service cancellation by a customer, the owner of the refuse or recycling collection container shall be responsible for removing the container(s). All such containers shall be removed within ten business days of customer service cancellation. Any container which is not removed within ten business days of service cancellation shall be deemed abandoned and subject to removal by the County. The Director must make a reasonable attempt to notify the owner of the container prior to removal by the County. Containers removed by the County will be emptied, and stored at the owner's expense, including the cost for disposal of waste contained therein, and may not be reacquired until all such expenses have been paid. Any container not reacquired within 30 days will be forfeited to the County of Fairfax and sold at public auction or added to the County's assets.
 - (89) The County can require the owner of any container to remove that container if it is found to create a nuisance, traffic impediment or adversely affect public health or safety. If after making a reasonable attempt to notify the owner of this requirement the Director is unable to contact the owner, or if the owner fails to remove the container after notification of such requirement, the County may remove, empty and store the container at the owner's expense, including the cost for disposal of waste contained therein, and the container may not be reacquired until all such expenses have been paid. Any container not reacquired within 30 days will be forfeited to the County of Fairfax and sold at public auction or added to the County's assets.
- (b) All vehicles used to collect refuse and recycling shall comply with the following:
- (1) All collection vehicles to be used in the collection of MSW must have a collection vehicle permit (see Article 4).
 - (2) All collection vehicles for which a collection vehicle permit is being sought must be designed and manufactured specifically for the collection of MSW.
 - (i) Design and manufacture shall include a completely enclosed and watertight truck body with automatic dumping capabilities, and additional requirements as determined by the Director in the collection vehicle inspection and as described in this Chapter and in the Fairfax County Solid Waste Management Program Permit Manual.
 - (ii) All collection vehicles shall display the current name and telephone number of the company operating the vehicle.
 - (iii) Vehicles permitted to collect recyclables must be clearly identified as such. Such signage shall be removed if the vehicle is used to collect

refuse.

- (iv) The Director may consider the use of vehicles not specifically manufactured for the collection of MSW under emergency conditions or for other reasons as determined by the Director. The vehicles must receive a temporary vehicle permit prior to being put into service.
- (3) All collection vehicles to be used in the collection of MSW shall be maintained in a manner that prevents spillage of the types of MSW to be collected therein, and provides proper control of odors, vermin, and liquid waste leakage.
- (4) No collection vehicles of any type are required to enter into any pipestem driveway for the purpose of conducting refuse or recycling collection operations or turning around.

Amend Article 7 Disposal of Solid Waste, Section 109.1-7-1 Disposal Site Designation, by revising it as follows:

Section 109.1-7-1. Disposal Site Designation.

- (a) All refuse collected under the provisions of this Chapter shall be disposed of only at disposal sites designated by the Director.
- (b) It shall be unlawful for any person to dispose of MSW in or at any disposal site other than those designated by the Director pursuant to paragraph (a) above. This provision shall not apply to the occupants of single-family residences or family farms disposing of their own MSW if such occupants have paid the fees, rates and charges of other single-family residences and family farms in the same service area.
- (c) Nothing contained in previous subsections shall be deemed applicable to:
 - (1) Garbage, trash, and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or refuse-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.
 - (2) Recyclable materials which are those materials that have been source-separated ~~by any person~~ or materials that have been separated from garbage, trash, and refuse ~~by any person~~ for utilization ~~in both cases~~ as a raw material to be manufactured into a new product other than fuel or energy. ~~except that yard ,~~ ~~Yard~~ waste must be delivered to a yard waste management facility legally permitted to operate in the Commonwealth of Virginia.
 - (3) Construction/demolition debris to be disposed of in a landfill.
 - (4) Waste oil.
- (d) All MSW disposed of at solid waste management facilities operated by the County of Fairfax shall become the property of the County.

This amendment shall become effective upon adoption.

GIVEN under my hand this 24th day of February, 2021.

Jill G. Cooper
Clerk for the Board of Supervisors