

**YORK COUNTY
SOLID WASTE AND REFUSE AUTHORITY

RECYCLABLE MATERIALS
REGISTRATION RULES AND REGULATIONS**

PREAMBLE

The Authority hereby determines, declares and finds that it is in the best interest of the health, safety and welfare of the citizens of York County to adopt the following Rules and Regulations with respect to the collection, transportation, processing and marketing of Recyclable Materials in York County. All capitalized terms herein shall have the meaning specified in the Definitions section of these Rules and Regulations. These Rules and Regulations are adopted by the Authority pursuant to the authority granted by the provisions of Act 101 and the regulations promulgated pursuant thereto, Ordinance 89-4 and the Delegation Agreement, and in furtherance of the Authority's obligation to implement and enforce the provisions of the York County Municipal Waste Management Plan Revision and meet the requirements of Federal and Laws of the Commonwealth of Pennsylvania. These Rules and Regulations are designed to facilitate the Authority's ability to satisfy its obligation to obtain certain information with respect to the activities of Persons engaged in the collection, transportation, processing and marketing of Recyclable Materials, and encourage the recycling of Recyclable Materials consistent with the requirements of the Plan.

DEFINITIONS

As used in these Rules and Regulations, the following terms shall have the meanings set forth below:

"Act 101" shall mean the Municipal Waste Planning, Recycling and Waste Reduction Act, P.S. 4000.101, et seq., as amended or supplemented, including any regulations promulgated pursuant thereto.

"Authority" shall mean the York County Solid Waste and Refuse Authority, a body corporate and politic organized and existing under the laws of the Commonwealth of

Pennsylvania, with offices at 2700 Blackbridge Road, York, Pennsylvania 17406, or such other location as may be established subsequently.

"Center" shall mean the York County Resource Recovery Center, owned by the Authority, and located at 2651 Blackbridge Road, York, Pennsylvania 17406.

"Collection and Transportation" shall mean taking possession of Recyclable Materials from the point of generation and moving it through means of a motor vehicle to a Recycling Facility. This includes recycling brokers who act as an agent for compensation to arrange and effect contracts with generators and haulers for Collection and Transportation of Recyclable Materials whether or not the recycling broker takes possession of the subject Recyclable Materials.

"Commonwealth" shall mean the Commonwealth of Pennsylvania.

"County" shall mean the County of York, Pennsylvania.

"Delegation Agreement" shall mean that certain Agreement Defining Municipal Waste Management, Disposal, and Recycling Responsibilities of the York County Solid Waste and Refuse Authority on Behalf of the County of York, dated July 12, 1989, by and between the County and the Authority, as amended or supplemented.

"Designated Disposal Site" shall mean those permitted Municipal Waste disposal or processing facilities designated from time to time by the Executive Director consistent with the terms and conditions of the Plan.

"Executive Director" shall mean the office of the Executive Director established by the Authority, including all staff authorized and established by the Authority from time to time, for the purpose of operating and administering any and all facilities and/or activities undertaken or directed by the Authority.

"Leaf Waste" shall mean waste that is primarily leaves but does not include Yard Waste as defined in these Rules and Regulations.

"Local Agency Law" shall have the meaning ascribed to such term in Section 105 of the Pennsylvania Administrative Law and Procedure Act, 2 Pa. Con. Stat. Section 101 et seq. as amended or supplemented.

"Municipal Waste" shall have the meaning ascribed to such term in Act 101, but shall not include Recyclable Materials.

"Ordinance" shall mean Ordinance No. 89-4, adopted by the County on August 30, 1989, entitled the "York County Waste Flow Control Ordinance" as amended or supplemented.

"Plan" shall mean the York County Municipal Solid Waste Management Plan, dated February 20, 2014, as hereafter amended or supplemented.

"Person" shall mean any individual, company, partnership, municipality or other entity.

"Processing or Marketing" shall mean the act of processing Recyclable Materials at a Recycling Facility, or the marketing or brokering of Recyclable Materials.

"Recorded Offense" shall mean any violation or violations of these Rules and Regulations, the Standards promulgated pursuant hereto, Act 101 or the Plan, to which the Registrant stipulates or which the Hauler Registration Committee finds to have occurred pursuant to the provisions of Part IV of these Rules and Regulations.

"Recycle" or "Recycling" shall mean the collection, separation, recovery and sale or reuse of Recyclable Materials which would otherwise be disposed or processed as municipal waste.

"Recycling Facility" shall mean a facility that processes, separates or classifies Municipal Waste or Recyclable Materials, and produces or recovers materials or goods that can be sold.

"Recyclable Materials" shall have the meaning specified for the terms "source-separated recyclable materials" in Act 101, "covered device" in Act 108 (CDRA), and shall also include Leaf Waste, Yard Waste, and any other material that is collected, separated or recovered for sale which would otherwise be disposed or processed as Municipal Waste.

"Recycling Process Residue" shall mean material that remains after the processing of Recyclable Materials at a Recycling Facility.

"Registrant" shall mean the owner or holder of a Registration.

"Registration" shall mean those Recyclable Materials registrations issued by the Authority in accordance with Parts I through III of these Rules and Regulations, and pursuant to Act 101, the Ordinance, the Delegation Agreement, and the Plan.

"Registration Committee" shall mean a three (3) member committee, comprised of members of the Authority, that shall have the responsibilities assigned to it and shall operate in accordance with the provisions of Part IV of these Rules and Regulations.

"Standards" shall mean those standards established and amended or modified from time to time by the Executive Director in furtherance of the administration and enforcement of Registrations issued by the Authority pursuant to and in accordance with Parts I and II of these Rules and Regulations.

"Written Notification" shall mean the written notice to a Registrant issued by the Executive Director pursuant to Part IV of these Rules and Regulations.

"Yard Waste" shall mean waste that is primarily garden residue, shrubbery and tree trimmings, grass clippings, and other woody debris, but not including Leaf Waste as defined in these Rules and Regulations.

With respect to terms generally, whenever the context may require, any pronoun shall include the corresponding masculine, feminine and gender neutral forms. The words "include", "includes" and "including" shall be deemed to be followed by the phrase "without limitation". The definitions in these Rules and Regulations apply equally to both singular and plural forms of the terms defined.

PART I - COLLECTION AND TRANSPORTATION OF RECYCLABLE MATERIALS

Section 1.01. Registration Requirements

(a) All Persons engaged in the Collection and Transportation of Recyclable Materials generated in the County shall obtain a Registration issued by the Authority pursuant to these Rules and Regulations. Failure of any such Person to obtain and maintain a Registration shall constitute a violation of the Rules and Regulations, the Ordinance and the Plan, and will subject such Person to any or all of the enforcement remedies specified herein or in any other applicable laws including, but not limited to, Act 101.

(b) Failure to comply with the conditions and requirements of these Rules and Regulations may subject a Registrant to the imposition of fines and penalties specified in Part IV hereof and such other remedies as may be available under the laws of the Commonwealth of Pennsylvania for violations of the Plan, Act 101 or any other applicable law.

(c) The requirements of this Section 1.01 may be waived by the Executive Director, at his sole discretion, if (i) it is determined by the Executive Director in a specific case or cases that due to unusual circumstances it is not practical or possible to register a Collector and Transporter of Recyclable Materials generated in the County, provided such waiver is limited to the period of time that such circumstances remain in effect; or (ii) the

Executive Director is satisfied that the Person to whom such waiver is given is not regularly engaged in the Collection and Transportation of Recyclable Materials generated in the County.

Section 1.02. Registration Application Procedure. Any Person seeking a Registration pursuant to this Part I of these Rules and Regulations shall comply with the administrative procedures, including the application procedure set forth in Part III of these Rules and Regulations.

Section 1.03. Terms and Conditions of Registration. Any Registration issued or renewed pursuant to Part I of these Rules and Regulations shall be subject to the Registrant's compliance with the following terms and conditions:

(a) Such Registration shall expire on December 31st of the calendar year for which such Registration has been issued regardless of the date such Registration was issued.

(b) The Registrant shall deliver Recyclable Materials only to Recycling Facilities or to end users for reuse;

(c) The Registrant shall comply with all applicable Federal, Commonwealth or County laws, ordinances, and rules and regulations, as currently in effect or established in the future, governing the Collection and Transportation of Recyclable Materials generated in the County;

(d) The Registrant shall comply with the requirements of these Rules and Regulations and the Standards, as currently in effect or established in the future;

(e) The Registrant shall respond, in writing and within not more than ten (10) days following receipt of (i) any request for information by the Executive Director with respect to the Registrant's operations in the County, and (ii) any notification issued by the Executive Director pursuant to Part IV of these Rules and Regulations or Standards promulgated hereunder, or any of the terms and conditions of the Registration, the Plan or Act 101;

(f) No Registration or decal issued by the Authority pursuant to this Part I of these Rules and Regulations shall be transferable or assignable by the Registrant to any other Person.

Section 1.04. Standards. The Executive Director is hereby authorized to promulgate, and from time to time, revise or supplement, written Standards governing operation, administration or enforcement with respect to Registrations and decals issued pursuant to Part I of these Rules and Regulations. Such written Standards, as well as revisions or supplements to

them, shall not be effective until fourteen (14) days or such longer period as specified by the Executive Director, following the date of transmittal of written notification of the Standards to all current Registrants by regular mail.

PART II - PROCESSING OR MARKETING OF RECYCLABLE MATERIALS

Section 2.01. Registration Requirements

(a) All Persons in the County engaged in the Processing or Marketing of Recyclable Materials generated in the County shall obtain a Registration issued by the Authority pursuant to these Rules and Regulations. Failure of any such Person to obtain and maintain a Registration shall constitute a violation of these Rules and Regulations, the Ordinance and the Plan, and will subject such Person to any or all of the enforcement remedies specified in these Rules and Regulations or in any other applicable laws including, but not limited to, Act 101.

(b) Failure to comply with the conditions and requirements of these Rules and Regulations may subject a Registrant to the imposition of fines and penalties specified in Part IV of these Rules and Regulations and such other remedies as may be available under Laws of the Commonwealth of Pennsylvania for violations of the Plan, Act 101 or any other applicable law.

(c) The requirements of this Section 2.01 may be waived by the Executive Director, at his sole discretion, if (1) it is determined by the Executive Director in a specific case or cases that it is not practical or possible to register a processor, marketer of Recyclable Materials generated in the County, provided such waiver is limited to the period of time that such circumstances remain in effect; or (ii) the Executive Director is satisfied that the Person to whom such waiver is given is not regularly engaged in the Processing or Marketing of Recyclable Materials generated in the County.

Section 2.02. Registration Application Procedure. Any Person seeking a Registration pursuant to Part II of these Rules and Regulations shall comply with the administrative procedures, including the application procedure set forth in Part III of these Rules and Regulations.

Section 2.03. Terms and Conditions of Registration. Any Registration issued or renewed pursuant to Part II of these Rules and Regulations shall be subject to the Registrant's compliance with the following terms and conditions:

(a) A Registration issued pursuant to Part II of these Rules and Regulations shall expire on December 31st of the calendar year for which such Registration has been issued regardless of the date such Registration was issued;

(b) The Registrant shall ensure that all Recyclable Materials are Recycled;

(c) The Registrant shall dispose of Recycling Process Residue only at a Designated Disposal Site;

(d) The Registrant shall comply with all applicable Federal, Commonwealth or County laws, ordinances, and rules and regulations, now or hereafter in effect, governing the Processing or Marketing of Recyclable Materials processed or marketed in the County;

(e) The Registrant shall comply with the requirements of these Rules and Regulations and the Standards, as currently in effect or established in the future;

(f) The Registrant shall respond, in writing and within not more than ten (10) days following receipt of (i) any request for information by the Executive Director with respect to the Registrant's operations in the County, and (ii) any notification issued by the Executive Director pursuant to Part IV of these Rules and Regulations, the Standards, or any of the terms and conditions of the Registration, the Plan or Act 101;

(g) No Registration issued by the Authority pursuant to Part II of these Rules and Regulations shall be transferable or assignable by the Registrant to any other Person.

Section 2.04. Standards. The Executive Director is hereby authorized to promulgate, and from time to time, revise or supplement, written Standards governing operation, administration or enforcement with respect to Registrations issued pursuant to Part II of these Rules and Regulations. Such written Standards, as well as revisions or supplements to them, shall not be effective until fourteen (14) days, or such longer period as specified by the Executive Director, following the date of transmittal of written notification of the Standards to all current Registrants by regular mail.

PART III - ADMINISTRATIVE ACTIVITIES

Section 3.01. Administration. The Authority, by and through its Executive Director, shall administer all Registrations.

Section 3.02. Registration Application Procedures. Any Person seeking a Registration pursuant to Parts I or II of these Rules and Regulations must submit the appropriate completed Registration application in the form specified by the Authority. The completed Registration application must include, at a minimum, the following information as well as such additional information as may be specified in any Standards promulgated hereunder:

(a) Name of applicant, street address, and mailing address of principal place of business. Partnerships, corporations or other business entities shall furnish names and mailing addresses of principal owners, officers, managers and supervisors having primary responsibility for the entity's transportation, collection, Processing or Marketing operations in the County;

(b) A description of all transportation or collection vehicles owned, leased, or controlled by the applicant which are reasonably expected to be utilized in the collection or transportation of Recyclable Materials generated in the County;

(c) No Registration application shall be considered complete unless it is signed by an authorized representative or agent of the applicant and accompanied by a resolution or letter of certification by or on behalf of the applicant affirming that (i) the information contained in the Registration application is true and accurate and contains no material errors or omissions, and (ii) the applicant agrees to operate its business in accordance with the requirements of the Registration, any applicable statutes, ordinances, orders, rules and regulations and standards of the Commonwealth, the County, or the Authority, and in accordance with all applicable provisions of the Plan, Act 101 and Federal law, and (iii) the individual signing the application for a Registration has been duly authorized to act on behalf of the Registrant.

(d) Execution of the application shall obligate the Registrant to comply with the terms and conditions of the Registration issued by the Authority, these Rules and Regulations and any Standards promulgated hereunder, the Plan, the Ordinance and Act 101.

Section 3.03. Consideration of Application. Within thirty (30) days of receipt of a Registration application pursuant to Parts I through III of these Rules and Regulations, the Executive Director shall determine whether the application is complete. If an application is determined to be incomplete, the Executive Director shall notify the applicant and shall not take any further action with respect to issuance or denial of a Registration until said application has been completed. If the applicant fails to complete the application to the satisfaction of the

Executive Director within fifteen (15) days after notice by the Executive Director that such application is incomplete, the application will be deemed denied by the Executive Director. Upon a determination by the Executive Director that an application is complete, it shall be approved or denied consistent with Part III of these Rules and Regulations, and written notice of such approval or denial shall be provided to the applicant.

Section 3.04. Issuance of Registration. Upon approval by the Executive Director of a Registration application, a Registration shall be issued to the applicant.

Section 3.05. Denial of Registration. An application may be denied by the Executive Director in his discretion if, among other things, (i) the application contains any inaccurate information or any omission of any information required to be provided by the applicant, (ii) the applicant has repeatedly violated the terms and conditions of any previous Registration including failure to provide applicable information to the Authority on a timely basis as required by these Rules and Regulations and the Standards promulgated hereunder, or (iii) the applicant, or any Person owned or controlled by the applicant or owning or controlling the applicant has been issued a Registration which is currently suspended by action of the Authority, or was issued a Registration which has been revoked by the Authority within one (1) year preceding the date of such new application. Upon denial of any application, the Authority shall provide written notice thereof to the applicant and, the applicant shall be entitled to request a review of such decision by the Registration Committee, within 14 days of receipt of the written notice. Review of the denial will be conducted in accordance with the provisions of Part IV of these Rules and Regulations.

Section 3.06. Renewal of Registration. No Registration shall be automatically renewed unless the Registrant has provided a written certification that the information contained in its most recent Registration application is true and correct and has not materially changed since the date of such application and that the Registrant has completed and submitted all information required by any Standards in a timely fashion.

Section 3.07. Amending Applications. A Registrant shall amend, supplement or update any information contained in its application within thirty (30) days following any material change in such information. Material changes include, but are not limited to, the use of additional or new collection or transportation vehicles by the Registrant.

Section 3.08. Additional Administrative Activities. The Executive Director shall perform all administrative functions and duties with respect to all Registrations issued pursuant

to Parts I and II of these Rules and Regulations. Such administrative activities shall include, but are not limited to, the following:

- (a) Notification to Registrant of Designated Disposal Sites for Recycling Process Residue;
- (b) Monitoring compliance by Registrant with the terms and conditions of the Registrations issued hereunder;
- (c) Issuance and renewal of Registrations;
- (d) Presentation of information to the Registration Committee or the Authority in connection with enforcement actions resulting from any violations of these Rules and Regulations or Standards promulgated hereunder, or of the terms and conditions of a Registration, the Plan or Act 101;
- (e) Performance of such other administrative functions and duties with respect to the issuance or renewal of Registrations or the enforcement of the terms and conditions of such Registrations, as the Authority shall deem necessary.

PART IV - ENFORCEMENT AND HEARINGS

Section 4.01. General Responsibility. The Authority shall be responsible for the conduct of enforcement proceedings with respect to any violation of these Rules and Regulations including any violation of the terms and conditions of any Registration issued pursuant hereto, any Standards promulgated hereunder, the Plan or Act 101, including the imposition of fines and penalties, and/or authorizing the initiation of any other civil or criminal remedy for violations of these Rules and Regulations.

Section 4.02. Action By The Executive Director. The Authority, by and through its Executive Director, shall enforce all Registrations. Such enforcement activities shall include, but are not limited to, the following:

- (a) Investigating or causing to be investigated, alleged violations by any Person or Registrant of the terms and conditions of its Registration, or these Rules and Regulations, any Standards promulgated hereunder, the Plan, or Act 101;
- (b) If the Executive Director has reason to believe that a Registrant has violated the terms and conditions of its Registration, these Rules and Regulations, any Standards promulgated hereunder, the Plan, or Act 101, the Executive Director shall send to such Registrant, by registered mail, a Written Notification setting forth in reasonable detail the alleged

violation or violations. The Registrant shall respond in writing within ten (10) days of receipt of the Written Notification unless the time for such response is extended at the sole discretion of the Executive Director. Following such further investigation as the Executive Director deems necessary including a review of the response submitted by the Registrant, the Executive Director shall: (i) determine that no further action is required in which event the Executive Director shall communicate such finding in writing to the Registrant; (ii) enter into a stipulation agreement in which the Registrant agrees, among other things, to findings of fact regarding any violation or violations, to take any remedial action required by the Executive Director, pay any fines or penalties consistent with the provisions of Section 4.04, and stipulate that one or more Recorded Offenses have occurred; or (iii) after communicating such decision to the Registrant in writing, refer the matter to the Registration Committee for further action with a written summary consisting of, among other things, the Executive Director's findings of facts and recommendation as to the assessment of any fines, penalties or other sanctions against the Registrant, which may include suspension or revocation of its Registration, and/or whether such matter should be referred to other Federal, Commonwealth or County agencies for additional action.

Section 4.03. Action By The Registration Committee. The Registration Committee, at a public meeting, shall consider any matter referred to it by the Executive Director pursuant to the provisions of Section 4.02 or any appeal by an applicant of the denial of a Registration pursuant to Section 3.06. Such meeting shall be: (i) for an action arising under Section 4.02, no less than fifteen (15) days after reasonable written notice is given to the Registrant; and (ii) for a request for review of a registration denial under Section 3.06, no less than five (5) days and no more than thirty (30) days following the applicant's request for review. The Executive Director shall be responsible for the presentation of information in support of the Executive Director's position with respect to such matter and the reasons for the Executive Director's recommendations with respect to any fines, penalties or other sanctions or actions. The Registrant or the applicant shall be entitled to a reasonable opportunity to be heard and to present mitigating information, if any, prior to any decision by the Registration Committee. Within fourteen (14) days following such meeting, the Registration Committee shall set forth in writing its findings and such other grounds as may be appropriate upon which the Registration Committee's decision is based, a finding, if applicable, of one or more Recorded Offenses and/or the amount of any fines and penalties to be paid by the Registrant which shall be assessed in accordance with Section 4.05, and/or a recommendation to the Authority that the underlying

Registration should be suspended or revoked. In the event that the Registration Committee determines that the Registration should be suspended or revoked, the Committee shall recommend such action to the Authority consistent with the provisions of Section 4.04. Except as to a determination of whether to suspend or revoke a Registration, any action taken pursuant to this Section 4.03 by the Registration Committee shall be considered final Authority action.

Section 4.04. Action By The Authority; Revocation or Suspension Hearing. In the event that the Registration Committee recommends suspension or revocation of a Registration, the Authority shall, upon receipt of such recommendation from the Registration Committee, conduct a proceeding in accordance with the provisions of this Section 4.04 to consider whether to suspend or revoke any such Registration. Such proceeding shall be a public Authority meeting convened and conducted in accordance with Laws of the Commonwealth of Pennsylvania. Local Agency Law shall be applicable with respect to any such hearing, and at the request of the Registrant all testimony given at the hearing shall be stenographically recorded and a full and complete record of the hearing shall be kept. The Registrant shall be provided prior reasonable notice, which shall be not less than fourteen (14) days, of the date of the Authority's consideration of such revocation or suspension and the Registrant shall be entitled to a reasonable opportunity to be heard and to present evidence or testimony to the Authority prior to the Authority's determination with respect to such suspension or revocation. Within fourteen (14) days following such proceeding, the Authority shall set forth in writing its findings and such other grounds as may be appropriate upon which the Authority's decision was based. Any action taken by the Authority pursuant to this Section 4.04 shall be considered final Authority action.

Section 4.05. Fines and Penalties; Other Sanctions.

(a) If it is determined that the Registrant has committed a Recorded Offense or otherwise violated the terms and conditions of its Registration, these Rules and Regulations, the Standards promulgated hereunder, Act 101 or the Plan, the Registrant shall be subject to the following, in the discretion of the Executive Director:

(i) the first Recorded Offense or any Recorded Offense that occurs more than one year following any previous Recorded Offense, shall be punishable by a fine of not more than one hundred dollars (\$100) or suspension of the Registration for a period of not more than six (6) months, or both;

(ii) any Recorded Offense that occurs within one year following a previous Recorded Offense shall be punishable by a fine of not more than five hundred dollars (\$500) or suspension of the Registration for a period of not more than one (1) year, or both.

(b) Nothing in these Rules and Regulations shall be construed to limit the ability of the Authority to pursue any civil or criminal enforcement remedies as may be available under any applicable provisions of Federal, Commonwealth or County law for violations of, among others things, the Plan and/or Act 101.

Section 4.06. Recorded Offenses as Separate Violations. Each failure to comply with any provision of a Registration, these Rules and Regulations or the Standards promulgated hereunder, the Plan or Act 101, and each day that such failure continues, is a separate Recorded Offense.

PART V - MISCELLANEOUS PROVISIONS

Section 5.01. Severability. If any portion of these Rules and Regulations is found unconstitutional, inoperative or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions of these Rules and Regulations.

Section 5.02. Payment of Fines and Penalties. All fines and penalties imposed or assessed upon any Registrant pursuant to these Rules and Regulations shall be payable to the Authority in full within fifteen (15) days of such imposition or assessment. Any fines or penalties remaining unpaid after such period shall bear interest at the maximum rate permitted under Laws of the Commonwealth of Pennsylvania.