

## **Article II — Definitions**

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## **Article II — Definitions**

### **§ 67-201 In General.**

For purposes of this Chapter, the terms defined in the remaining sections of this Article II shall have the meanings indicated, whether with or without initial capital letters, unless the context in which they are used clearly indicates a different meaning.

### **§ 67-202 Borough.**

The term “Borough” shall mean the Borough of Alburtis, Lehigh County, Pennsylvania. Depending on the context, the term shall either refer to the geographic area included within the boundaries of the Borough, or the municipal corporation.

### **§ 67-203 Collectible Municipal Waste.**

The term “collectible municipal waste” shall mean all municipal waste except:

- (a) Unacceptable waste; and
- (b) Source-separated recyclable materials, whether separated for recycling under a program operated or contracted by the Borough or under any other recycling program.

### **§ 67-204 Collectible Recyclable Materials.**

The term “collectible recyclable materials” shall mean any recyclable materials included in a voluntary or mandatory recycling program established by the Borough and operated by or on behalf of the Borough or its Contractor.

### **§ 67-205 Construction and Demolition Debris.**

The term “construction and demolition debris” shall mean wastes generated by construction or demolition operations, which may include, without limitation, concrete, dirt, stones, bricks, plaster, wood, shingles, and pipe.

### **§ 67-206 Contractor.**

The term “Contractor” shall mean the person serving, at any given time, as the contractor of the Borough for the collection, transportation, and disposition of collectible municipal waste and/or other refuse under the provisions of this Chapter.

**§ 67-207 Hazardous Waste.**

The term “hazardous waste” shall mean any material or substance which, by reason of its quantity, concentration, composition, or characteristics, is:

(a) “hazardous waste” within the meaning of the Solid Waste Management Act, 35 PA. STAT. ANN. § 6018.101, *et seq.*;

(b) toxic or hazardous waste as defined in the Solid Waste Disposal Act, 42 U.S.C. § 6901, *et seq.*, and the regulations thereunder;

(c) material regulated by the Toxic Substance Control Act, 15 U.S.C. § 2601, *et seq.*, and the regulations thereunder; or

(d) special nuclear by-products material within the meaning of the Atomic Energy Act of 1954, 42 U.S.C. § 2011, *et seq.*, and the regulations thereunder.

**§ 67-208 Household Hazardous Waste.**

The term “household hazardous waste” shall mean any waste that would be considered hazardous under the Solid Waste Management Act, 35 PA. STAT. ANN. § 6018.101, *et seq.*, but for the fact that it is produced in quantities smaller than those regulated under that Act and is generated by persons not otherwise covered by that Act (*e.g.*, household paints, antifreeze, bleach, cleaners, polishes, insecticides, pesticides, disinfectants, chemicals, and batteries).

**§ 67-209 Infectious or Chemotherapeutic Waste.**

The term “infectious or chemotherapeutic waste” shall mean any waste considered as “infectious” or “chemotherapeutic” waste under the Act of July 13, 1988, No. 93, 1988 Pa. Laws 525, as amended, 35 PA. STAT. ANN. § 6019.1, *et seq.*

**§ 67-210 Leaf Waste.**

The term “leaf waste” shall mean leaves, garden residues, shrubbery, and tree trimmings, and similar material, but not including grass clippings or Christmas trees.

**§ 67-211 Municipal Waste.**

The term “municipal waste” shall mean any garbage, refuse, and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments, or from community activities, including grass clippings which are not being composted or used for mulch; any industrial lunchroom or office waste; and any sludge (other than sludge considered residual waste or hazardous waste) from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.

**§ 67-212 Person.**

The term “person” shall mean a natural person, firm, copartnership, association, church, school, institution, or corporation.

**§ 67-213 Recyclable Materials.**

The term “recyclable materials” shall mean any materials whose original use has been completed, and which would otherwise be discarded and disposed of or processed as municipal waste, but which can be processed or treated to create or recover reusable materials that can be sold to or reused by a manufacturer or other person as a substitute for or a supplement to virgin raw materials. Recyclable materials include, without limitation, newsprint, corrugated paper, high grade office paper, plastics, leaf wastes, clear glass, colored glass, steel and bimetal cans, aluminum, and grass clippings.

**§ 67-214 Refuse.**

The term “refuse” shall mean municipal waste, residual waste, hazardous waste, and source-separated recyclable materials. However, leaf waste and/or grass clippings which are being composted or used for mulch shall not be considered “refuse”.

**§ 67-215 Residual Waste.**

The term “residual waste” shall mean any garbage, refuse, other discarded material, or other waste, including solid, liquid, semisolid, or contained gaseous materials, resulting from industrial, mining, or agricultural operations, and any sludge from an industrial, mining, or agricultural water supply treatment facility, waste water treatment facility, or air pollution control facility, provided that it is not hazardous. The term “residual waste” shall not include coal refuse as defined in the Coal Refuse Disposal Control Act, 52 PA. STAT. ANN. § 30.51, *et seq.* “Residual waste” shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Clean Streams Law, 35 PA. STAT. ANN. § 691.1, *et seq.*

**§ 67-216 Riff-raff.**

The term “riff-raff” shall mean all collectible municipal waste which is too large for collection in a twenty-one-gallon container, including, without limitation, Christmas trees, furniture, bedding, tanks, large appliances (such as stoves, refrigerators, washers, and dryers), large dead animals, etc.

### § 67-217 Source-separated Recyclable Materials.

The term “source-separated recyclable materials” shall mean recyclable materials that are separated from municipal waste at the point of origin for the purpose of recycling.

### § 67-218 Special Handling Waste.

The term “special handling waste” shall mean any municipal waste for which any governmental agency or unit having appropriate jurisdiction requires special approval (other than that generally required for municipal waste) prior to disposal in a permitted municipal waste disposal facility, including, without limitation, asbestos, sludge, and infectious or chemotherapeutic waste.

### § 67-219 Unacceptable Waste.

The term “unacceptable waste” shall mean any of the following materials, except for trace amounts normally found in household or commercial waste:

(a) Hazardous waste;

(b) Residual waste;

(c) Special handling waste;

(d) Infectious or chemotherapeutic waste, or any wearing apparel, bedding or refuse from premises where highly infectious or contagious diseases have prevailed;

(e) Used motor oil;

(f) Used lead acid batteries;

(g) Used tires, *but only* if the Borough Council shall adopt an Ordinance or Resolution finding that there is a reasonably accessible on-going program for recycling used tires generated in the Borough *and only* during the period that such an Ordinance or Resolution shall remain in force;

(h) Construction and demolition debris in excess of one C/D Unit from a given property on any single collection day. For purposes of this subsection, each of the following items shall constitute one “C/D Unit”:

(1) a plastic sack (plastic garbage bag) which is designed to store solid waste, has sufficient wall strength to maintain physical integrity when lifted by the top, does not weigh more than thirty-five (35) pounds, including the contents, and contains only construction and demolition debris or such debris mixed with other collectible municipal waste;

(2) a receptacle (garbage can) with a capacity less than thirty-five (35) gallons, constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting, having a tight fitting lid which is securely in place, having a mouth whose diameter is equal to or greater than that of the base, which does not weigh more than sixty (60) pounds, including the contents, and which contains only construction and demolition debris or such debris mixed with other col-

lectible municipal waste. Only the contents of the receptacle shall constitute a “C/D Unit”; the receptacle itself shall not be collected from the property;

(3) a single bundle of construction and demolition debris securely tied together and forming an easily handled package not exceeding four (4) feet in length, two (2) feet in width, and two (2) feet in height, and not exceeding sixty (60) pounds in weight;

(4) one single item of construction or demolition debris which is not placed in any container and which constitutes riff-raff;

(i) Free liquids, or liquids which are likely to be released from their containers during ordinary handling;

(j) Leaf waste;

(j.1) Grass clippings in excess of one GC Unit from a given property on any single collection day. For purposes of this subsection, each of the following items shall constitute one “GC Unit”:

(1) a plastic sack (plastic garbage bag) which is designed to store solid waste, has sufficient wall strength to maintain physical integrity when lifted by the top, does not weigh more than thirty-five (35) pounds, including the contents, and contains only grass clippings or grass clippings mixed with other collectible municipal waste;

(2) a receptacle (garbage can) with a capacity less than thirty-five (35) gallons, constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting, having a tight fitting lid which is securely in place, having a mouth whose diameter is equal to or greater than that of the base, which does not weigh more than sixty (60) pounds, including the contents, and which contains only grass clippings or grass clippings mixed with other collectible municipal waste. Only the contents of the receptacle shall constitute a “GC Unit”; the receptacle itself shall not be collected from the property;

(k) Newsprint;

(l) Collectible recyclable materials which the Borough Council, by Ordinance or Resolution, *requires* to be recycled (as opposed to those materials included in a purely voluntary recycling program operated by the Borough or its Contractor);

(m) Household hazardous waste, *but only* with respect to those wastes included in a household hazardous waste collection program established by the County of Lehigh, or within Lehigh County, which may be utilized by residents of the Borough, *and only* with respect to those household hazardous wastes designated as “unacceptable waste” by Ordinance or Resolution of Borough Council;

(n) Any highly flammable or explosive materials;

(n.1) Any item which must be specially prepared for disposition in accordance with applicable statutes, regulations, determinations, orders, rulings, ordinances, resolutions, plans, and/or permits, *unless* all required preparations have been completed at the expense of the person desiring to dispose of the item. (*Eg.*, Freon must be removed from refrigerators, air conditioners, and similar appliances, and an appropriate sticker must be applied to indicate that the Freon has been drained and disposed of properly.);

(n.2) A television, computer, or other “covered device”, or any component of a “covered device”, as defined in the Covered Device Recycling Act, Act of November 23, 2010, No. 108, Pa. Laws 1083, as amended, 35 PA. STAT. ANN. § 6031.101 *et seq.*;

(o) Any material that, by reason of its composition, characteristics, quantity, or concentration, is ineligible for disposal at the disposal facility(ies) selected by the Borough and/or the Contractor, pursuant to:

(1) the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901, *et seq.*, and the regulations thereunder;

(2) the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136, *et seq.*, and the regulations thereunder;

(3) the Federal Water Pollution Control Act, 33 U.S.C. § 1251, *et seq.*, and the regulations thereunder;

(4) the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.*, and the regulations thereunder;

(5) the Hazardous Sites Cleanup Act, 35 PA. STAT. ANN. § 6020.101, *et seq.*, and the regulations thereunder; or

(6) any other applicable statute, regulation, determination, order, ruling, ordinance, resolution, plan, or permit; and

(p) Any other material that presents an endangerment to the disposal facility described in subsection (o), the employees of the Borough or the Contractor, or to the public health or safety.