

BERKELEY COUNTY COMPREHENSIVE RECYCLING PLAN

This operational agreement shall be known and cited as the "Berkeley County Comprehensive Recycling Plan."

Purpose:

This Plan is enacted for the purpose of establishing and expanding a comprehensive recycling program as authorized by Chapter §22, Article 15A Section 17 of the Code of West Virginia, as amended, to encourage source separation of solid waste, to educate the public on the benefits of recycling, to reduce the need to utilize landfills for the county's waste stream, and to develop the recycling infrastructure within the county.

Section One:

It is the intent of the Berkeley County Commission that there be no mandatory recycling plan established in the county in the absence of voter petition and election as defined in West Virginia Code §22-15A-18(c)(3)(e); therefore, participation in this plan shall be voluntary.

Section Two:

The Berkeley County Solid Waste Authority may hire a recycling coordinator whose responsibility will be to manage the county comprehensive recycling program established under this Plan. The recycling coordinator shall report and be responsible to the Board of Directors of the Berkeley County Solid Waste Authority.

Section Three:

The Berkeley County Solid Waste Authority is hereby delegated the authority to implement the comprehensive recycling plan and to contract with such entities as it deems necessary to carry out the purposes of this Plan.

Section Four:

The Berkeley County Solid Waste Authority shall establish and implement a county recycling program. From time to time, the Berkeley County Solid Waste Authority shall report to the Berkeley County Commission on the effectiveness, including tonnages collected and participation levels of the recycling program and shall make recommendations to the Berkeley County Commission regarding any proposed amendment of this Plan to meet the recycling goals established by the West Virginia Legislature.

Section Five:

The Commission shall consider the report and recommendations of the Berkeley County Solid Waste Authority and shall take such further action as it deems necessary to

meet the recycling goals established by the West Virginia Legislature as defined in Chapter §22, Article 15A, Section 16 of the Code of West Virginia, as amended.

Section Six:

In the establishment and implementation of the county recycling plan, the Berkeley County Solid Waste Authority shall provide for the collection of the following recyclables:

1. Aluminum cans;
2. Steel and bi-metal cans;
3. Newspapers;
4. Cardboard;
5. Clear glass;
6. Brown glass;
7. Green glass;
8. Magazines;
9. Brush;
10. Yard Waste;
11. Wood products;
12. Ferrous and non-ferrous metals;
13. Plastic bottles #1 and #2; and
14. Mixed office paper

Additional recyclable materials may be collected or substituted from time-to-time as determined by the Berkeley County Solid Waste Authority. In addition, the Berkeley County Solid Waste Authority may conduct special events from time to time as deemed prudent by the Authority. These events may include, but not be limited too, the recycling of units containing freon, electronics and household hazardous waste items.

Section Seven:

The Berkeley County Solid Waste Authority shall provide for at least four drop-off locations, one in the Hedgesville area; one in the Martinsburg area; one in the Marlowe/Falling Waters area; and one in the Inwood area. The Berkeley County Solid Waste Authority may establish such other drop-off locations, as it deems necessary. The Berkeley County Solid Waste Authority shall provide for the methods of collection at the drop-off location that will allow all recyclable materials to be separated into separate identifiable recyclable materials and shall only collect the aforementioned recyclable

materials which can be reasonably accommodated at any given drop off location. Each person depositing recyclable materials at such drop-off location shall deposit such recyclable materials in the appropriate depository for such recyclable materials.

The Berkeley County Solid Waste Authority shall evaluate and report to the Commission the likely costs, benefits and effectiveness of the implementation of a commercial transfer station and/or a commercial recycling recovery facility as a component of the Berkeley County Recycling Program. The goal of these facilities is to expand the development of the solid waste infrastructure to include the capability of handling larger tonnages of solid waste and recyclables from the business community and the processing of recyclable materials in an effort to gain the benefits associated with the economics of scale.

The day to day funding of the Berkeley County Recycling Program shall be a cooperative between the Berkeley County Solid Waste Authority and the Berkeley County Commission and shall be determined by each party on an annual basis. In addition, the Berkeley County Solid Waste Authority shall apply for all local, state, private and Federal grants to aid in the implementation of the Plan.

Section Eight:

The Berkeley County Solid Waste Authority shall provide for public awareness instruction to inform the public about the importance and benefits of recycling and the proper methods for the public to dispose of recycling materials. The program shall provide notice to all persons occupying residential, commercial, institutional or other premises within the County, of the operation, location, and persons responsible for the management of the county recycling plan.

Section Nine:

The Berkeley County Solid Waste Authority may take such other actions as it deems necessary to carry out the purpose of the Plan and to meet the goals established by the West Virginia Legislature.

Section Ten:

The Plan shall become effective November 15th, 2006.

Section Eleven:

This Plan may, from time to time, be amended by the majority of the members of the Berkeley County Commission as they deem it necessary only after consultation with the Berkeley County Solid Waste Authority and shall continue in effect until amended or repealed by the Berkeley County Commission.

Section Twelve:


If a court of competent jurisdiction declares any provision of this Plan to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective,

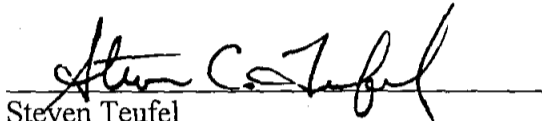
and all other provisions of this Plan shall continue to be separate and fully effective.

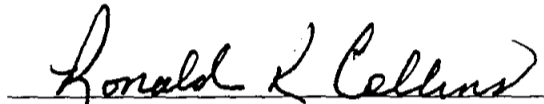
Section Thirteen:

The Berkeley County Solid Waste Authority shall include a signed and approved copy of this plan in the "Berkeley County Comprehensive Litter and Solid Waste Control Plan" as the Berkeley County Recycling Plan at the next routine updating of the Comprehensive Litter and Solid Waste Control Plan.

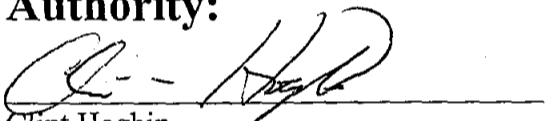
On behalf of the Berkeley County Commission:

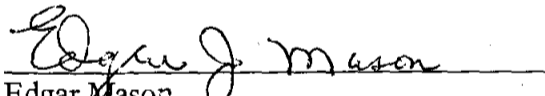

Howard Strauss
President, Berkeley County Commissioner



Steven Teufel
Berkeley County Commissioner


Ronald Collins
Berkeley County Commissioner

On behalf of the Berkeley County Solid Waste Authority:


Clint Hogbin
Chairman, Berkeley County Solid Waste Authority


Edgar Mason
Vice Chairman, Berkeley County Solid Waste Authority


Gerry Fitzgerald
Secretary, Berkeley County Solid Waste Authority

Lynne Lashley

Lynne Lashley
Member, Berkeley County Solid Waste Authority