§ 27-0712. Coverage of all vehicles, including barges transporting solid waste.

1. Legislative findings and intent. It is the purpose of this section to assure that solid waste management is conducted in a safe, sanitary, efficient and environmentally sound manner throughout the state. The legislature finds and declares that current law and regulations have not always achieved this purpose. A large percentage of solid waste is transferred and transported over water as well as by container truck. Some type of cover is necessary to protect against the spillage of waste and emission of odors during its transfer and transportation. The legislature further finds and declares that legislation is necessary to remedy this situation by requiring the responsible parties to cover such vehicles with devices which will accomplish the intent of this section.

2. A municipality or any individual, firm or corporation acting on its behalf or any other individual, firm or corporation shall not cause or permit any solid waste to be transported on any vehicle, barge, ship, or scow unless the solid waste on the vehicle, barge, ship, or scow is covered provided, however, that putrescible waste transported by rail shall be covered with sealing hard lids in a manner not inconsistent with Federal Railroad Administration regulations, and non-putrescible waste shipped by rail shall be covered with hard tarping securely fastened over the load, which shall not exceed the height of the side of the rail container, in a manner not inconsistent with Federal Railroad Administration regulations.

3. The department shall monitor and inspect such vehicles, barges, ships and scows transporting solid waste on a regular basis to insure that they are covered and in compliance with the provisions of this section.