

Kentucky Department for Environmental Protection
Division of Waste Management
Recycling and Local Assistance Branch
300 Sower Boulevard – Frankfort KY 40601
(502) 564-6716

FOR OFFICIAL USE ONLY.
DO NOT WRITE IN THIS SPACE

Area Solid Waste Management Plan - Five Year Update Years 2023 - 2028

1. BACKGROUND INFORMATION

A. Area Designation

1. Name of County or Regional Solid Waste Management Area ("RSWMA")

Check One: ☒ County ☐ Regional Solid Waste Management Area ("RSWMA")

If area designation is a RSWMA, list counties:

2. List all incorporated cities within the solid waste management area and the population of each.

1.) Owenton	2.) Monterey	3.) Gratz
4.)	5.)	6.)
7.)	8.)	9.)

B. Governing Body Information

1. Designation Type: ☒ Fiscal Court ☐ 109 Board (Taxing) ☐ 109 Board (Non-taxing) ☐ Regional Area ☐ City/County Merger

2. Name of chairperson of the governing body (judge executive, chairperson, etc.) Casey Ellis, Judge/Executive

3. List each member of the governing body:

1.) Stuart Bowling	2.) Todd Spurgen	3.) Chad Rose
4.) Wayne Harris	5.)	6.)
7.)	8.)	9.)
10.)	11.)	12.)

4. Address: 100 North Thomas ST

City: Owenton	State: KY	Zip Code: 40359
5. Telephone: 502-484-3405	6. Fax:	7. Email: judge@owencountyky.us

C. Solid Waste Coordinator Information

1. Name of Coordinator: Dustin Hensley

2. Address: 214 East Blanton ST

City: Owenton	State: KY	Zip Code: 40359
3. Telephone: 502-484-2427	4. Fax:	5. Email: publicworks@owencountyky.us

6. Work Status (check one):

☐ Volunteer ☐ Full-time ☒ Part-time

7. Hours worked per week: 15

D. Advisory Committee

List the names and representative bodies of the advisory committee members.

Name	Representing
1.) Casey Ellis	Judge Executive
2.) Dustin Hensley	Solid Waste Coordinator
3.) Stuart Bowling	County Magistrate
4.) Wayne Harris	County Magistrate
5.)	
6.)	

E. Preparer Information

Complete this section, if the preparer is different than the solid waste coordinator.

1. Name: Dustin Hensley

2. Address: 100 North Thomas ST

City: Owenton

State: KY

Zip Code: 40359

3. Telephone: 502-514-6531

4. Fax:

5. Email: publicworks@owencountyky.us

F. Resolution/Ordinance to Adopt Solid Waste Management Plan 5-Year Update

1. Check one: ☒ Resolution ☐ Ordinance

2. Public Notice Date: 8/3/2022

3. Date Signed: 9/13/2022

4. The following documents must be attached. Check all that have been attached and place at the end of the report with a cover sheet labeled "Chapter 1 Attachments."

☒ A signed and dated copy of the resolutions/ordinance adopting the 5-year update

☒ A dated original of the public notice, or a copy and an affidavit from the newspaper by whom the notice was originally published

☒ Area Designation

2. COLLECTION SYSTEM

A. Collection System

1. Ordinance Type (check one): ☐ Mandatory ☒ Universal

Date passed: 2/13/1996

2a. Provide a detailed description of all the collection systems in your SWMA (collection systems include: franchise, permit, municipality owned/operated, private, staffed transfer stations and staffed convenience centers, etc.)

Any person who collects hauls or transports any solid waste not generated at a site owned or operated by the person collecting hauling or transporting such solid waste shall first obtain a collection/ transportation permit from the fiscal court

2b. Attach a signed and dated copy of the current solid waste management ordinance(s) including all related amendments. Place at the end of the report with a cover sheet labeled "Chapter 2 Attachments."

3. Describe your annual waste hauler registration process including the annual requirement to file reports:

The MSW and recycler registration and report form will be required for all haulers in the county /cities annually

B. Collection System Strengths

Describe the strengths of your collection system:

1. The Transfer offers residents a legal disposal option to direct hauling of household garbage, white goods, roofing shingles and other debris that may be too bulky for other services
2. The transfer station is centrally located and also provides a recycling center for tires, metal, cardboard and aluminum cans
3. The transfer station is advertised on a regular basis for hours of operation
4. The county provides everyone that wishes to participate in a free voucher program that allows them to bring in anything but household garbage up to 4 times a year, that equals one free clean up per season

C. Collection System Weaknesses

Describe the weaknesses of your collection system:

1. The county only has 1 provider as of now for door to door pick up to residents
2. The Transfer station continues to grow in demand for tonnage space at our current facility
3. Disposal fees at the transfer station are done on a per bag or per truckload estimate , which doesn't provide an accurate or consistent rate
4. Direct hauling results in truck or trailer loads of debris that is usually hauled from all over the county that do not have door to door service or do not wish to pay high collection fees which leads to litter problem along the roadsides from debris that blows of uncovered vehicles

D. Collection System Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve the collection system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) install a set of scales to weigh in the trash that comes in to be more accurate on prices	once	1/1/23	12/28
2.) Recommend all local haulers to cover loads and try and prevent the loss of material	Annually	1/23	12/28
3.)			
4.)			
5.)			

3. DISPOSAL SYSTEM

A. Disposal System

1. Provide SWMA population and municipal solid waste disposal projections for five (5), ten (10), and twenty (20) years in the future.

Population 2028: 10164

Population 2033: 9660

Population 2048: 10000

Waste Generation Projection
2023 – 2027: 28204 Tons

Waste Generation Projection
2028 – 2032: 53609 Tons

Waste Generation Projection
2033 – 2037: 54000 Tons

2. List all contained landfills, including out-of-state landfills that will be used by your governing body during the 5-year update period. Provide capacity assurance letters demonstrating a minimum of 10 years of capacity from the landfill(s) and copies of any contractual agreements with those disposal facilities. Place at the end of the report with a cover sheet labeled "Chapter 3 Attachments."

1.) Landfill Name: Vally View		Permit #:
Address: 9120 Sulpher Rd		
City: Sulpher	State: KY	Zip Code: 40070
2.) Landfill Name: Bavarian Waste		Permit #:
Address: 12764 McCoys Fork Rd		
City: Walton	State: KY	Zip Code: 40370
3.) Landfill Name:		Permit #:
Address:		
City:	State:	Zip Code:
3. Provide a complete inventory of all disposal facilities currently operating in your SWMA. Facilities to include are: contained landfills, construction/demolition debris landfills greater than one acre, incinerators or other technologies that accept municipal solid waste and medical waste incinerators that accept medical waste from other sources.		
1.) Facility Name:		Ownership:
Address:		
City:	State:	Zip Code:
Cost to users: (\$/Ton)	Life expectancy:	Years
Level of compliance with state and federal laws:		
2.) Facility Name:		
Address:		Ownership:
City:		
Cost to users: (\$/Ton)	State:	Zip Code:
Level of compliance with state and federal laws:	Life expectancy:	Years
3.) Facility Name:		
Address:		Ownership:
City:		
Cost to users: \$ (\$/Ton)	State:	Zip Code:
Level of compliance with state and federal laws:	Life expectancy:	Years
4. SWMA's hosting a landfill must complete question 4. All other SWMA's may proceed to question 5.		
4a. Identify the following for each contained solid waste disposal facility hosted in your SWMA:		
Landfill:	Permit #:	
Total capacity authorized to date:	Tons	
Amount disposed in landfill to date:	Tons	
Remaining authorized capacity: 0.00 Tons		

5. Describe any proposal(s) for new disposal facilities or expansions of existing disposal facilities (landfill, incinerators, or other approved technologies, etc.) planned during the 5-year update period:

We plan to install a set of scales to provide a more accurate price for disposal instead of the guessing system

6. Describe the county's emergency disaster plan to address solid waste concerns in the event of natural disasters (flooding, snow/ice storms, tornadoes, earthquakes, etc.):

We provide any and all equipment at our hands to clean up the affected areas and also provide the community a place for disposal

7. Describe plans to research alternative approaches to solid waste management:

We will continue to investigate the recycling market and alternative options for waste disposal and take advantage of every option to reduce landfill shipments.

B. Disposal Practices Strengths.

Describe the strengths of your existing disposal practices:

1. We are open 6 days a week for the convenience to dispose trash and garbage
2. We have 2 40 yard open top boxes and 1 45 yard compactor box to dispose in

C. Disposal Practices Weaknesses.

Describe the weaknesses of your existing disposal practices:

1. We only use part time people at our facility
2. We currently charge by the bag which makes it difficult to charge accurately for large loads/ we need a scale system/ we pay for the disposal of weight so we should charge by weight

D. Disposal Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve its disposal system, the frequency at which such actions will take place, a date for commencement of the activities, and a date at which the activities will cease. Include educational efforts.

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Hire 1 full time employee to work at transfer station to assist in day to day operations	Once	1/23	12/28
2.) Seek funding to install scale system	Annually	1/23	12/28
3.)			
4.)			
5.)			
6.)			

4. RECYCLING AND REDUCTION

A. Recycling/Reduction Program

1. Is recycling offered in your SWMA? ☒ Yes ☐ No

3. Describe your SWMA's annual recycler registration process including the annual requirements to file reports:

All recyclers will be registered annually and required to report annually

3. Do you have a plan to reduce the need for land disposal of yard waste? ☐ Yes ☒ No
If yes, describe:

4. Does your SWMA collect or manage yard waste for the purpose of diverting it from a landfill? ☐ Yes ☒ No

5. List the counties and cities within your SWMA that collect or manage yard waste for the purpose of diverting it from the landfill?

6. List all permitted composting operations currently operating in your SWMA. If no composting operation exists, detail any actions your SWMA plans to take to encourage composting:

8. Describe your plan to reduce the need for land disposal through recycling, reuse and waste reduction (include drop off centers, curbside collection, interlocal agreements for regional alliances, etc.)
We will continue our business school outreach and expand those programs as the recycling market allows.

9. If recycling is deemed not feasible, provide specific details supporting that decision:
Recycling services are subject to our general budget as well as the market. We evaluate the market compared to operating cost quarterly and make adjustments to our marketing and collections.

9. Describe how used motor oil, batteries, and antifreeze are handled in your SWMA: Used motor oil is collected at the site. Once our storage container fills, we contact a licensed collection company who then comes and pumps it.
Batteries that are collected are taken to an approved recycle center.
We do not collect antifreeze

10. Describe how household hazardous waste is handled in your SWMA:

HHW cannot be disposed of at local transfer station

11. Are electronics/computers recycled in your SWMA? ☐ Yes ☒ No

11a. If yes, describe your electronics/computer (e-scrap) recycling program:

11b. If no, discuss any plans your governing body has to start an electronics/computer (e-scrap) recycling program:

12. Is office paper recycled in your SWMA? ☒ Yes ☐ No

12a. If yes, what businesses or agencies recycle office paper?

1. The local school system
2. Courthouse
3. Clerk's office

12b. If no, explain why office paper is not recycled in your SWMA:

13. What efforts has your governing body made to assist the local school boards in recycling white paper and cardboard to meet the statutory requirements in KRS 160.294? If there have been none what will the county do to assist in this endeavor? Include dates in the implementation schedule: We have put a towable recycle box at each school

B. Recycling Program Strengths

Describe the strengths of your existing recycling program:

We have 8 towable boxes located around the county for cardboard ,paper and cans

C. Recycling Program Weaknesses

Describe the weaknesses of your existing recycling program:

Lack of funding and no markets to buy recycled goods

D. Recycling/Reduction Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve its recycling/reduction system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. Include educational efforts.

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Continue the current services	Annually	12/23	12/28
2.)			
3.)			
4.)			
5.)			
6.)			

5. OPEN DUMPS AND LITTER

A. Open Dumps and Litter

Describe the contents of your ordinance with respect to open dumping. Provide a copy of the section of the ordinance(s) pertaining to open dumping and place at the end of the report with a cover sheet labeled "Chapter 5 Attachments."

No solid waste shall be disposed of in Owen County other than at an approved and permitted solid waste management facility meeting all requirements of the Owen County Solid Waste Ordinance and applicable state statutes and regulations

2 What is your process for identifying and recording open dumps?

During the fall of the year when the rights of way are mowed after leaves have fallen for increased visibility

How does the SWMA prioritize the cleanup of open dumps?

Once an open dump is identified the department for enviro services is contacted to review the site ,the site is then recorded in the annual report and cleaned up

Describe the procedures to prevent the recurrence of open dumping at sites that have been cleaned (include surveillance efforts, pull-off barricades, etc.):

Posting of NO Dumping and prosecuting signs at each site, submit articles in the local paper and on county Facebook page to help create more public awareness, a visit is usually made to homes and or letters submitted

Describe any assistance your SWMA offers to private property owners to clean open dumps:

County road department offers use of equipment to assist along rights of ways

6. Describe your plan to control and clean up litter: The county uses the state adopt a highway program and the litter abatement program

Describe the coordination efforts that exist within your SWMA with local, county and state law enforcement. If your county has a litter ordinance, provide a copy of the ordinance(s) or the portion of the solid waste ordinance(s) pertaining to litter and place at the end of the report with a cover sheet labeled "Chapter 5 Attachments."

The county uses the local sheriffs dept to help with enforcement, the county attorneys office is used for any nuisance violations and prosecution efforts

B. Open Dump Prevention Strengths

Describe the strengths of your program to clean and prevent open dumps:

1. Work with the county and state road departments when needed to assist with clean ups
2. Utilize state illegal dump grants disbursement program that offer financial assistance to bring in contractors who specialize in dump site clean ups

C. Open Dump Prevention Weaknesses

Describe the weaknesses of your program to clean and prevent open dumps:

1. Lack of equipment more suitable for cleanup efforts
2. Must use county road crews to clean up roadside dumps that are not covered in grant programs

D. Open Dump Prevention Implementation Schedule

List specific actions or projects your SWMA will complete to maintain or improve its open dump abatement program. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Continue to use county road department to assist with dumps	Annually	1/23	12/28
2.) Advertise the county voucher program	Annually	1/23	12/28
3.) Increase coordination between cities and counties through enforcement groups as well as political and organizational entities to reduce dumps			
4.)			
5.)			
6.)			

E. Litter Prevention Strengths

Describe the strengths of your program to control and clean up litter:

1. Currently have several groups that participate in ADOPT A HIGH WAY program
2. Utilize county and state road crews to assist with litter clean ups
3. The roadside litter program developed to financially reward nonprofit groups with \$100/mile for the work
4. No dumping and Fine for littering signage used to help deter littering

F. Litter Prevention Weaknesses

Describe the weaknesses of your program to control and clean up litter:

1. Public awareness must increase
2. More law enforcement efforts for littering offenders
3. Debris that falls off trucks and trailers hauling to transfer station

D. Litter Prevention Implementation Schedule

List specific actions or projects your SWMA will complete to maintain or improve its litter abatement program. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Continue Adopt-A-Highway program	Annually	1/23	12/28
2.) Continue Roadside litter program	Annually	1/23	12/28
3.) Require local haulers to use tarps to secure loose loads in trucks and trailers	Annually	1/23	12/28
4.)			
5.)			
6.)			

6. FACILITY SITING

As per KRS 224.01-010, the definition for a "solid waste management facility" is any facility for the collection, storage, transportation, transfer, processing, treatment, and disposal of solid waste..." Solid waste facilities include, but are not limited to contained landfills, CD/D landfills, transfer stations, recycling centers and composting facilities.

A. Facility Siting

1. Describe your SWMA's current siting ordinance(s). Include any local planning and zoning requirements. *Attach a signed and dated copy of the current siting ordinance(s) and place at the end of the report with a cover sheet labeled "Chapter 6 Attachments."* Owen county's ordinance establishes criteria for the siting of all solid waste management facilities to prevent any substantial risk to human health or the environment impact of the county. The ordinance requires fiscal court approval of all sites. The ordinance was established to enhance and protect the public health; abate any potential public health hazard or nuisance; preserve the natural resources of Owen County, while encouraging the social and economic development of Owen County. To assure adequate capacity, a facility impact report shall identify strength and weaknesses, which a copy of the public notice of the right to submit comments to the Owen County fiscal court for the disposal of solid waste and to site solid waste management facilities in areas of the county shall minimize the adverse effects of such facilities. Positive engagement to encourage recycling and waste reduction so as to preserve scarce resources and to reduce the volume of the solid waste stream being created
2. A siting ordinance enforced at the local level helps ensure that the facility attains the standards set fourth by the local solid waste governing body

Describe in detail the site approval process for your SWMA. Attach a copy of the siting procedures and place at the end of the report with a cover sheet labeled "Chapter 6 Attachments."

The owner or operator of a proposed solid waste management facility shall file an application for a site approval permit with the Owen County fiscal court at the office of the county judge executive

The name and address of the owner or operator and the location of the proposed site of the facility. A copy of the deed or other document establishing the right, title and interest of the owner or operator in the proposed site of the facility. A current USGS map showing the location of the proposed site at a scale of 1-inch equals two thousand feet with said map showing the entire boundaries of the site. A description of the type of solid waste and the source of generation of the solid waste involved in the solid waste activity to be conducted on the site together with a description of technology and the procedures the owner/operator proposes to utilize in its solid waste management activities at the site. A complete history of the owner or operator's prior experience in the ownership and /or operation of any and all solid waste facilities or activities, wherever located. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of solid or hazardous waste management facilities, and with respect to the owner or operator. The petition for site approval shall identify the following persons and entities and provide the compliance information required by section 8.2 (B) (5) for each person or entity so identified as operator is a proprietorship, partnership or corporation. Full financial disclosure and data shall include, operating budget, audit, P & L statements for three (3) years, life cycle, financial funding of the facility, liability insurance coverage limits and a statement as to whether the owner or operator has been designated as a potentially responsible party under the Comprehensive Environmental Response Compensation and Liability Act of 1980. A set of drawings prepared by a licensed engineer depicting the proposed facility, which drawings impart sufficient detail and information for the analysis required under this ordinance. A Facility Impact Report ("FIR") in accordance with this ordinance. A true copy of any permit application required by Title 401 Chapter 47 of the Kentucky Administrative Regulations with estimates of closure costs. The application for site approval shall be submitted to the Owen County Judge/Executive. Within forty-five (45) days of the receipt of the application for site approval, the owner/operator shall be notified in writing if such application is administratively complete. Each application for site approval shall be subject to a public comment period and a public hearing. After the owner or operator has been notified that the application for a site approval permit is administratively complete and has submitted such application to the persons or agency as required by Section 8.2 (C), the owner or operator shall cause a public notice to be published weekly for six (6) consecutive weeks in the newspaper of the greatest circulation serving Owen County. The notice shall be in a form that advises the public that an application for a Site Approval Permit has been filed. The beginning date of the public comment period shall commence as of the date of the first public notice and shall end on the date on which the public hearing is concluded. The public hearing shall be held in Owen County at a location readily accessible to the public.

- 3 List any planned modifications to your existing siting ordinance(s), siting procedures, planning and zoning requirements and/or land use regulations. If your SWMA does not have a siting ordinance, planning and zoning and/or land use regulations, what steps are planned for developing and enacting an ordinance or other local policy to regulate the use of land for solid waste facilities within your area?

4. Selection of a site for a solid waste facility can be very controversial and the public must be given an opportunity to understand and participate in the process. What steps are taken by the SWMA to ensure the public is informed and involved in the decision-making process for siting solid waste facilities within your area? N.A.

5. The siting process at the local level and the permitting process at the state level are mutually supportive and share the same objective for solid waste facilities to meet environmental, engineering and operational standards, as well as be acceptable to the public. Describe how your SWMA coordinates local siting procedures with state permitting procedures for solid waste facilities. N.A.

B. Facility Siting Strengths

Describe the strengths of your existing siting ordinance:

- To assure adequate capacity for the disposal of solid waste and to site solid waste management facilities in areas of the county which will minimize the adverse effects of such facilities
- To encourage recycling and waste reduction so as to preserve scarce resources and to reduce the volume of the solid waste stream being created
- To require permits and regulate any siting facilities

C. Facility Siting Weaknesses

Describe the weaknesses of your existing siting ordinance:
The ordinances do not specifically address enforcement procedures

D. Facility Siting Implementation Schedule

List specific actions or projects the SWMA will complete to maintain or improve its facility siting system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Administer and enforce each of the regulations stipulated in the local ordinance pertaining to the siting of solid waste and/or CDD facilities	Annually	1/23	12/28
2.) Initiate a process Hazard Analysis with the assistance of KACO to evaluate current health and environmental workplace hazard to staff and public	AS needed	1/23	12/28
3.) Implement new Wayfinding measures with annual review in accordance with strategic plan	Annually	1/23	12/28
4.) Educate community during public events and during facility usage visits as to the hazardous and proper utilization of facility services	Continuous	1/23	12/28
5.)			
6.)			

7. ENFORCEMENT

A. Enforcement Program

1. Describe your enforcement procedures and penalties for non-participation in your approved solid waste collection system. Attach a copy of the section of the ordinance(s) or procedures pertaining to non-participation and place at the end of the report with a cover sheet labeled "**Chapter 7 Attachments.**"

Non-participation in mandatory collection systems.

Mandatory pickup is not required

Open dumping. Attach a copy of citation forms and/or form letters to violators as appendix 7.2

A notice of violation NOV letter is sent out to violators and citations are issued by the sheriffs office

Prevention and control of litter

Local law enforcement citations

2. Describe all surveillance/enforcement activities used by your SWMA to prevent litter and illegal dumping; for example, neighborhood watches, hidden cameras, etc. Attach copies of citation forms and letters to violators and place at the end of the report with a cover sheet labeled "**Chapter 7 Attachments.**"
- Search dump sites for names , but no other surveillance is used

3a. Do you use an administrative court for solid waste issues? ☐ Yes ☒ No

3b. If "yes" to question 3a, above, provide the date the court became effective:

3. Describe the operative procedures of the administrative court for solid waste issues. Attach a copy of the relevant documents or codes that relate to the administrative court and place at the end of the report with a cover sheet labeled "**Chapter 7 Attachments.**"

NONE

5. If your SWMA does not have an administrative court for solid waste issues, do you plan to initiate an administrative court during this plan period? ☐ Yes ☒ No If yes, provide dates in the implementation schedule:

5. Describe any proposed modifications to your open dumping and littering procedures/ordinances. Provide dates in the implementation schedule:
- No changes are scheduled at this time

6. Describe enforcement actions or procedures taken by the SWMA if identifying information (i.e., names, addresses, etc.) is found in litter or an illegal dump:
- The solid waste coordinator and the county sheriff will visit the household with findings and offer assistance to help dispose of solid waste. Repeat offenders are turned into the county Attorneys office for legal action

B. Enforcement Procedures Strengths

Describe the strengths of your existing enforcement procedures regarding litter and illegal dump prevention and non-participation in your approved collection system:

Great support from County Attorney
Violators will be prosecuted signage in open dumping sites

C. Enforcement Procedures Weaknesses

Describe the weaknesses of your existing enforcement procedures regarding litter and illegal dump prevention and non-participation in your approved collection system:

A lot of non-populated areas create spots for dumping grounds

Lack of personnel and funding

D. Enforcement Implementation Schedule

List a detailed account of specific actions or projects the county will complete to maintain or improve its Enforcement System, the frequency at which such actions will take place, a date for commencement of the activities, and a date at which the activities will cease. Include educational efforts.

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Visit known dump sites	Regularly	1/23	12/28
2.) Continued support from County Officials for enforcement	DAILY	1/23	12/28
3.)			
4.)			
5.)			
6.)			

8. FINANCIAL MECHANISMS

A. Financial Mechanisms

1. Check all items that apply for the funding of your Solid Waste Program.

- ☐ Line Item in County Budget
☐ Collection franchise fees
☐ 109 Taxing Board
☒ General Fund
☐ Host agreement fees
☐ Other (list all):

2. How is the Solid Waste Coordinator's position funded?

- ☐ Line Item in County Budget
☐ Collection franchise fees
☐ 109 Taxing Board
☒ General Fund
☐ Host agreement fees
☐ Other (list all):

3. List all fees/revenues collected by local government for solid waste management. Examples of fees/revenue are: fees charged for disposal facilities under KRS 68.178; fees charged by local government for garbage collection; 109 taxes, franchise and/or permit fees charged by local government; fees charged at transfer stations or convenience centers if owned by local government; and revenue received from the sale of recyclables.

Type of Fees/Revenue:	Anticipated Amounts Collected				
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year
License Fee (per KRS 68.178 for Off-Site Waste Management Facilities)	\$	\$	\$	\$	\$
Municipal Garbage Collection (city and/or county)	\$	\$	\$	\$	\$
Franchise fee	\$	\$	\$	\$	\$
Permit fee	\$	\$	\$	\$	\$
Transfer station	\$120,000.00	125,000.00	130,000.00	135,000.00	140,000.00
Convenience center	\$	\$	\$	\$	\$
109 or other tax	\$	\$	\$	\$	\$
Proceeds from sale of recyclables	\$10000.00	15000.00	20000.00	25000.00	30000.00
Landfill user fees	\$	\$	\$	\$	\$
Host agreement	\$	\$	\$	\$	\$
General revenue	\$	\$	\$	\$	\$
Eastern Kentucky PRIDE	\$	\$	\$	\$	\$
Grants, Conservation Service	\$	\$	\$	\$	\$
Grants, State illegal dump	\$	\$	\$	\$	\$
Grants, State litter abatement	\$23000	\$23000	\$23000	\$23000	\$23000
Grants, State Crumb Rubber	\$	\$	\$	\$	\$
Grants, State HHW Collection Grant	\$	\$	\$	\$	\$
Grants, State Waste Tire	\$3000	\$3000	\$3000	\$3000	\$3000
Grants, State Recycling	\$50000.00	\$50000.00	\$50000.00	\$50000.00	\$50000.00

Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
TOTAL AMOUNT ANTICIPATED	\$206000.00	\$216000.00	\$226000.00	\$236000.00	\$246000.00

4. Provide the following information on anticipated expenditures during the 5-year update period.

Type of Expenditures:	Anticipated Expenditures/Budget				
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year
Capital Expenditures	\$	\$	\$	\$	\$
Personnel	\$42000.00	\$45000.00	\$50000.00	\$55000.00	\$60000.00
Collection	\$	\$	\$	\$	\$
Disposal	\$130,000.00	\$130,000.00	\$130,000.00	\$130,000.00	\$130,000.00
Enforcement	\$	\$	\$	\$	\$
Open Dump Cleanups	\$	\$	\$	\$	\$
Litter Cleanups	\$	\$	\$	\$	\$
Education Activities	\$	\$	\$	\$	\$
Recycling Costs/Expenses	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
TOTAL COSTS ANTICIPATED	\$172000.00	\$175000.00	\$180000.00	\$185000.00	\$190000.00

Chapter 1

Attachments

Chapter 2

Attachments

215

BOOK 16

COMMONWEALTH OF KENTUCKY
OWEN COUNTY SOLID WASTE ORDINANCE
ORDINANCE # 99

Amendment # 1 June 9, 1998

**AN ORDINANCE RELATING TO THE AMENDMENT OF THE
EXISTING SOLID WASTE ORDINANCE #99 REGULATING THE
DISPOSAL OF SOLID WASTE IN OWEN COUNTY.**

WHEREAS, the Owen County Fiscal Court has the authority pursuant to the provisions of KRS Chapters 63, 67, 109, and 224, and other applicable law to enact an ordinance regulating the operation of solid waste disposal in the county; and,

WHEREAS, KRS Chapter 109 reflects a legislative intent that solid waste should be managed in an environmentally protective manner; and,

WHEREAS, KRS Chapter 109 further authorizes the counties to develop a solid waste management system for solid waste; and,

WHEREAS, KRS Chapter 109 further recognizes that the primary responsibility for adequate solid waste management and disposal rests with the counties; and,

WHEREAS, the Natural Resources and Environmental Protection Cabinet has determined that "the wastes allowed to be disposed of a construction/demolition debris landfill can generate leachates which may create environmental problems," and,

WHEREAS, the Owen County Fiscal Court concurs with the Cabinet's findings and conclusions and recognizes the need for environmental standards for siting, construction and operation of construction/demolition debris landfills; and,

216

WHEREAS, the enactment of this ordinance is intended to supplement the minimum standards of the Natural Resources and Environmental Protection Cabinet by extending the permitting process to include construction/demolition debris landfills of any size, and is an exercise of the concurrent authority by the Owen County Fiscal Court; and to the extent that any standards are in excess of minimum standards adopted by the state agency, that adoption is authorized under KRS Chapters 109, 224, and 67; and,

WHEREAS, the Owen County Fiscal Court did advertise and conduct a public hearing on the proposed amendment of the solid waste ordinance, and said Fiscal Court having voted to adopt the proposed changes at it's regular meeting conducted June 9, 1998.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF OWEN COUNTY, COMMONWEALTH OF KENTUCKY, THAT:

I. Section 2 is amended to add the following definitions:

N. "Contamination" means the degradation of naturally occurring water, air, or soil quality either directly or indirectly as a result of human activities.

O. "CDD" means "construction/demolition debris".

P. "CDDL" means "construction/demolition debris landfill".

Q. "Construction/Demolition Debris" means solid waste resulting from the construction, remodeling repair, and demolition of structures and roads and uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance, and seasonal and storm related cleanup.

R. "Construction/Demolition Debris Landfill" means solid waste site or facility for the disposal of uncontaminated solid waste resulting from the construction, remodeling, repair, and

277

demolition of structures and roads, and for the disposal of uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance, and seasonal and storm related cleanup.

S. **"Disposal Ready Loads"** refers to construction/demolition debris that originates from a single source (i.e. a particular construction or demolition site) and is composed entirely of debris permissible for CDDL disposal.

T. **"Ephemeral Stream"** means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and which has a channel bottom that is always above the local water table.

U. **"Intermittent Stream"** means a stream or reach of stream that drains a watershed of one square mile or more but does not flow continuously during the calendar year.

V. **"Interior Collection Line"** means a leachate collection line inside a waste cell.

W. **"Karst Terrain"** means a type of topography where limestone, dolomite or gypsum is present and is characterized by naturally occurring closed topographic depressions or sinkholes, caves, disrupted surface drainage, and well developed underground solution channels formed by dissolution of these rocks by water moving underground.

X. **"Leachate"** means any liquid including any suspended components in the liquid that has percolated through or drained from waste.

Y. **"LOC"** means letter of completeness.

Z. **"LOR"** means letter of review.

a. **"Liner"** means any continuous layer of natural or manmade material, beneath or on the sides of a waste site facility which restricts the movement of the wastes, waste constituents, or leachate.

218

- b. **"Monitoring"** means the act of systematically inspecting and collecting data on operational parameters or on the quality of the air, soil, groundwater, or surface water.
- c. **"Perennial Stream"** means a stream or that part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface run-off. The term does not include "intermittent stream" or "ephemeral stream".
- d. **"Site"** means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the waste facility or activity.
- e. **"Tank"** means a stationary device designed to contain an accumulation of leachate or liquid solid waste which is constructed primarily of nonearthen materials (for example, concrete, steel, fiberglass, or plastic) which provide structural support.
- f. **"Toe-Drain"** means a leachate collection line placed along the down slope border of a landfill. Called a toe-drain because it is usually placed at the landfill toe-of-slope.
- g. **"Waste Cell or Cell"** means a portion of a landfill, which is isolated, usually by means of an approved barrier.
- h. **"Wetlands"** means land that has a predominance of hydric soils and is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

II. Section 3 E is amended to read as follows:

E. Construction/demolition debris and construction/demolition debris landfills of one acre or less issued a permit by rule under 401 KAR 47:080 and operating in conformance with all applicable regulations are subject to Sections 9 and 10 of this ordinance.

219

III. Section 4 E is amended to read as follows:

E. Demolition and construction debris shall be subject to Sections 9 and 10 hereafter.

IV. A new Section 9 is added to read as follows:

SECTION 9: DEBRIS LANDFILL

Section 9.1: Permit Requirements

No person shall dispose of concrete, asphalt, branches, stumps, wood, materials declared a "beneficial reuse" by the Cabinet, or similar debris materials to be used as fill on any on-site or off-site property within the county without a permit under this section of the ordinance from the Solid Waste Coordinator.

Items not allowed for disposal include tires, appliances, machinery, vehicles, household solid waste, industrial solid waste, asbestos, furniture, light fixtures, electrical devices, buckets, cardboard, paper or any materials considered to be a hazardous substance or are contaminated with a hazardous substance(s) as defined by state and federal law.

Construction/demolition debris disposal shall fall under the permitting requirements of Section 10 of this ordinance.

Section 9.2: Exemptions

Fill operations exempt from this requirement include (1) filling directly associated with agricultural, silvacultural, horticultural, and landscaping practices; (2) filling associated with the preparation of a site for purposes of new construction, provided that the fill consists solely of dirt and rock; and (3) debris filling of 1,000 square feet or less.

There is a one-time allowance for the 1,000 square foot debris fill exemption. Any additional debris fills shall require a permit in accordance with this section of the ordinance.

220

Section 9.3: Permit Application

A person seeking a debris landfill permit shall file an application with the Solid Waste Coordinator setting forth the following information:

- A. Name and address of the person seeking the permit.
- B. Exact location and address of the property proposed to be filled, the parcel number, and access to public streets.
- C. Name and address of the owner of said property, and permission from the owner to conduct the fill operation if different from the applicant.
- D. Statement of the exact nature and source of the materials to be used as fill on the subject property.
- E. Letters, applications, or approvals of the fill operation plans by the Cabinet, Owen County Conservation District, and any other applicable agency indicating prior review.
- F. A site plan showing the following:
 - 1. The entire property, principal structures, accessory buildings, streams, and location of fill.
 - 2. Methods employed to control surface drainage during and after completion of operations.
 - 3. Name and address of person who prepared the site plan, approximate scale, northpoint, and relationship of site to existing public streets.
- G. Proof of notification for all property owners adjacent to the property. Notification must state the following: the applicant is applying for a Solid Waste Permit to operate a debris landfill, the applicant's name and address, the property parcel number of the proposed fill site,

221

the property owner's name, the materials being disposed, and shall include a map showing the location of the fill site in relation to surrounding properties and public roads.

H. Statement of procedures and safeguards the applicant proposes to use to insure that adjoining properties and county residents will not be adversely affected by the proposed fill activity, including closure procedures the applicant proposes to use when the fill complete. Such closure must be conducted in a manner consistent with the best management practices promulgated by the Owen County Conservation District and must include a minimum of 18 inches of dirt cover, use of fertilizer, lime and seeding with annual and perennial grasses.

I. Statement as to the length of time the applicant proposes to use the property as a debris landfill site.

J. For fill operations in excess of one-half ($\frac{1}{2}$) acre, approval of a soil erosion and sediment control plan by the Owen County Conservation District.

K. The Solid Waste Coordinator shall make available for public review a copy of the permit application.

L. The Solid Waste Coordinator shall make pre-application conferences available to potential applicants. The purpose of the pre-application conference is to identify major issues early on in the planning process. Such conferences will be voluntary and not binding.

Section 9.4: Permit Issuance

If the application complies with the laws of the Commonwealth of Kentucky and this ordinance, the Solid Waste Coordinator shall issue the permit authorized by this ordinance. The applicant shall pay a fee of \$250.00 for the permit and provide proof of the guarantee deposit in accordance with Section 10.11 of this ordinance. Any application that fails to comply with state,

222

federal, and local regulations shall be denied and the applicant notified in writing by the Solid Waste Coordinator stating reasons for denial.

Permits will be valid for a period not to exceed two (2) years. No extensions in time will be granted; however, new applications for on-going operations may be accepted.

Section 9.5: Return of Guarantee

The guarantee deposit shall be returned after the following have occurred:

A. The debris landfill has been closed for one year.

B. There are no outstanding notices of violations of county, state, or federal environmental laws applicable to the fill. This includes any outstanding notice of violation of the environmental performance standards outlined in KAR 47:030.

Section 9.6: Inspections

Any fill operation, whether permitted or not, may be inspected by the Solid Waste Coordinator.

Section 9.7: Permit Suspension

Any permit issued under this section may be suspended for lack of compliance with any of the terms of said permit or this ordinance.

Section 9.8: Injunctive Relief

In the event a permit issued under this section is revoked and the person continues to operate, the Solid Waste Coordinator may request the action of a court of law to enjoin the operation of the facility and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder.

Section 9.9: Appeal

Appeal of any action taken by the Solid Waste Coordinator shall be to Owen Fiscal Court.

Section 9.10: Permit Display

Any person operating under a permit required by this section shall prominently display a copy of said permit, in a weatherproof manner, at that fill site.

Section 9.11: Guarantee

To insure the strict compliance with all of the above conditions and requirements for fill operations greater than one-half ($\frac{1}{2}$) acre in size, the applicant shall deposit with the county cash or a certified check, or execute a bond with a corporate surety authorized to do a surety business in Kentucky. The amount of cash, certified check or bond shall be fixed at the rate of \$5,000.00 per acre of fill or portion thereof.

V: A new Section 10 is added to read as follows:

★ **SECTION 10: CONSTRUCTION/DEMOLITION DEBRIS LANDFILL**

Section 10.1: Permit Requirements

No person shall dispose of on-site construction/demolition debris (CDD) in excess of 1,000 square feet, principal structure demolition debris or any off-site CDD of any size without a construction/demolition debris landfill (CDDL) permit from the Solid Waste Coordinator.

Section 10.2: Permit Application

A person seeking such a permit shall file an application with the Solid Waste Coordinator setting forth the following information:

- A. A permit application fee of \$500.00.
- B. An original and three (3) copies of the following:

224

1. Completed application form.
2. Site plan.
3. Narrative report.

C. Proof of notification for all property owners adjacent to the property. Notification must state the following: the applicant is applying for a Solid Waste Permit to operate a CDDL (or a permit extension if applicable), the applicant's name and address, the property parcel number of the proposed CDDL site, the property owner's name, and shall include a map showing the location of the CDDL in relation to surrounding properties and public roads.

D. In the case of larger than 1 acre CDDLs, the Solid Waste Coordinator may accept, at his/her discretion, reports and site plans prepared in accordance to the solid waste regulations of the Cabinet to satisfy B.2 and B.3 above. The size of the CDDL shall be based on the footprint area of the waste cell.

E. The Solid Waste Coordinator shall make pre-application conferences available to potential applicants. The purpose of the pre-application conference is to identify major issue early on in the planning process. Such conferences will be voluntary and not binding.

Section 10.2.1: Application Form

A. The application must use an official application form produced by the Solid Waste Coordinator.

B. It will be the responsibility of the Solid Waste Coordinator to produce and maintain application forms within 45 days following the passage of this ordinance.

C. The official application form shall include the following information:

1. Name and address of the person seeking the permit.

2. Exact location and address of the property proposed to be filled, the parcel number, and access to public streets.
3. Name and address of the owner of said property and permission from the owner to conduct the CDDL operation if different from the applicant.
4. Statement of the nature and county of origin of the materials to be used as fill on the subject property.
5. Letters, applications, or certificates of approval of the fill operation by the Cabinet and any other applicable agency indicating prior reviews.
6. Statement as to the length of time the application proposes to use the property as a CDDL site.
7. Anticipated annual volume of disposed CDD material.

Section 10.2.2: Site Plan

Site plan requirements are as follows:

- A. Present and proposed use of land, the arrangement of all existing and proposed buildings, structures, roads, drives, parking areas, septic systems (tank, line, and leachfield), underground utilities lines, wells, surface drainage, landscaping, fencing, and all other features and facilities to be installed or used in connection with the proposed operation.
- B. All existing natural features on property including tree lines, surface water features, wetlands, 100-year flood plains, and features of karst terrain. Known habitats of state or federally listed threatened or endangered species on property and within 500 feet of the property boundary. The use of remote sources of information such as aerial photography and published information may be employed.

226

C. Existing and proposed contours of not less than two (2) foot intervals as follows:

1. The present surface of all property within 250 feet of the CDDL footprint and all associated facilities by use of distinguished line types or colors.
2. The ultimate depth elevations of the CDDL by use of distinguished line types or colors.
3. The ultimate finished surface of the site after all filling operations are completed by use of distinguished line types or colors.

D. Structural or engineering details for the following:

1. Final cap cover.
2. Storm water conveyance system and structures.
3. Liner construction.
4. Leachate collection system.
5. Groundwater monitoring wells (if applicable).
6. Truck tire cleaning facilities.
7. Soil erosion and sediment control measures.
8. Excavation details including stockpile areas and borrow areas.
9. Driveway construction.
10. Profiles and cross-sections of the CDDL showing the CDD material, cap, extent of excavation, depth to seasonal high water table, depth to bedrock.
11. Location of soil boring(s).

E. Locations where filling operations will commence and the anticipated procedural sequence of operations.

F. The calculated volumes of materials to be filled for each location or waste cell on the site where operations are to take place.

G. Names and addresses of all adjoining property owners, scale northpoint, and relationship of site to existing public streets.

H. All site plans must be signed, sealed and prepared under the direction of a professional engineer licensed in the Commonwealth of Kentucky.

I. The title block of the site plan shall identify the name and address of the company or person who prepared the plans as well as the date of the last plan revision.

Section 10.2.3: Narrative Report

The applicant must submit a narrative report of the proposed CDDL site and property. The report shall be outlined as follows:

Introduction

Site Description

Geology/Hydrology/Soils

Vegetation

Land Forms (steep slopes, cliffs, waterfalls, etc.)

Sensitive Environmental Areas (streams, wetlands, 100 year flood plain, karst terrain, etc.)

Suitability of the Property for CDDL Development

CDDL Construction

Anticipated Sequence of Construction

Excavation and Stockpiling

Liner Construction

Leachate Collection System

Groundwater Monitoring System (if applicable)

Storm Water Diversion System and Maintenance

Driveway Constructions and Maintenance

Truck Tire Cleaning Facility and Maintenance

Soil Erosion and Sediment Control Measures and Maintenance

228

CDDL Operation

Waste Separation

Municipal Waste Separation and Disposal

Hazardous Waste Separation and Disposal

Dumping and Compaction

Temporary Waste Cover

Dirt, Dust, and Litter Control

Fire Control

Daily Logs

Leachate Disposal

Leachate Monitoring (if applicable)

Groundwater Monitoring (if applicable)

CDDL Closure Plan

Final Cap Specifications

Intended Post Operational Land Use

CDDL Post Closure Monitoring

Leachate Monitoring

Groundwater Monitoring (if applicable)

Cap Integrity Monitoring

Storm water Diversion System Monitoring

The applicant is expected to produce substantive descriptions and explanations for each section of the narrative report as outlined above. The use of published information is allowable; however, on-site observations should also be included in the report. At least one test pit or boring must be submitted that describes the soils, determines the depth to seasonal high water table and determines the depth to bedrock. In describing the CDDL site and property, the applicant is expected to conduct professional investigations to demonstrate the ability of the property to support a CDDL. In describing the construction, operation, closure, and post closure monitoring of the CDDL, the applicant is expected to demonstrate planned compliance with the provisions and requirements of this ordinance. For example, in discussing liner construction the applicant should demonstrate how the resident soils, or other materials, will be utilized to obtain the permeability standard state in Section 10.5.1.

229

The major author(s) or firm authoring the narrative report must be identified on the cover or title page.

SECTION 10.3: PROCEDURE OF APPLICATION AND PERMIT ISSUANCE

A. Application for a CDDL shall be made to the Solid Waste Coordinator. Once received, the Solid Waste Coordinator will log-in the application and has 10 business days to place a public notice in at least one local paper to solicit public comments and to determine the administrative completeness of the application. The Solid Waste Coordinator shall make available for public review a copy of the permit application. The public comment period shall end 30 days following the publication of the newspaper notice.

B. An application shall be deemed administratively complete if it satisfies the requirements of Section 10.2 of this ordinance.

C. The Solid Waste Coordinator shall issue a Letter of Completeness (LOC) to the applicant that either accepts the application as administratively complete or declares the application administratively deficient and entirely lists the items required to administratively complete the application. Once the LOC is issued, the Solid Waste Coordinator can identify no new administrative deficiencies.

D. In the case of an administratively deficient determination, the applicant shall have 30 days from the date of the LOC to submit the required information. Failure of the applicant to respond to a LOC within the time restraints listed above may result in the return of the permit application without prejudice, minus a processing fee of \$125.00. A one-time 30 day extension may be granted by the Solid Waste Coordinator. Requests for an extension must be made in writing.

E. Once deemed administratively complete, the Solid Waste Coordinator shall, within 5 days, send a copy of the application to the Owen County Conservation District for a technical review of the soil erosion and sediment control plan. The Conservation District shall have 25 days to return technical comments to the Solid Waste Coordinator.

The Solid Waste Coordinator shall, within 45 days, review the application for its technical content and its compliance with this ordinance. The Solid Waste Coordinator shall issue a Letter of Review (LOR) that will identify any technical issues and concerns that must be addressed by the applicant including those comments forwarded by the Owen County Conservation District. The Solid Waste Coordinator may elect to issue a permit at this time in accordance with Section 10.3H of this ordinance.

The LOR shall be issued based upon the information supplied in the application and comments received from the public and other agencies. Once issued, the Solid Waste Coordinator shall not raise additional technical issues unless new information is made available that warrants such an action.

F. The applicant shall have 30 days, from the date of its issue, to respond to the LOR. Failure of the applicant to respond to a LOR within the time restraints listed above may result in the return of the permit application without prejudice; however, the entirety of the application fee will be forfeited. A one time 30 day extension may be granted by the Solid Waste Coordinator. Requests for an extension must be made in writing.

G. Once received, the Solid Waste Coordinator shall have 10 business days to review the response to the LOR and either issue a CDDL permit or deny the CDDL permit application.

H. The Solid Waste Coordinator shall issue a permit if the application conforms to regulations of this ordinance and the applicant has demonstrated compliance with local zoning regulations. The Solid Waste Coordinator shall consider outside agency and public comments in rendering a decision to approve, conditionally approve, or deny the permit. Any conditional approvals shall be expressly stated in the CDDL permit which may include pre-operational conditions which are actions required of the applicant before the permit is considered active.

I. Upon receipt of the permit, the applicant shall submit a letter from a sewage treatment plant or other disposal facility stating that it will accept the CDDL leachate, proof of a guarantee deposit in accordance with Section 10.18 of this ordinance and a \$500.00 annual permit fee. In addition, a monthly operating fee shall be paid by the operator based on the monthly tonnage of disposed CDD material and shall be assessed at \$0.50 per ton. The applicant may demonstrate a conversion factor to determine tons by cubic yards and it will be used if accepted by the Solid Waste Coordinator. The monthly operating fee shall be submitted starting with the first monthly report and monthly reports thereafter. A late payment fee shall be assessed at \$0.10 per ton of disposed CDD material for every 30 days the monthly operating fee is delinquent.

J. Filling operations may begin immediately upon receipt of the annual permit fee, issuance of the permit and satisfaction of all pre-operational conditions.

K. Permits shall be valid for a period not to exceed ten (10) years for CDDLs greater than one acre in size or two (2) years for CDDLs of one acre or less in size.

L. The annual permit fee shall be due on the anniversary of the permit issuance date. A late payment fee shall be assessed at \$100.00 for every 30 days the annual operating fee is delinquent.

232

SECTION 10.3.1: PERMIT EXTENSIONS

A CDDL of less than one acre shall not be granted a permit extension. A CDDL of greater than one acre may apply for a permit extension under the following conditions:

A. Application for a permit extension must be made 180 days prior to the expiration of the existing permit, unless permission is granted for a later date by the Solid Waste Coordinator

B. Applications for renewal must follow the application requirements outlined in Section 10.2A, B1, C, and D.

C. The Solid Waste Coordinator shall consider whether all conditions of the original permit and modifications of permit conditions were met. The Solid Waste Coordinator may request updated information necessary for reevaluating the permit's suitability for reissuance and impose additional or modified permit conditions when deemed appropriate.

D. Permit renewals shall be issued for an additional ten (10) year period.

→ SECTION 10.4: MINIMUM SITING STANDARDS

A. CDDLs and operations and activities associated with CDDLs may not be placed or occur in any type of intermittent stream, perennial stream, river, pond, lake, impoundment, wetland, 100 year flood plain, feature of karst terrain, or habitat of state or federally listed threatened or endangered species. An exception to the above (barring habitat for state or federally listed threatened or endangered species) is allowed for linear development such as storm water conveyance structures, access driveways, utility crossings, etc., so long as no other practicable alternative exists that would otherwise avoid the impact.

B. CDDLs shall not be placed within:

1. 250 feet of any unplugged well except monitoring wells.

2. 50 feet of a septic system leach field.
 3. 25 feet of a septic system collection tank.
 4. 50 feet of a gas, sewer or water line for a greater than one acre CDDL and 25 feet for a less than one acre CDDL.
 5. 250 feet of a feature of karst terrain.
 6. 1,000 feet of an intermittent or perennial stream.
 7. 250 feet of a pond, lake, impoundment, or wetland.
- C. Exceptions to Section 10.4A and B above are as follows:
1. Re-routing and piping of intermittent streams is allowable so long as the appropriate state or federal permits are obtained including a 401 water quality certificate pursuant to KAR 5:029 through 401 KAR 5:031.
 2. Filling of isolated ponds and impoundments of ephemeral or intermittent streams is allowable so long as the appropriate state or federal permits are obtained.

SECTION 10.5: MINIMUM CONSTRUCTION STANDARDS

CDDLs must be constructed in accordance with the provisions of this ordinance. General construction standards are as follows:

- A. Side slopes shall conform to state regulations and be mowable, but in no event shall exceed one foot vertical to four (4) foot horizontal.
- B. The installation of roads, parking areas, buildings, structures, and operation facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected. At minimum, the roads and parking areas must be designed to withstand heavy truck and machinery traffic.

234

C. All CDDLs must construct and maintain a truck tire cleaning facility in conformance with the approved permit design. Mechanical devices, such as gravel construction entrance pads, are encouraged.

SECTION 10.5.1: LINERS

A. All CDDLs must be constructed with a bottom and sidewall liner.

B. Liners shall be constructed of soil with a minimum thickness of 24 inches. The low permeability soil component shall include a minimum of 12 contiguous inches of 1 x 10 centimeter per second maximum permeability material, or its equivalent. A professional engineer must certify that the completed liner complies with the permeability standard. The certification document shall include a minimum of four (4) post construction tests per acre of constructed liner that supports the certification. All sampling, testing; and certifications shall be performed by an independent entity(s). The test results shall be presented to the Solid Waste Coordinator before the liner inspection (see Section 10.12 of this ordinance).

C. Liner construction may be staged in sections. Sections shall be no smaller than a quarter (1/4) acre in size. The partial liner sections must possess sufficient edge to allow proper construction of a seam when the remaining portion of the liner is constructed. This edge must be protected from damage until such time that the seam is created. Each section shall be tested for liner permeability as outlined in Section 10.5.1B.

D. The minimum bottom slope shall be 3% towards the leachate collection line and 1% along the leachate collection line.

E. The lowest component of the CDDL liner shall be at least four (4) feet above the seasonal high water table.

235

F. The lowest component of the CDDL liner shall be at least two (2) feet above the bedrock.

G. A bearing layer of select CDD or other approved material, a minimum thickness of 24 inches, shall be deposited over the liner to protect it from damage caused by heavy machinery and/or other operational aspects. Bearing layer material shall be free from large objects or other debris that, when placed on the liner, could harm the integrity of the liner system. In addition, a professional engineer shall certify that the bearing layer possess enough permeability so as to not adversely affect the integrity of the leachate collection system. The bearing layer shall be installed prior to CDD disposal. This requirement can be superseded by a Cabinet approved drainage layer as per 401 KAR 48:060.

SECTION 10.5.2: LEACHATE COLLECTION SYSTEM

A. Conveyance System

1. All CDDLs shall have a leachate collection system in place prior to CDD disposal.
2. At minimum, a leachate collection system shall consist of a toe-drain and a single interior collection line. The interior collection pipe will be, at minimum, an eight (8) inch diameter perforated pipe, surrounded by two (2) feet of crushed rocks.
3. The toe-drain will be constructed along the down gradient side of the CDDL.
4. Extension of the toe-drain collection system around the perimeter of the CDDL or the construction of additional interior collections lines may be required if the shape of the CDDL or other site conditions is such that total leachate collection is uncertain. The Solid Waste Coordinator will maintain the right to require additional improvements at his/her discretion to insure the leachate is collected.

5. Staging of lateral line construction or activation in order to capture leachate from an active filling area and to avoid collecting storm water that has not come in contact with CDD is permissible.

B. Collection Tank.

1. All leachate collected by the leachate conveyance system must be discharged to the leachate collection tank.
2. The tank may be made of fiberglass, steel, or pre-casted concrete. A single tank or multiple tanks may be used; however, the total tank capacity shall be a minimum of 2,000 gallons.
3. The construction of the tank may be similar to that used in standard septic system designs.
4. The design of the tank must be such that standard laboratory sampling devices, such as bailers, can be employed to extract sufficient quantities of the leachate for testing.
5. All pipe entrances to the tank must be sealed to be water tight.
6. The top manhole port used to evacuate the internal product must be a minimum of 10 inches in diameter and exposed for easy access.
7. Any tools necessary for the removal of the port lid must be present on site at all times until closure of the CDDL.

SECTION 10.5.3: STORM WATER DIVERSION SYSTEM

A. All CDDLs shall have the permanent storm water diversion system in place down gradient of the waste cell footprint before CDD disposal can commence. Construction of temporary ditches to divert storm water to the permanent system during construction is required.

B. Storm water diversion systems will be designed to reduce leachate production during construction of the CDDL, divert all storm water around and away from the CDDL, divert stream flows, and to protect the CDDL from erosion.

C. The permanent system must have the design capacity to handle a 25 year storm event and be hydro logically connected to a surface water feature (i.e. ditch, stream, pond, etc.).

D. At minimum, the permanent system shall consist of a two (2) foot wide ditch or swale that extends around the perimeter of the CDDL. The permanent conveyance structure shall be lined with a minimum of six (6) inches of rip-rap or geo-textile fabrics.

E. The Solid Waste Coordinator shall maintain the right to require additional storm water diversion structures or facilities at his/her discretion in order to protect the CDDL from erosion or to reduce leachate production. This includes, but is not limited to, requiring the installation of scour-holes, berms, revetments, headwalls, and detention ponds.

SECTION 10.5.4: FINAL CAP SPECIFICATIONS

A. The CDDL shall be capped with at least two (2) feet of compacted soil graded with sufficient slope to allow run-off of storm water. Acceptable soils for use in constructing the CDDL cap include clay and silty clay as defined by the Unified Soil Classification System.

B. Soil shall be conditioned to properly take to seeding. Therefore, liming and fertilizing is required as well as a thick seed cover of two (2) legumes, one perennial grass and one annual grass.

C. Lime shall be applied at a rate of two (2) tons per acre.

D. Fertilizer, 10-10-10, shall be applied at a rate of 100 pounds per acre.

E. Straw mulch shall be applied at a rate of 70 bales per acre.

F. Other mulching, seeding, and conditioning options may be employed such a hydro seeding and use of topsoil with prior approval from the Solid Waste Coordinator.

SECTION 10.6: LEACHATE COLLECTION SYSTEM OPERATION

A. The operator shall maintain the leachate collection system in working order at all times. The leachate collection system shall be visually inspected every week and the quantity of leachate in the collection tank recorded in a log. In addition, the leachate collection log shall reflect when leachate is removed, the volume removed, the disposal company employed, and the ultimate method of disposal.

B. Any damage to the leachate collection system shall be corrected within 48 hours of its occurrence. Such events shall be recorded and reported to the Solid Waste Coordinator during the monthly status report.

C. Any failures of the leachate collection system shall be recorded and reported to the Solid Waste Coordinator within 48 hours of its occurrence and noted in the monthly status report.

D. Leachate shall be properly disposed at a waste water treatment plant or through a licensed disposal facility.

E. Leachate shall be pumped out of the collection tank and properly disposed when the tank reaches 90% capacity.

F. Waste characterization (sampling analysis) of the leachate shall be performed in accordance with the requirements of the leachate disposal facility. Results of all characterization analyses shall be sent to the Solid Waste Coordinator with the monthly report.

G. Leachate shall be sampled every two (2) months during operation of the CDDL and quarterly after the CDDL is capped. Monitoring shall continue two (2) years following closure

of the CDDL. All sampling and testing shall be conducted by an independent laboratory.

H. Leachate shall be tested for the following parameters:

pH.

Total Nitrogen (TN).

Total Organic Carbon (TOC).

Sulfates.

Suspended Solids.

Volatile Organic Compounds (VOC).

Semivolatile Organic Compounds (SVOC).

Priority Pollutant and Sludge Metals.

Polychlorinated Biphenyls (PCBs).

I. Monitoring requirements may be related at the discretion of the Solid Waste Coordinator whereby the frequency of testing, the duration of sampling or the tested parameters may be reduced if it can be demonstrated by the operator that human health and safety and environmental protection are not compromised.

J. The requirement for leachate monitoring shall be waived if a Cabinet approved ground water monitoring plan is implemented.

SECTION 10.7: GENERAL OPERATING REQUIREMENTS

A. CDDLs may operate during daylight hours Monday through Saturday.

B. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, or odor to adjacent properties. The premises shall be kept in a neat and clean condition at all times. Loose paper or debris shall be controlled on the site. Dusty conditions

240

shall be corrected by sprinkling with water or other methods meeting current state standards.

C. Debris is to be spread and compacted over the site by the end of the working day following disposal.

D. No burning of any material is to occur at the CDDL. Any smoldering flame or spontaneous combustion shall be immediately extinguished. Any fires at the CDDL must be reported in the status report.

E. Only construction/demolition debris allowed by the Cabinet shall be disposed in the CDDL. Substances deemed hazardous by state and/or federal law, or any other non-construction/demolition debris material shall not be disposed in the CDDL.

→ F. All CDD loads shall first be sent to a permitted transfer facility before they are diverted to a less than one acre CDDL. All loads for a less than one acre CDDL shall be inspected at the transfer facility. All loads for a greater than one acre CDDL shall be inspected at the facility gate. All non-CDD is to be extracted from the load. Extracted waste shall be properly disposed. Non-hazardous waste not allowed in the CDDL shall be transported to a contained landfill. A licensed hauler shall transport hazardous waste to a properly permitted hazardous waste disposal facility. Recyclable materials may be extracted at this time. The remaining CDD shall then be transferred directly to the working face of the CDDL or first reduced in volume by mechanical means.

Diversion of disposal ready loads of CDD directly to the CDDL is permitted with prior approval from the Solid Waste Coordinator.

G. Roads accessing the property of the CDDL site must be kept cleared of mud, dirt, and other debris associated with the construction, operation and closure of the CDDL.

H. Two (2) sets of daily logs of the CDDL use shall be generated by the operator. The first set of logs shall be maintained at the place of business of the operator, and within Owen County, and shall include the date, origin of the debris (to include the name, address, and phone number of the responsible party), number of truck loads, and the total cubic yards disposed. This set of logs will be available to the Solid Waste Coordinator with a minimum of 24 hours prior notice. The information concerning the origin of the debris shall be maintained as confidential, except as necessary to establish a violation pursuant to Sections 10.15 or 11, or in an appeal pursuant to Section 10.16. The operator shall have the right to seek confidential treatment of the information concerning the origin of the debris in any proceeding conducted pursuant to Sections 10.15, and 10.16, and 11. The second set of daily logs shall be submitted as part of the monthly status report and shall include the date, number of truck loads, and the total cubic yards disposed at the CDDL.

I. A monthly status report detailing the daily log summary, leachate, monitoring results, leachate characterization results, leachate collection log, ground water monitoring results (if applicable), any incidents, corrective measures, and any other reporting requirements of this ordinance must be submitted to the Solid Waste Coordinator by the 20th of the following month.

J. CDDL must have a sign at the driveway entrance in accordance with state and county regulations.

K. A landfill operator, certified by the Cabinet, shall be on duty or available any time the CDDL is open for use. The use of an interim operator is permissible as long as the Solid Waste Coordinator is notified.

SECTION 10.5: CLOSURE REQUIREMENTS

A CDDL shall be considered closed after the following have occurred:

- A. The CDDL does not accept any additional quantities of waste.
- B. The CDDL is properly capped, mulched, seeded, and fertilized.
- C. The CDDL cap and all disturbed areas associated with the CDDL construction have obtained 90% vegetative ground coverage.
- D. Leachate production has ceased or tested parameters are below the appropriate state ground water or surface water standards for two (2) testing periods.
- E. The operator has submitted an as-built survey and site plan of the CDDL showing the final elevation contours of the CDDL cap. The site plan shall show the final volume of the landfill with and without the cap material. The site plan shall also follow the specification outline in Section 10.2.2 of this ordinance.
- F. The Solid Waste Coordinator has conducted the final inspection of the CDDL.

SECTION 10.9: RETURN OF GUARANTEE

The guarantee deposit shall be returned after the following have occurred:

- A. The CDDL has been closed for two (2) years.
- B. There are no outstanding notices of violations of county, state, or federal environmental laws applicable to the CDDL. This includes any outstanding violations of the environmental performance standards outlined in 401 KAR 47:030.

SECTION 10.10: WAIVER OF STRICT COMPLIANCE

The applicant may apply for a waiver of strict compliance with Sections 10.4, 10.6J, 10.7F, and 10.8 of this ordinance. Waivers of strict compliance must state the nature of the waiver requested and the reasons why this will not cause a measurable impact to the health, safety and welfare of the public, integrity of the environment and the ability of the Solid Waste Coordinator to enforce this ordinance.

It will be at the discretion of the Solid Waste Coordinator to issue a waiver of strict compliance to the CDDL permit. The Solid Waste Coordinator decision shall be based upon the potential impact of the waiver to the health, safety and welfare of the public, and the potential to pollute or otherwise degrade the environment. The Solid Waste Coordinator, under the following conditions, may issue waivers of strict compliance:

A. Waivers of strict compliance are to be made in writing with an original and three (3) copies of all information submitted.

B. Applications for a waiver of strict compliance shall include:

1. A non-refundable fee of \$500.00 if the waiver application is made outside of the initial CDDL permit application. No permit fee shall be assessed if the waiver application is made with the initial CDDL permit application.
2. Proof of notification for all property owners adjacent to the property that states the applicant is applying for a waiver of strict compliance and the nature of the waiver, the applicant's name and address, the property parcel number of the CDDL property, the property owners' name, and must include a map showing the location of the CDDL in relation to surrounding properties and public roads.

244

C. Provisions of the waiver approval shall be incorporated as conditions to the CDDL permit and shall be relevant to that permit only.

D. Waivers of strict compliance shall not be entertained after a permit application has been denied.

E. No waiver may be issued that would violate state or federal law.

F. The Solid Waste Coordinator shall place a public notice in at least one local paper to solicit public comments on the waiver of strict compliance. The Solid Waste Coordinator shall make available for public review a copy of the waiver application. A thirty (30) day public comment period shall be observed before a decision is rendered.

G. The Solid Waste Coordinator may place a time limit on the waiver.

SECTION 10.11: PERMIT MODIFICATIONS

This section sets forth the requirements for changes to permits.

SECTION 10.11.1: TRANSFER OF PERMITS

A permit is not transferable without approval by the Solid Waste Coordinator. New owners or operators shall provide the Solid Waste Coordinator with the appropriate information such as name, address, and phone number and revised bonding (if appropriate). The Solid Waste Coordinator shall issue a new permit to incorporate the new owners or operators. Transfer of ownership shall be consider a major permit modification.

SECTION 10.11.2: MAJOR AND MINOR PERMIT MODIFICATIONS

The Solid Waste Coordinator may, upon review of submitted information, which sufficiently describes the request action, issue a permit modification to the operator or owner. Any permit not processed as a major modification shall be deemed a minor modification and shall

275

be exempt from the public notification requirements prior to approval. A major modification shall be deemed to exist if the proposed change is of the scope and nature that the Solid Waste Coordinator determines that public notice is necessary to allow participation in the county's decision by persons who have an interest which may be adversely affected by the proposed change. Major modifications shall include, but shall not be limited to:

A. An increase in the area authorized for waste disposal of any unit as represented by the waste boundary in the original application and permit. This type of action is a horizontal expansion.

B. An increase in the CDDL capacity that extends the life of the facility by more than two (2) years and is not a horizontal expansion. This type of action is a vertical expansion.

C. Transfer of ownership to a person other than that named on the permit.

D. Implementation of a corrective action plan required by the Cabinet under 401 KAR 48:300, Section 8(9). The public notice requirements shall not hamper corrective action activities in situations where there is an immediate threat to human health or the environment.

SECTION 10.11.3: PERMIT MODIFICATION APPLICATIONS

A. Permit modifications are to be made in writing with an original and three (3) copies of all information submitted.

B. Applications for a permit modification shall include:

1. A non-refundable fee of \$250.00 for a minor permit modification or a non-refundable fee of \$500.00 fee for a major permit modification.
2. For a major permit modification: proof of notification for all property owners adjacent to the property that states the applicant is applying for a major

246

permit modification, the nature of the modification, the applicant's name and address, the property parcel number of the CDDL property, the property owner's name, and must include a map showing the location of the CDDL in relation to surrounding properties and public roads.

C. For a major permit modification, the Solid Waste Coordinator shall place a public notice in at least one local paper to solicit public comments. The Solid Waste Coordinator shall made available for public review a copy of the major permit modification. A thirty (30) day public comment period shall be observed before a decision is rendered.

D. Provisions of the permit modification shall be incorporated as conditions to the CDDL permit and shall be relevant to that permit only.

E. No permit modification may be issued that would violate state or federal law.

SECTIONS 10.12: INSPECTIONS

Any fill operation, whether permitted or not, may be inspected by the Solid Waste Coordinator. In addition, the following mandatory inspection criteria will apply:

A. "Liner: The Solid Waste Coordinator shall inspect the liner, testing data and bearing layer when it is completed. The liner shall be inspected for completeness and permeability. The Solid Waste Coordinator shall respond to a request for an inspection of the liner system within two workings days of the request. If the Solid Waste Coordinator fails to inspect within two working days, the permittee may proceed to the next phase of construction, after submitting certification from a registered professional engineer that construction has been completed in accordance with the applicable requirements of this ordinance and permit conditions. In addition, the permittee must provide proof of guarantee as per Section 10.18.

01.7

B. Leachate Collection System: The Solid Waste Coordinator shall inspect the leachate collection system when it is completed. The leachate collection system shall be inspected for completeness and workmanship. The inspection shall take place before trenches and excavations are back-filled. The Solid Waste Coordinator shall respond to a request for an inspection of the leachate collection system within two working days of the request. If the Solid Waste Coordinator fails to inspect within two working days, the permittee may proceed to the next phase of construction, after submitting certification from a registered professional engineer that construction has been completed in accordance with the applicable requirements of this ordinance and permit conditions.

C. Final Inspection: The Solid Waste Coordinator shall inspect the CDDL when it is completed. The inspection will focus on the integrity of the cap and storm water diversion system as well as any other feature associated with the CDDL. The CDDL shall be considered closed following approval of the final inspection.

D. Post Closure Inspection: The Solid Waste Coordinator shall inspect the CDDL no less than two (2) years following closure of the facility. The inspection will focus on the integrity of the cap and storm water diversion systems as well as any other feature associated with the CDDL. This inspection approval is required before the guarantee deposit can be released.

SECTION 10.13: PERMIT SUSPENSION

Any permit issued under this section may be suspended for violations or lack of compliance. The revocation of a disposal permit issued by the Cabinet or the failure to pay required fees shall be considered just cause for the suspension or revocation of any county permit issued for the same site.

248

SECTION 10.14: STOP WORK ORDER

In instances where continued operation or construction of the CDDL in violation of this ordinance will pose an immediate risk to the human safety or the environment, or repeated violations have been made by the operator, the Solid Waste Coordinator shall have the right to issue a stop work order. Issuance of a stop work order shall be made in writing and given to the operator of the CDDL and the landowner. The stop work order shall stipulate the corrective actions that must take place in order to resume operations at the CDDL.

SECTION 10.15: INJUNCTIVE RELIEF

In the event a permit issued under this section is revoked, or a stop work order is in effect and the person continues to operate, the Solid Waste Coordinator may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder.

SECTION 10.16: APPEAL

Appeal of any action taken by the Solid Waste Coordinator under this section shall be to Owen Fiscal Court.

SECTION 10.17: PERMIT DISPLAY

Any person operating under a permit required by this section shall prominently display a copy of said permit, in a weather proof manner, at the fill site.

SECTION 10.18: GUARANTEE

To insure the strict compliance with all of the above conditions, the applicant shall deposit with the county cash or a certified check, or execute a bond with a corporate surety authorized to do a surety business in Kentucky. The amount of cash, certified check, or bond shall be fixed at

the rate of \$5,000.00 per acre of liner constructed or portion thereof. Initial applications for a CDDL must submit a minimum guarantee to cover one acre of constructed liner, or \$5,000.00.

VI. Section 9. Penalties is renumbered as Section 11.

VII. Section 10. Public Health Hazard is renumbered as Section 12.

VIII. Section 11. Solid Waste Management Board is renumbered as Section 13.

IX. Section 12. Severability is renumbered as Section 14.

X. Section 13. Effective Date is renumbered as Section 15.

XI. A new Section 16 is added to read as follows:

SECTION 16: APPEAL

Any appeal from actions of Owen Fiscal Court may be taken by filing in Owen Circuit Court or any other applicable law.

This ordinance shall become effective upon its passage and advertisement according to law. This

9 day of June, 1998.

Tom Olds

Tom Olds,
County Judge-Executive

ATTEST:

Mary Kay Duncan
Mary Kay Duncan

570

original

COMMONWEALTH OF KENTUCKY
OWEN COUNTY SOLID WASTE ORDINANCE
ORDINANCE # 99

AN ORDINANCE REGULATING THE STORAGE, COLLECTION,
TRANSPORTATION, AND DISPOSAL OF SOLID WASTE AND
THE SITING OF SOLID WASTE MANAGEMENT FACILITIES.

WHEREAS, it is necessary and proper pursuant to KRS 67.083 for the County of Owen to regulate the storage, collection, transportation, and disposal of solid waste within Owen County for the protection of the residents thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF OWEN, COMMONWEALTH OF KENTUCKY, THAT:

Section 1: Purpose

This ordinance is enacted:

- A. To enhance and protect the public health;
- B. To abate a potential public health hazard or nuisance;
- C. To preserve the natural resources of Owen County;
- D. To encourage the social and economic development of Owen County;
- E. To assure adequate capacity for the disposal of solid waste and to site solid waste management facilities in areas of the County which will minimize the adverse effects of such facilities; and
- F. To encourage recycling and waste reduction so as to preserve scarce resources and to reduce the volume of the solid waste stream being created.

Section 2: Definitions

A. "Collection" means removal of solid waste from the designated pickup location to the transportation vehicle.

B. "Existence" means a solid waste management facility which is in operation, or for which continuous construction has commenced at time of enactment of the ordinance. A solid waste management facility has commenced continuous construction if:

- (1) The owner or operator has obtained necessary federal, state or local approvals to be in physical construction; and

(2) Either:

(a) A continuous on-site physical construction program has begun;

(b) the owner or operator had entered into contractual obligations which could not be canceled or modified without a substantial loss.

C. "Hazardous Waste" means any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in serious or irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The term hazardous waste shall include only those substances or materials listed in 401 KAR 31:040.

D. "Owner or Operator" means the owner of any solid waste management facility and any person who has ultimate decision-making authority over the facility or other person involved in the operation of a solid waste management facility.

E. "Person" means any individual, trust, firm, corporation, joint stock company, partnership, association, federal agency, state agency, city, commission, or political subdivision of the Commonwealth.

F. "Recycling Facility or Resource Recovery Facility" means any facility at which non-hazardous materials are salvaged, separated, or transformed for the purpose of creating any material or energy for beneficial reuse or sale. Recycling facilities and resource recovery facilities are to be limited to those facilities whose owner or operator derives 90% or more of its revenue at that facility from the reuse or sale of recycled or recovered products and materials.

G. "Solid Waste" means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining (excluding mining waste, by product, refuse and overburden), and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial wastewater systems, or source, special nuclear, or by product material as defined by the atomic energy act of 1954, as amended, or non-hazardous materials that are recycled, reused or utilized for resources facilities or that are intended for recycle, reuse, or resource recovery. For purpose of this ordinance, substances which are "special wastes" are not within the definition of solid waste.

H. "Solid Waste Management" means the administration of solid waste activities, which includes source separation, transfer, processing, treatment, and disposal of solid waste.

I. "Solid Waste Management Facility" means any facility for source separation, transfer, processing, treatment or disposal of solid waste.

J. "Special Wastes" mean those wastes of high volume and low hazard which include, but are not limited to, mining waste, utility wastes (fly ash, bottom ash, scrubber sludge and other wastes from coal-fired electric generating plants), sludge from water treatment facilities and waste water treatment facilities, cement kiln dust, gas and oil drilling muds and oil production brines.

K. "Storage" means keeping, maintaining or storing solid waste from the time it is generated until the time it is collected and disposed of.

L. "Transfer" means holding or transferring any solid or hazardous waste at any transportation related facility including any fixed or mobile loading docks, parking areas, or similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

M. "Transportation" means any off-site movement of waste by any mode, and any loading, unloading, or storage incidental thereto.

Section 3: Applicability

A. This ordinance shall apply to the storage, collection, transportation, transfer, and disposal of solid waste in Owen County and to any person who is an owner or operator of a solid waste management facility.

B. This ordinance shall not apply to any solid waste management site or facility in existence and holding all authorizations or permits required under applicable state or federal laws as of the date of enactment of this ordinance:

Provided, however, that any owner or operator of a solid waste management facility shall be required to obtain fiscal court site approval as required by this ordinance in the event that the owner or operator proposes to alter the activity conducted to:

- (1) Include a new solid waste management facility; or
- (2) Increase the total volume of solid waste disposal by twenty five (25%) percent or greater; or
- (3) Modify or expand existing solid waste management facility resulting in an increase in the facility's disposal capacity; or

(4) Include a new type of waste being received.

C. This ordinance shall not apply to recycling facilities or resource recovery facilities or to any solid waste management facility owned by such recycling or resource recovery facility which is utilized exclusively for the management of residual material derived from the operation of the recycling facility or resources recovery facility provided that such residual materials are non-hazardous, and are managed in full compliance with the environmental performance standard of 401 KAR 47:030. The Fiscal Court, or an agent thereof, is hereby authorized to conduct reasonable inspections of recycling facilities, resource recovery facilities or any solid waste management facility associated therewith and to review applicable records in order to determine whether the terms of the exemption granted by this section have been satisfied.

D. Special wastes within the definition of Section 2(J) of this ordinance are not solid wastes. Accordingly, this ordinance is not applicable to the storage, processing, transfer, disposal or other handling of special wastes.

E. Construction/demolition debris landfills of one acre or less issued a permit by rule under 401 KAR 47:080 and operating in conformance with all applicable regulations are exempt from Section 8 of this ordinance.

F. The provisions of Section 8 of this ordinance shall not apply to the source separation of solid waste where such separation is conducted at a recycling facility, a resource recovery facility, or at the site where the solid waste was generated.

Section 4: Storage of Solid Waste

A. The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste shall provide sufficient and adequate containers for each dwelling unit or establishment to store all solid waste, except for bulky rubbish and demolition and construction debris.

B. All solid waste shall be collected in proper waste containers and such solid waste containers and the area surrounding them shall be maintained in a clean, neat and sanitary condition at all times. Solid waste shall be stored in a manner that will not provide harborage of rodents, insects and vermin and will not create a fire hazard. Solid waste containers shall be leakproof, waterproof, and fitted with a secure lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. (With respect to commercial containers, i.e. "greenboxes", or roll-off containers, this section (Section 4(B)) shall not take effect until six months from the effective date of this ordinance.)

C. Plastic garbage bags may be used as containers for solid waste only if they are made of a strong material able to withstand compaction, are absent of flaws that would allow leachate or solid waste to escape and are securely fastened. Plastic garbage bags may be left at the point where collection services are performed but shall not be left out for more than twelve (12) hours prior to time of collection.

D. No solid waste shall be stored at a site other than the place of its generation for more than twelve (12) hours after collection, unless at an approved and permitted solid waste management facility.

E. Demolition and construction debris shall not be stored longer than commercially reasonable, and under no circumstances shall such debris be stored for longer than six (6) months, unless at a permitted construction/demolition debris landfill.

F. Storage of household and agricultural waste on the property owned or leased by the generator of the waste is permissible, provided that open dumping laws are not violated.

Section 5. Collection of Solid Waste

A. Any person who collects, hauls or transports any solid waste not generated at a site owned or operated by the person collecting, hauling or transporting such solid waste shall first obtain a collection/transportation permit from the Fiscal Court.

B. A fee of \$25.00 per vehicle, plus \$4.00 for each cubic yard of capacity of such vehicle over 18 cubic yards, shall be assessed and is payable to the Owen County Fiscal Court at such time as application is made for the collection/transportation permit.

C. Collection/transportation permits are valid from the date of issuance until the 31st day of December of the year in which the permit is granted.

D. All applications for collection/transportation permits shall be made on the official form which is attached hereto as "Appendix A" and which may be obtained at the office of the Owen County Judge/Executive. Failure to complete any portion of the application form or the giving of false information in such application shall be grounds for denial of the requested permit.

E. At time of permit expiration, the permit holder shall submit to Owen County Fiscal Court a performance report relative to the past year's operations. If operational deficiencies are found via the performance report or by other means, the permit holder shall be notified to appear before the Owen County Fiscal Court and show cause why the collection/transportation permit shall not be suspended or revoke.

F. Collection or transportation shall not continue after permit expiration until the permit has been reissued or an extension has been granted.

G. Any person engaged in the collection and transportation of solid waste must carry liability insurance in the amount of not less than One Hundred Thousand (\$100,000.00) Dollars for each person injured or killed, and in the amount of not less than Five Hundred Thousand (\$500,000.00) Dollars in the event of injury or death of two or more persons in any single accident. Such policy must provide liability coverage for damage to property in the amount of One Hundred Thousand (\$100,000.00) Dollars and may be written to allow the first Two Hundred Fifty (\$250.00) Dollars of liability for damage to property to be deductible. Proof of insurance meeting the above-described requirements shall be furnished to the Fiscal Court at the time of application for permit.

H. No permit shall be required for a vehicle transporting solid waste through Owen County which is neither collected, transferred, or disposed of in Owen County. However, all vehicles which either collect or transfer or dispose of waste in Owen County must ~~has~~ a collection/transportation permit, unless the person collecting, transferring, or disposing of solid waste is also the generator of that waste.

I. The provisions of Section 5 of this ordinance shall not apply to persons occasionally transporting construction/demolition debris or debris associated with land clearing, provided that such persons are not in the business of transporting such solid waste.

Section 6. Transportation of Solid Waste

All transportation vehicles shall be maintained in a safe, clean, and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with adequate sides so as to prevent spillage of solid waste and shall be provided with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

Section 7. Disposal of Solid Waste

No solid waste shall be disposed of in Owen County other than at an approved and permitted solid waste management facility meeting all requirements of this ordinance, and applicable state statutes and regulations, except agricultural and domestic burning as provided by state statutes.

571.2

Section 8. Siting of Solid Waste Management Facilities

Section 8.1 Prohibition

A. No person shall construct or operate a solid waste management facility prior to the issuance of a Site Approval Permit by the Owen County Fiscal Court as provided in this ordinance.

B. The Owen County Fiscal Court has determined that certain areas within the County are not suitable for the siting of solid waste management facilities. Accordingly, site approval permits shall not be issued for a facility in an area where solid waste management facilities are tentatively prohibited unless the owner or operator can show compelling reasons why the site approval permit should be issued. The Fiscal Court has based this tentative prohibition on the criteria set forth in Section 8 of this ordinance, as those criteria apply to areas in general and not to specific facilities.

C. The Site Approval Permit required by Section 8.1(A) of this ordinance is required in addition to any other approvals or permits required by federal or state regulatory authority.

D. No person shall dispose of hazardous wastes in Owen County other than the small quantities allowed pursuant to 401 KAR Chapter 47.

Section 8.2 Site Approval Process

A. The owner or operator of a proposed solid waste management facility shall file an application for a Site Approval Permit with the Owen County Fiscal Court at the office of the County Judge/Executive.

B. The application for a Site Approval Permit shall include:

(1) The name and address of the owner or operator and the location of the proposed site of the facility.

(2) A copy of the deed or other document establishing the right, title and interest of the owner or operator in the proposed site of the facility.

(3) A current USGS map showing the location of the proposed site, at a scale of one (1) inch equals two thousand (2,000) feet, with said map showing the entire boundaries of the site or proposed site;

(4) A description of the type of solid waste and the source of generation of the solid waste involved in the solid waste activity to be conducted on the site together with a description of the technology and the

procedures the owner/operator proposes to utilize in its solid waste management activities at the site;

(5) A complete history of the owner or operator's prior experience in the ownership and/or operation of any and all solid waste facilities or activities, wherever located. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of solid or hazardous waste management facilities, and with respect to the owner or operator, such description shall disclose:

(a) Any administrative, criminal or civil action pending against the owner or operator of the proposed site alleging a violation of any federal, state or local law or regulation concerning solid waste, the protection of public health and safety, or environmental protection;

(b) For the five (5) year period immediately preceding the date of filing of the petition for site approval, whether the owner or operator has been convicted of a crime, entered a plea of guilty or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding, involving the violation of any federal state, or local law or regulation applicable to the management of solid waste and the protection of the public health and safety of the environment;

(6) The petition for site approval shall identify the following persons and entities, and provide the compliance information required by Section 8.2(B)(5) for each person or entity so identified:

(a) The owner or operator applying for site approval;

(b) If the owner or operator is a proprietorship, each proprietor and the interest held;

(c) If the owner or operator is a partnership, each of the partners and their respective interest, and any corporation, joint venture, partnership in which any of the partners comprising the applicant holds twenty-five (25) percent or greater interest;

(d) If the owner or operator is a corporation, a detailed listing of the officers, directors and stockholders; any corporation of which the applicant

570

is a subsidiary or which holds a ten (10) percent or greater interest in the applicant; any corporations which are either subsidiaries of the applicant or in which the applicant holds a ten (10) percent or greater interest; and any proprietorship, partnership, or joint venture in which the applicant holds a ten (10) percent or greater interest.

For the purposes of this section, "interest" includes ownership or other interest reflected in stocks, assets or other beneficial interest.

(7) Financial data including:

(a) An estimate of the total cost of the facility and an estimate of the cost of each of the major components of the facility;

(b) Audited statements of income and balance sheets of the owner or operator for each of the three (3) years immediately preceding the year in which the application for site approval permit is filed;

(c) A plan of financing for the proposed facility, including the amount to be raised through debt and the potential sources' thereof. If the owner or operator is a subsidiary corporation which wishes to have the financial resources of its parent considered, then the owner or operator shall submit, in addition to the foregoing, a description of the relation between the subsidiary and the parent and written confirmation from such parent corporation that its financial resources are available to finance the proposed facility as represented by the subsidiary;

(d) A statement as to the extent of liability insurance in effect or proposed with respect to the facility, together with true copies of any policies of insurance in effect and a listing of any claims made or threatened under any policies of liability insurance;

(e) A statement as to whether the owner or operator has been designated as a potentially responsible party under the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("CERCLA"), as amended; and, if so, the location of the site or sites involved, an estimate of the owner or operator's share, if any, of the cost to clean up the site and a description of site and superfund listing;

(8) A statement as to the present suitability of the site for the conduct of the proposed activity at the facility and of any additional measures that would be required to make the site suitable for such activity;

(9) A set of drawings prepared by a licensed engineer depicting the proposed facility, which drawings impart sufficient detail and information for the analysis required under this ordinance;

(10) A Facility Impact Report ("FIR") in accordance with this ordinance;

(11) A copy of the public notice of the right to submit comments to the Owen Fiscal Court pursuant to Section 8.2(D) hereof;

(12) Evidence of notification to adjoining property owners by certified mail of the intention to submit to the Owen County Fiscal Court an application for a Site Approval Permit for a solid waste management facility;

(13) A list of the names and addresses of all persons to whom the application for site approval was submitted pursuant to the provisions of Section 8.2(C); and

(14) The following certification:

"I certify under the penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons directly responsible for gathering and evaluating the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Which shall be signed:

(a) If the owner or operator is a corporation, by an authorized executive officer; or

(b) If the owner or operator is a partnership, by an authorized general partner; or

(c) If the owner or operator is a sole proprietor, by the proprietor; or

(d) If the owner or operator is a governmental agency, by the head of that agency.

600

(15) Any information submitted to the Owen County Fiscal Court pursuant to this ordinance may be claimed confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, the Owen County Fiscal Court may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in KRS 224.035, which are adopted herein by reference. Claims that the name and address of any owner or operator is confidential will be denied.

(16) A true copy of any permit application required by the Natural Resources and Environmental Protection Cabinet, if such application is available.

(17) A closure plan for the landfill as required by Title 401 Chapter 47 of the Kentucky Administrative Regulations with estimates of closure costs.

C. Submission and Distribution

(1) The application for site approval shall be submitted to the Owen County Judge/Executive. Within forty-five (45) days of the receipt of the application for site approval, the owner/operator shall be notified in writing if such application is administratively complete. For the purposes of this ordinance, "Administratively Complete Application" means an application for site approval which the Owen County Judge/Executive, or a designated agent thereof, determines contains information addressing each application requirement of this ordinance and all information necessary to initiate technical processing and public review. Additional information may be required after determination that the application is administratively complete.

(2) Upon receipt of the notification from the County Judge/Executive of administrative completeness, the owner/operator shall forthwith deliver the application for site approval to the following persons:

(a) Members of the Owen County Fiscal Court and the Owen County Attorney at those addresses set out in the list to be provided to the owner/operator of the proposed facility by the County/Judge Executive;

(b) The Fire Department Chief over the jurisdiction of the site or facility; such fire department shall be within the boundaries of Owen County;

601

(c) The County Disaster and Emergency Services Coordinator ("DES"); and

(d) The Director of the Owen County Health Department.

D. Public Comment and Public Hearing

Each application for site approval shall be subject to a public comment period and a public hearing. After the owner or operator has been notified that the application for a site approval permit is administratively complete and has submitted such application to the persons or agency as required by Section 8.2(C), the owner or operator shall cause a public notice to be published weekly for six (6) consecutive weeks in the newspaper of the greatest circulation serving Owen County.

The notice shall be in a form that advises the public that an application for a Site Approval Permit has been filed. The beginning date of the public comment period shall commence as of the date of the first public notice and shall end on the date on which the public hearing is concluded. The public hearing shall be held within forty-five (45) days after the date of the publication of the last of the six weekly public notices required herein. Such public hearing shall be held in Owen County at a location readily accessible to the public.

Section 8.3 Fiscal Court Determination As To Facility Site Approval

A. Within sixty (60) days after the conclusions of the public hearing, the appropriate Fire Department Chief, the County D.E.S. Coordinator and the Director of the Owen County Health Department shall review the application for a Site Approval Permit, together with any comments or information received during the public comment period, and any other information deemed appropriate, and each such agency shall make a recommendation to the Fiscal Court regarding the issuance or denial of the Site Approval Permit for the proposed facility.

Within thirty (30) days following receipt of the agency recommendations, the Fiscal Court of Owen County shall make final determination whether to issue or deny the Site Approval Permit.

B. Fiscal Court Determination: The Owen County Fiscal Court shall issued the application for site approval if it finds, on the basis of the information available to it that:

- (1) The nature of the solid waste management activity conducted at the facility site will not present an unreasonable risk to public health or safety;

- 602
- (2) The nature and extent of the solid waste activity conducted at the proposed site would not significantly impede or adversely impact the provision of fire, health and other emergency services to the public both in the vicinity of the proposed site and throughout Owen County;
- (3) The nature of the solid waste activity conducted at the facility site would not result in a significant reduction in the public's use and enjoyment of parks, recreational waters, historic structures, cultural and natural resources located in the vicinity of the proposed site;
- (4) The facility and the solid waste activity occurring on the site will not have a significant adverse impact on the establishment of business, residential developments, churches, schools or other types of activities related to the social, economic, and cultural development of Owen County;
- (5) The owner/operator's prior experience and history in solid waste activities indicates a reasonably satisfactory record of compliance with applicable federal, state, and local laws and regulations, and based upon such prior record, it can be reasonably expected that the owner/operator will, in constructing, expanding, maintaining or operating the facility at the proposed site maintain a corresponding satisfactory record of compliance with applicable laws and regulations;
- (6) The owner or operator has sufficient financial resources to complete construction of the new or expanded facility, maintain and operate the facility in compliance with applicable laws and regulations, respond immediately in the event of emergency by reason of accident or upset at the site, and complete closure of the facility in accordance with federal and state laws and regulations.
- (7) The owner or operator has complied with all solid waste management laws and regulations concerning solid waste facility permits, filings and/or notifications required by the state or federal regulatory authority;
- (8) The application is consistent with the goals and objectives of the county solid waste plan as adopted; and
- (9) The required financial responsibility for closure has been established, by posting a bond or establishing an escrow account in a minimum amount of Ten Thousand (\$10,000.00) Dollars or greater if so determined by an approved closure plan and cost estimate. The approved cost estimate for closure and corresponding bond shall be

1003

reviewed and adjusted at least once every five (5) years.

C. Notification

The Owen County Fiscal Court shall send written notification of its determination with respect to the Site Approval Permit application to the owner or operator and to all persons who submitted written or oral comments during the public comment period. Such notifications shall include a written summary of the basis for the determination.

D. Coordination With Other Laws

The Owen County Fiscal Court shall, to the extent possible or as may be required, coordinate its review of applications for site approval under this ordinance with the exercise of authority conferred upon it pursuant to any state or federal laws.

Section 8.4 Facility Impact Report

A. Procedure

The owner or operator shall file with its application for site approval a facility impact report which shall include the following: An environmental impact report, a socioeconomic report, and a risk assessment.

The owner or operator shall publish notice of the availability of the facility impact report for examination and review at the office of the County Judge/Executive, such notice to be included in the public notice required in Section 8.2(D) hereof with respect to the application for site approval.

B. Contents of Facility Impact Report

(1) The facility impact report shall contain a socioeconomic report which shall include a comprehensive community inventory which shall identify the following:

(a) The historic land use of the facility site;

(b) Proximity of the proposed site to residences, schools, churches, public parks, agricultural land, nursing homes, hospitals, cemeteries, historic structures, and infant care facilities;

(c) A general profile of the business community located in the vicinity of the facility site including any sites planned for future industrial parks or sites being considered for any business or manufacturing facility;

(d) A description of any streets, highways, railroads, or waterways which may be used to transport solid waste

78

COMMONWEALTH OF KENTUCKY
OWEN COUNTY SOLID WASTE ORDINANCE
ORDINANCE 151

AN ORDINANCE RELATING TO THE AMENDMENT OF THE
EXISTING SOLID WASTE ORDINANCE #99 REGULATING THE DISPOSAL
OF SOLID WASTE IN OWEN COUNTY AMENDING SECTION 10.3,
SUBSECTION I, FISCAL COURT BOOK 16, PAGE 215
PROCEDURE OF APPLICATION AND PERMIT ISSUANCE

" BE IT ORDAINED BY THE FISCAL COURT OF OWEN COUNTY,
COMMONWEALTH OF KENTUCKY:"

SECTION 10.3: PROCEDURE OF APPLICATION AND PERMIT ISSUANCE

- A. Application for a CDDL shall be made to the Solid Waste Coordinator. Once received, the Solid Waste Coordinator will log-in the application and has 10 business days to place a public notice in at least one local paper to solicit public comments and to determine the administrative completeness of the application. The Solid Waste Coordinator shall make available for public review a copy of the permit application. The public comment period shall end 30 days following the publication of the newspaper notice.
- B. An application shall be deemed administratively complete if it satisfies the requirements of Section 10.2 of this ordinance.
- C. The Solid Waste Coordinator shall issue a Letter of Completeness (LOC) to the applicant that either accepts the application as administratively complete or declares the application administratively deficient and entirely lists the items required to administratively complete the application. Once the LOC is issued, the Solid Waste Coordinator can identify no new administrative deficiencies.
- D. In the case of an administratively deficient determination, the applicant shall have 30 days from the date of the LOC to submit the required information. Failure of the applicant to respond to a LOC within the time restraints listed above may result in the return of the permit application without prejudice, minus a processing fee of \$125.00. A one-time 30 day extension may be granted by the Solid Waste Coordinator. Requests for an extension must be made in writing.
- E. Once deemed administratively complete, the Solid Waste Coordinator shall, within 5 days, send a copy of the application to the Owen County Conservation District for a technical review of the soil erosion and sediment control plan. The

Conservation District shall have 25 days to return technical comments to the Solid Waste Coordinator.

The Solid Waste Coordinator shall, within 45 days, review the application for its technical content and its compliance with this ordinance. The Solid Waste Coordinator shall issue a Letter of Review (LOR) that will identify any technical issues and concerns that must be addressed by the applicant including those comments forwarded by the Owen County Conservation District. The Solid Waste Coordinator may elect to issue a permit at this time in accordance with Section 10.3H of this ordinance.

The LOR shall be issued based upon the information supplied in the application and comments received from the public and other agencies. Once issued, the Solid Waste Coordinator shall not raise additional technical issues unless new information is made available that warrants such an action.

F. The applicant shall have 30 days, from the date of its issue, to respond to the LOR. Failure of the applicant to respond to a LOR within the time restraints listed above may result in the return of the permit application without prejudice; however, the entirety of the application fee will be forfeited. A one time 30 day extension may be granted by the Solid Waste Coordinator. Requests for an extension must be made in writing.

G. Once received, the Solid Waste Coordinator shall have 10 business days to review the response to the LOR and either issue a CDDL permit or deny the CDDL permit application.

H. The Solid Waste Coordinator shall issue a permit if the application conforms to regulations of this ordinance and the applicant has demonstrated compliance with local zoning regulations. The Solid Waste Coordinator shall consider outside agency and public comments in rendering a decision to approve, conditionally approve, or deny the permit. Any conditional approvals shall be expressly stated in the CDDL permit which may include pre-operational conditions which are actions required of the applicant before the permit is considered active.

I. Upon receipt of the permit, the applicant shall submit a letter from a sewage treatment plant or other disposal facility stating that it will accept the CDDL leachate, proof of a guarantee deposit in accordance with Section 10.18 of this ordinance and a \$500.00 annual permit fee. In addition, a monthly operating fee shall be paid by the operator based on the monthly tonnage of disposed CDD material and shall be assessed at \$30.00 per ton. The applicant may demonstrate a conversion factor to determine tons by cubic yards and it will be used if accepted by the Solid Waste Coordinator. The monthly operating fee shall be submitted starting with the first monthly report and monthly reports thereafter. A late payment fee shall be assessed at \$0.10 per ton of disposed CDD material for every 30 days the monthly operating fee is delinquent.

J. Filling operations may begin immediately upon receipt of the annual permit fee, issuance of the permit and satisfaction of all pre-operational conditions.

K. Permits shall be valid for a period not to exceed ten (10) years for CDDLs greater than one acre in size or two (2) years for CDDLs of one acre or less in size.

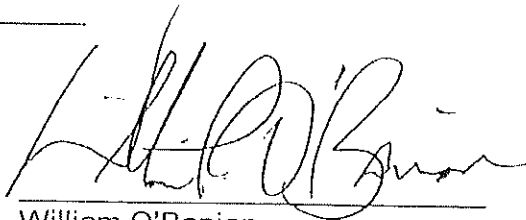
L. The annual permit fee shall be due on the anniversary of the permit issuance date. A

late payment fee shall be assessed at \$100.00 for every 30 days the annual operating fee is delinquent.

Given first reading on the 13th day of June, 2006.

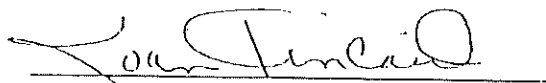
Given second reading, passed adopted and approved by the Owen County Fiscal Court of Owen County, Kentucky, upon motion of Magistrate GARY MINCH second by Magistrate CARL BANKS at a duly convened meeting thereof held on the 11th day of July, 2006 with yea and nay votes as follows:

Eugene Vannarsdall	<u>yes</u>
Bobby Gaines	<u>yes</u>
Carl Banks	<u>yes</u>
Dr. Gary Minch	<u>yes</u>



William O'Banion
County Judge/Executive

ATTEST:


Joan Kincaid
Fiscal Court Clerk

Chapter 3

Attachments

DISPOSAL AGREEMENT

This Disposal Agreement ("Disposal Agreement") is entered into on April 19th, 2021, by and between Bavarian Trucking Co., Inc., a Kentucky corporation, its successors and assigns ("Bavarian"), and the Owen County Fiscal Court of Owen County, KY, ("Owen County").

RECITALS

Whereas, Bavarian submitted a bid package pursuant to IFB-2021-003-PW, Solid Waste Hauling, Disposal & Recycling, ("IFB"), and Owen County took action to enter into contract with Bavarian for disposal services during the Fiscal Court Meeting held on March 31st, 2021; and

Whereas, Bavarian and Owen County agree to enter into this Disposal Agreement whereby Owen County and its Designees will haul Municipal Solid Wastes including household waste, commercial waste, and wastes from other sources that are acceptable for disposal in Bavarian's landfill without need of analysis, profiling, or special approvals of any kind by virtue of the waste being typical garbage, trash, or construction wastes and free of hazardous characteristics, components or contaminants (hereinafter, "MSW") to, and Bavarian will accept MSW at, Bavarian's Landfill Gas-to-Energy Facility located at 12764 McCoy Fork Road, Walton, Kentucky 41094 as provided in this Disposal Agreement.

AGREEMENT

NOW, THEREFORE, the parties hereto agree as follows:

1. Incorporation of Recitals

The foregoing recitals are fully incorporated herein as if set out verbatim.

2. Disposal Rates

The disposal rates for the disposal of MSW and miscellaneous materials hauled by Owen County and its Designees to Bavarian will be as follows:

(a) MSW will be charged at the rate of \$27.50 per ton.

As of the date of this Disposal Agreement, the current applicable environmental fees for MSW are \$2.40 per ton, which are included in the above rate. Any additional fees imposed in the future or increases to the currently applicable environmental fees shall be added to the disposal rate and passed on to Owen County.

Owen County agrees to pay for the MSW they or their Designee deliver pursuant to this Disposal Agreement within thirty (30) days net of receipt of Bavarian's invoice.

(b) Please see Appendix A for miscellaneous and minimum disposal rates that apply to this Agreement.

3. Term

The initial term of this Disposal Agreement is 5 years. In accordance with the IFB, the parties may renew for five (5) additional two (2) year extensions by mutual written agreement.

4. Inflation Escalator

During the term of this Agreement, Bavarian may apply an annual inflation escalator of 3% or, in lieu of the 3%, instead apply an annual inflation escalator equal to the Consumer Price Index, CPI-U, Midwest Region. Bavarian may also pass on to Owen County fuel surcharges, environmental surcharges, and other governmental fees incurred by or imposed upon Bavarian during the initial term or any renewal term of this agreement.

5. Acceptable Wastes

This Disposal Agreement provides for the disposal of MSW that are acceptable for disposal in Bavarian's facility pursuant to Bavarian's operating permit and applicable federal, state, or local laws. Although Owen County and Bavarian may negotiate disposal pricing and terms for special wastes, contaminated soils, sludges, liquid waste, and industrial wastes requiring analysis, profiling, or special approvals, Owen County agrees to comply with all applicable federal, state, and local laws, as well as Bavarian's policies concerning any and all wastes disposed. Bavarian reserves the right to reject any, and all wastes that Bavarian in its reasonable discretion deems to violate applicable federal, state or local law, or Bavarian's operating permit, or both.

6. List of Designees

At the execution of this Disposal Agreement, Owen County will provide a list of official Designees approved to haul MSW to Bavarian's facility. Both parties agree the List of Designees may change from time to time, and Designees may be added or removed at the discretion of Owen County. Owen County agrees to notify Bavarian of any changes to the List of Designees prior to any Designee hauling MSW to Bavarian's facility.

7. Reporting

Bavarian agrees to provide Owen County with a monthly tonnage report, including tonnage from approved Designees. Bavarian agrees to submit to Owen County all tonnage data for annual reporting requirements, as set forth in KRS 224.43, no later than January 31st each year.

8. Governing Law

This Disposal Agreement (including statutes of limitations and remedies applicable to any potential causes of action) shall be governed by the laws of the Commonwealth of Kentucky, and any action, suit, or proceeding brought by any party with respect to, or to enforce the terms of, this Disposal Agreement shall be brought by that party exclusively in the courts of the Commonwealth of Kentucky, in and for the County

of Boone, or in the District Court of the United States for the Eastern District of Kentucky, in the Northern Division at Covington. Each party will irrevocably submit to the jurisdiction and venue of the courts named in the previous sentence.

9. Binding Effect.

This Disposal Agreement shall be binding upon, and inure to the benefit of the parties hereto and their respective successors, assigns, heirs, and legal representatives.

10. Entire Agreement.

This Disposal Agreement entered into by the parties on the date herewith, contains the entire agreement of the parties and supersedes all prior understandings and agreements of the parties, whether written or oral, with respect to the subject matter hereof.

11. Notices and Contact Persons.

Any notice or communication required or permitted hereunder to either party should be addressed to:

To Bavarian: Andy Rechenmacher
Bavarian Trucking Co. Inc.
12764 McCoy Fork Rd.
Walton, KY 41094
andyr@bavarianwaste.com
Phone: 859-485-4416

To Owen County: Judge Executive, Casey Ellis
Owen County Fiscal Court
100 North Thomas Street
Owenton, KY 40359
judge@owencountyky.us
Phone: 502-484-3405

or such other address as Bavarian or Owen County may hereafter designate by notice to the other.

12. Force Majeure.

"Force Majeure" means any event beyond the reasonable control of a party to this Disposal Agreement and reasonably relied upon as justification for the delay in complying with any obligation required of the party under this Disposal Agreement, including, without limitation: (i) fire, explosion, power failure, flood, earthquake or other act of God; war, revolution, civil commotion, terrorism, or acts of public enemies; (ii) any law, order, regulation, ordinance, or any act of any federal, state, county, local or other government agency, including a new requirement or change in interpretation that invalidates this Disposal Agreement or any permits or licenses associated with Bavarian's landfill or that otherwise significantly limits or precludes the acceptance and/or disposal of MSW at Bavarian's landfill as provided in this Disposal Agreement; or (iii) the institution of a legal or administrative action or similar proceeding by any person or entity that results in an injunction or other order delaying or preventing any aspect of Bavarian's acceptance and/or disposal of MSW. Force Majeure shall not be deemed to include labor difficulties, labor shortages, labor strikes, or changing economic conditions. Neither party shall be responsible for delays or failures in performance of this Disposal Agreement resulting from any Force Majeure event. In such event, the party affected shall be excused from such performance of this Disposal Agreement (other than any obligation to pay money) on a day-to-day basis to the extent of such interference and the other party shall

likewise be excused from performance of its obligations on a day-to-day basis to the extent such party's obligations relate to the performance so interfered with.

If an event of Force Majeure continues unabated for a period of sixty (60) days and renders either party unable, wholly or in part, to carry out any material obligation under this Disposal Agreement, then either party shall have the right to terminate this Disposal Agreement and shall not have any liability to the other party due to such event of Force Majeure or such termination, except for the payment of any amounts due and owing.

13. Indemnity

To the extent allowed by Kentucky law, County shall be responsible for any claims, demands, liabilities, costs and expenses as a result of actions by County, its agents, employees or representatives, including without limitation those related to personal injury and/or property damage that are attributable to the actions, negligence or misconduct of County.

14. Termination

Either party may terminate this Contract at any time, upon presentation of a sixty (60) days notice given to the other party.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have caused this Disposal Agreement to be duly executed as of the day and year written above.

BAVARIAN:

**Bavarian Trucking Co., Inc.,
a Kentucky corporation**

By: Jim Brueggemann
Jim Brueggemann, President

4/19/21
Date

Owen County:

Owen County Fiscal Court

By: Casey Ellis
Casey Ellis, Judge Executive

4/19/21
Date

**APPENDIX A
MISCELLANEOUS AND MINIMUM DISPOSAL RATES**

Cars / vans / SUVs / pick-up trucks* / trailers up to 8 feet in length: \$30.00
*stacked no higher than the cab. If higher than cab: \$45.00

Trailers / Dump Trailers without sideboards (must be stacked less than 3 feet high):
9-14 feet in length \$27.50 per ton / \$45.00 minimum
15-20 feet in length \$27.50 per ton / \$60.00 minimum

Trailers / Dump Trailers with sideboards (or trailer loads stacked over 3 feet high):
9-14 feet in length \$27.50 per ton / \$60.00 minimum
15-20 feet in length \$27.50 per ton / \$80.00 minimum

Box Trucks:
9-14 feet in length \$27.50 per ton / \$60.00 minimum
15-19 feet in length \$27.50 per ton / \$80.00 minimum
20-26 feet in length \$27.50 per ton / \$90.00 minimum

Dump Trucks:
Small (1 ton or less) \$27.50 per ton / \$45.00 minimum
Medium (single axle) \$27.50 per ton / \$60.00 minimum
Large (tandem axle or larger) \$27.50 per ton / \$80.00 minimum

Roll Off Containers:
10 yard or smaller \$27.50 per ton / \$60.00 minimum
11 yard or larger \$27.50 per ton / \$80.00 minimum

Semi Trucks: \$27.50 per ton / \$200.00 minimum

Additional Charges:
Tires: Small car or truck tires OFF the rim \$5.00 per tire
Small car or truck tires ON the rim \$10.00 per tire
Large tires OFF the rim \$12.00 per tire
Large tires ON the rim \$20.00 per tire

Mattress: Any size mattress or box spring \$10.00 per mattress
Full Load of mattresses \$10.50 per yard

Dead Animals: \$30.00 per animal

Tipping Trailer Service Charge: \$50.00 per tip

Pulling refuse off trailer (when operator is available)* \$15.00

*must ask Scale Clerk for Damage Waiver, sign, and give to Operator

** No load may contain anti-freeze, Freon, oil, fuel, or liquefied paint.

***Capacity of vehicles and charges will be determined by Bavarian Personnel.

**CONTRACT FOR
SOLID WASTE DISPOSAL AND RECYCLING
IN OWEN COUNTY, KENTUCKY**

This Contract is entered into this 15th day of April 2021, by and between the Owen County Fiscal Court, hereinafter referred to as "County" and Rumpke of Kentucky, Inc., hereinafter referred to as "Contractor" and consists of the following: Owen County's Request for Bids and Rumpke of Kentucky's March 23, 2021 bid, and this document.

NOW AND THEREFORE, it is agreed as follows:

Effective April 19, 2021 and concluding April 18, 2026 Rumpke shall provide Solid Waste Hauling, Disposal and Recycling Hauling per the terms of Rumpke's bid. Rumpke will bill Owen County Fiscal Court on a monthly basis per rates on Attachment A.

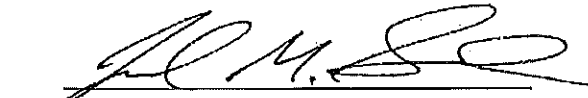
Rumpke agrees to comply with all Federal, State, and local laws and regulations in the collection, removal and disposal of all such waste material. In the event that Rumpke incurs increased costs (such as, but not limited to, tipping fees, disposal fees, additional fuel costs, or new or increased surcharges, fees or taxes as a result of imposition of new governmental regulations not in effect at the time of acceptance of said contract and which regulate the type of material collected, the location for disposition of such material, or the payment of fees for disposing of such materials) then the County may, after negotiation with Rumpke and approval by resolution by the Owen County Fiscal Court, adjust the unit cost by an amount commensurate with the increased pertinent operating cost incurred by Rumpke. County is not, however, obligated to do so.

In the event that either party is unable to perform any of its obligations under this contract or to enjoy any of its benefits because of, or if its failure to perform is caused by, natural disaster, action or decree of governmental bodies or not the fault of the affected party (hereafter referred to as a "Force Majeure Event"), the party so affected shall immediately give notice to the other party. Upon receipt of such notice, all obligations under this contract shall immediately be suspended. If the period of nonperformance exceeds thirty (30) days from the date of the receipt of notice of the Force Majeure Event, either party may terminate the contract.

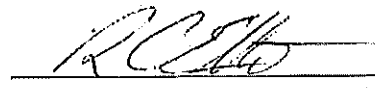
The term of this contract shall be for five (5) years effective April 19, 2021 and continuing through April 18, 2026. This contract may be renewed for up to (5) two-year option periods upon mutual written agreement.

The signatures below constitute a material part of the contract between Owen County Fiscal Court and Rumpke of Kentucky, Inc. for Solid Waste Hauling, Disposal and Recycling Hauling for Owen County, Kentucky for the period between April 19, 2021 through April 18, 2026.

OWEN COUNTY FISCAL COURT



Witness

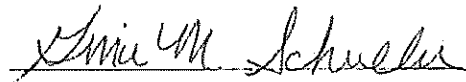


Casey Ellis, Owen County Judge/Executive

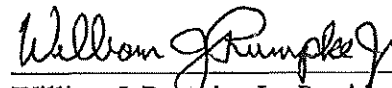
4-16-2021

Date

RUMPKE OF KENTUCKY, INC.



Witness



William J. Rumpke, Jr., President

4/20/21

Date



ATTACHMENT A			
RATE PROPOSAL FORM			
1	Price per load hauling and per ton disposal of 42yd compactor boxes and open top roll-off containers and supply of said containers as described in the bid packet (OCTS) to a facility managed or contracted with by CONTRACTOR and identified the address of said facility: NO BID		
2	Price per load hauling of 42yd compactor boxes and open top roll-off container and supply of said containers as described in the bid packet from the OCTS to: NO BID		
A	Benson Valley	2157 Hwy 151, Frankfort, KY 40601	Haul Rate per container NO BID
B	Bavarian Waste	12764 McCoys Fork Rd, Walton, KY 41095	\$405.00 Four Hundred Five Dollars and Zero Cents per ton
C	Central Kentucky	493 Double Culvert Rd, Sadieville, KY 40370	\$405.00 Four Hundred Five Dollars and Zero Cents per ton
D	Republic Services	615 Epperson Rd, Williamstown, KY	NO BID
E	Valley View	9120 Sulphur Rd, Sulphur, KY 40070	\$337.50 Three Hundred Thirty-Seven Dollars and Fifty Cents per ton
3	Price per ton for disposal of solid waste delivered to your facility by Owen County Public Works or the hauling contractor: NO BID		
* Disposal rate based on the contracted rate of the landfill that Owen County awards the disposal contract.			
4	Price for Delivery, Pickup, and Disposal at the contracted Landfill of open top roll-off containers for various community events with the geographical boundaries of Owen Co.: Roll-off Box as needed: 20, 30 or 40yd roll-off boxes Compactor Boxes: Quantity 2 Landfill Site: Address: 12764 McCoys Fork Rd, Walton, KY 41095 Bavarian Waste Valley View		
5	A proposal of cost and method of hauling recycled material, whether in bulk or bails, from OCTS facility to market destination(s). Baled OCC: Live load TT Bulk single stream: (2) Compartmentalized RO boxes (will haul 2 boxes at a time to MRF)		
Payback formula (see Sample Formula)			

RUMPKE OF KENTUCKY, INC.
Company

William J. Rumpke, Jr.
Signature: William J. Rumpke, Jr. - President

3/22/24
Date



Sample Recycling Formula

Notes: <i>Allocations based on Owen Co Audit July 1, 2021 single stream recyclables</i>				
SINGLE STREAM CATEGORIES	Allocation	Index Price Formula	Index Price Formula Rate	Market Value
Sorted Residential Paper	13.48%	OBM - Chicago High	\$65.00	\$8.76
Cardboard # 11	14.59%	OBM - Chicago High	\$90.00	\$13.13
Mixed Paper	33.12%	OBM - Chicago High	\$45.00	\$14.90
Steel Cans/Densified	2.12%	SMP Index Avg.	\$27.50	\$0.58
Aluminum Cans	1.32%	SMP Index Avg.	\$1,210.00	\$15.97
HDPE (Natural)	1.49%	SMP Index Avg.	\$1,550.00	\$23.10
HDPE (Color)	1.00%	SMP Index Avg.	\$470.00	\$4.70
PET	4.29%	SMP Index Avg.	\$200.00	\$8.58
#1 - #7 Plastic Mixed	2.27%	SMP Index Avg.	\$10.00	\$0.23
Aseptic Containers	0.10%	OBM/Chicago High/MP	\$45.00	\$0.05
Mixed Glass	12.71%	Actual & Transport	(\$12.00)	(\$1.53)
Residuals	13.50%	Cost	(\$60.00)	(\$8.10)
Market Value:				\$80.37
Market Value:				\$80.37
Processing Fee:				(\$80.00)
Subtotal:				\$0.37
Positive Revenue Share @ 40/60				\$0.15
Negative Cost @ 100%:				

Chapter 4

Attachments

Chapter 5

Attachments

Chapter 6

Attachments

Chapter 7

Attachments

Chapter 7

Attachments