

CALLOWAY COUNTY FISCAL COURT

ORDINANCE # 4- updated

An ordinance establishing a permit process for the licensing of a solid waste management facility and the transportation from such permitted facilities.

An ordinance setting for the regulations for the collection and transportation of solid waste in Calloway County and establishing a license fee for engaging in the business thereof.

Be it ordained by the Fiscal Court of Calloway County:

This ordinance shall be known and may be cited as the revised "Calloway County Solid Waste Management Ordinance"

SECTION 1: Reporting Requirements

Application for a permit to operate a solid waste management facility or for collection and transportation as a business must be made on an official form. Failure to comply with the application process or by giving false information on the form shall be grounds for denial of the requested permit.

A permit holder shall provide annual reports to the county which update the information contained in the permit application and provide other such information as required by the Solid Waste Coordinator.

An annual fee of \$500.00 must accompany the application. The fee will be refunded in the event the permit is denied

Failure to obtain a permit shall result in the immediate closure of the facility, suspension of transportation of solid waste, and possible fines up to \$10,000.00 for each day after the deficiency notice is issued.

SECTION 2: Siting of Solid Waste Management Facilities

Prohibition: No person shall construct or operate a solid waste management facility prior to the issuance of a Site Approved Permit by the Calloway County Fiscal Court.

Prohibited Area: The Calloway County Fiscal Court has determined that certain areas within the county are not suitable for the siting of solid waste management facilities. Solid waste management facilities, within any area outside of, or adjacent to, an area of industry, an area outside of or adjacent to any waterway, watershed, the lakes area, federal-state-or county property, property protected by on structures on the historical preservation list, flood plain area or any other property prohibited by federal, state or local laws. According, the permits shall not be issued for a facility in an area where solid waste facilities are tentatively prohibited unless the owner or operator can show compelling reasons why the site approval permit should be issued.

Additional Permits: The Site Approval Permit required by this ordinance is required in addition to any other approvals of permits required by Federal or State regulatory authority.

Hazardous Waste Prohibited: No person shall dispose of hazardous wastes in Calloway County, other than the small quantities allowed pursuant to 401 KAR Chapter 47.

SECTION 3: Site Approval Process

- (A) The Owner / operator of the proposed site shall file an application for approval with the Calloway County Judge Executive. Specific information required on the application for approval shall be approved by the Calloway County Fiscal Court. A description must be provided by owner of: type of waste involved, the source of generation of the waste, the estimated cost of recyclables, and estimated cost of closure. At the time of closure, the facility shall be filled, covered, graded with all solid waste either removed or properly covered according to Kentucky Revised Statutes law and regulations by Calloway County.
- (B) Permits shall be issued for a period of one year, subject to continued conformance with the regulations governing the collection, processing, and transportation of solid waste in the county and the state of Kentucky.
- (C) This Fiscal Court will use the Calloway County Solid Waste Management facility siting evaluation matrix to determine eligibility for the county permit. A facility which scores less than 300 points will not be issued a county permit.
- (D) The proper departments will be notified prior to issuing the permit. The Solid Waste Committee, EPA, Kentucky Division of Water, Division of Forestry, 811 will be called to survey and mark all lines and cables.
- (E) Once all departments listed above have given report and passed the site according to Ordinance and stipulations the facility will be notified.

Section 4: Penalties

- (A) Any person who violates this Ordinance shall be fined not less than \$500.00 nor more than \$1,000.00 and/or be sentenced up to one year in the county jail for each violation. Each day of the violation will constitute a separate offense.

This Ordinance shall be in full force and in effect upon its passage, approval and publication in accordance with applicable law.

INTRODUCED, SECONDED and Approved at a duly convened meeting of the Calloway County Fiscal Court held on the 15 day of August, 2017.



Calloway County Judge Executive

ATTEST:



Calloway County Clerk