

ORDINANCE NO. 1997(12)A

AN ORDINANCE OF HOPKINS COUNTY, KENTUCKY, RELATING TO THE ADOPTION OF A FIVE YEAR SOLID WASTE PLAN INCLUDING THE LICENSING AND REGULATION OF RECOVERED WASTE MANAGEMENT FACILITIES AND SITES

WHEREAS, the governing body of Hopkins County, the Hopkins County Fiscal Court has determined that an Update and Five-year Solid Waste Plan, including the licensing and regulation of recovered waste management facilities and sites, should be approved.

NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of Hopkins County, as follows:

It shall be the policy and intention of Hopkins County to require all recovered waste management facilities and sites, whether owned or operated by individuals, partnerships, corporations, joint ventures or any other form of organization, located in Hopkins County, Kentucky, to obtain an license from Hopkins County in order to operate a recovered waste management and/or recycling facility and to provide adequate financial responsibility requirements for clean up and closure of such facility.

SECTION A - DEFINITIONS:

1. Recovered waste: Those materials including but not limited to compost and tires, which have current use, reuse or recycling potential, and which have or are being diverted or removed from the solid waste stream for sale, storage, use, reuse or recycling, whether or not requiring subsequent processing.

2. Recovered waste management site or facility: Any site, facility, system or

operation of kind, or any component thereof, used for collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of recovered waste.

3. Closure: The time at which a recovered waste management site or facility ceases to accept waste, and includes those actions taken by owner or operator of the facility to prepare the site for post-closure monitoring and maintenance or to make it suitable for other uses.

4. Post-closure monitoring, clean up, and maintenance: The routine care, maintenance, cleaning up, and monitoring of a recovered waste management facility following the closure of the facility or site.

SECTION B - APPLICABILITY:

This Ordinance shall apply to any person, partnership, corporation, joint venture, or any other entity which operates or intends to operate a recovered waste management site or facility in Hopkins County, Kentucky. However, those persons or entities who, on or before January 1, 1998, have applied for or received a state permit to operate or construct a site or facility shall not be subject to the terms and provisions of this Ordinance.

SECTION C - SOLID WASTE MANAGEMENT FACILITIES AND SITES:

1. It shall be unlawful for any person or entity to operate a recovered waste management site or facility within the boundaries of Hopkins County until the owner/operator, site, and facility have been approved by Hopkins County and issued a license pursuant to this Ordinance.

2. Site and license approval process: The owner and/or operator of the proposed site and/or proposed facility shall file an application for approval with the

Hopkins County Solid Waste Office. If the proposed owner of the site/facility and operator are different persons or entities, both shall provide the information required by the County. The specific information required on the application for approval shall be developed by the Hopkins County Solid Waste Coordinator and approved by the Hopkins County Fiscal Court. Such application shall include detailed information concerning the owners and operators, a description of the type of waste involved, the source of generation of the waste, an estimated cost of closure, an administrative and legal history of the applicants, (including criminal or civil actions or violations), detailed information concerning all "key persons" with a legal or equitable interest in the facility or site, and financial data as necessary to protect the interest of Hopkins County.

SECTION D - CRITERIA FOR APPROVING FACILITY AND/OR SITE:

1. The nature of the recovered waste management activity conducted at the facility site shall not present an unreasonable risk to human health, safety, or the environment; and
2. The nature of the activity conducted at the proposed site shall not significantly impede or adversely impact the provision of fire, health, or other emergency services to the public both in the vicinity of the site and throughout Hopkins County; and
3. The nature of the activity conducted at the facility site shall not result in a significant reduction in the public use and enjoyment of parks, recreational waters, historical structures, cultural activities, and natural resources located in the vicinity of the facility site; and
4. The facility and the activity occurring on the site shall not have a significant adverse impact on the establishment of businesses, residential developments,

churches, schools, or other types of activities related to the social, economic, or cultural development of Hopkins County; and

5. The owner/operator's prior experience and history in waste management activities shall indicate a satisfactory record of compliance with applicable federal, state, and local laws and resolutions; and

6. The owner/operator shall, in constructing, expanding, maintaining, operating, or closing the facility at the proposed site, (including the performance of necessary corrective action during post-closure), including but not limited to pumping and treatment, comply with applicable laws and regulations; and

7. The owner/operator shall have sufficient financial resources to: complete construction of the new or expanded facility; maintain and operate the facility in compliance with the applicable laws and regulations; respond immediately in the event of emergency by reason of accident or upset at the site; complete closure of the facility; and perform any necessary corrective action during post-closure, including but not limited to pumping and treatment; and

8. The owner/operator shall comply with all waste management laws and regulations concerning waste facility permits, and shall complete filings and notifications as required by the Natural Resources and Environmental Protection Cabinet for the construction and operation of the facility site; and

9. The application shall be consistent with the goals and objectives of the Hopkins County Solid Waste Management Plan adopted.

SECTION E - PUBLIC NOTICE AND HEARING:

Public notice of each application shall be made by advertisement in the

county newspaper of largest circulation, stating the name under which the application has been filed. Such notification shall include a written summary of the reason for the determination. If the facility and site are approved, the license for operation shall be issued. After financial responsibility requirements are met, such license shall be valid for a period of one year from the date of issue.

SECTION F- PERMIT APPLICATION FEE:

Applicants for a license shall pay to the county a license application fee in the amount of \$500.00.

SECTION G - LICENSE NOT TRANSFERABLE:

The attempted transfer of any interest in the owner/operator shall immediately terminate the owner/operator's site and facility approval and license unless the proposed new owner provides to the county all information required by the county for approval and transfer of the license to the third party. Any agreement providing for the proposed transfer of any interest in the owner/operator shall provide that the proposed transfer is subject to the approval of the Hopkins County Fiscal Court.

SECTION H - PENALTIES

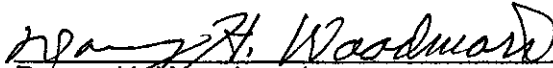
Any person who violates this ordinance shall be subject to a fine of \$100 for each violation. Each day of the violation shall constitute a separate offense.

SECTION I - MISCELLANEOUS:

1. The provisions of this ordinance are severable, and if any provision, section, paragraph, phrase, sentence, or clause, or the application thereof, is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remainder of this ordinance.

2. This ordinance shall take effect and be enforced immediately upon its passage and publication.

ON MOTION OF Magistrate Pharris, Seconded by Magistrate Stanley, first reading was held and approved on the 16th day of October, 1997.



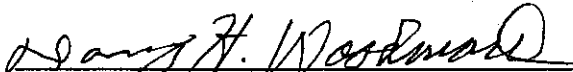
Danny H. Woodward
Hopkins County Judge/Executive

Attest:



Devra Steckler, Clerk

ON MOTION of Magistrate Barton, and Seconded by Magistrate Martin, second reading was held on the 30th day of October, 1997, and passed on the 30th day of October, 1997.



Danny H. Woodward
Hopkins County Judge/Executive

Attest:



Devra Steckler, Clerk