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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