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BOOK 14

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,

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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

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.

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- 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.

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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.

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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,

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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,

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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 (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:

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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.

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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.

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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 outlines 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

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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.

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.

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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.

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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.

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.

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, steam, 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).

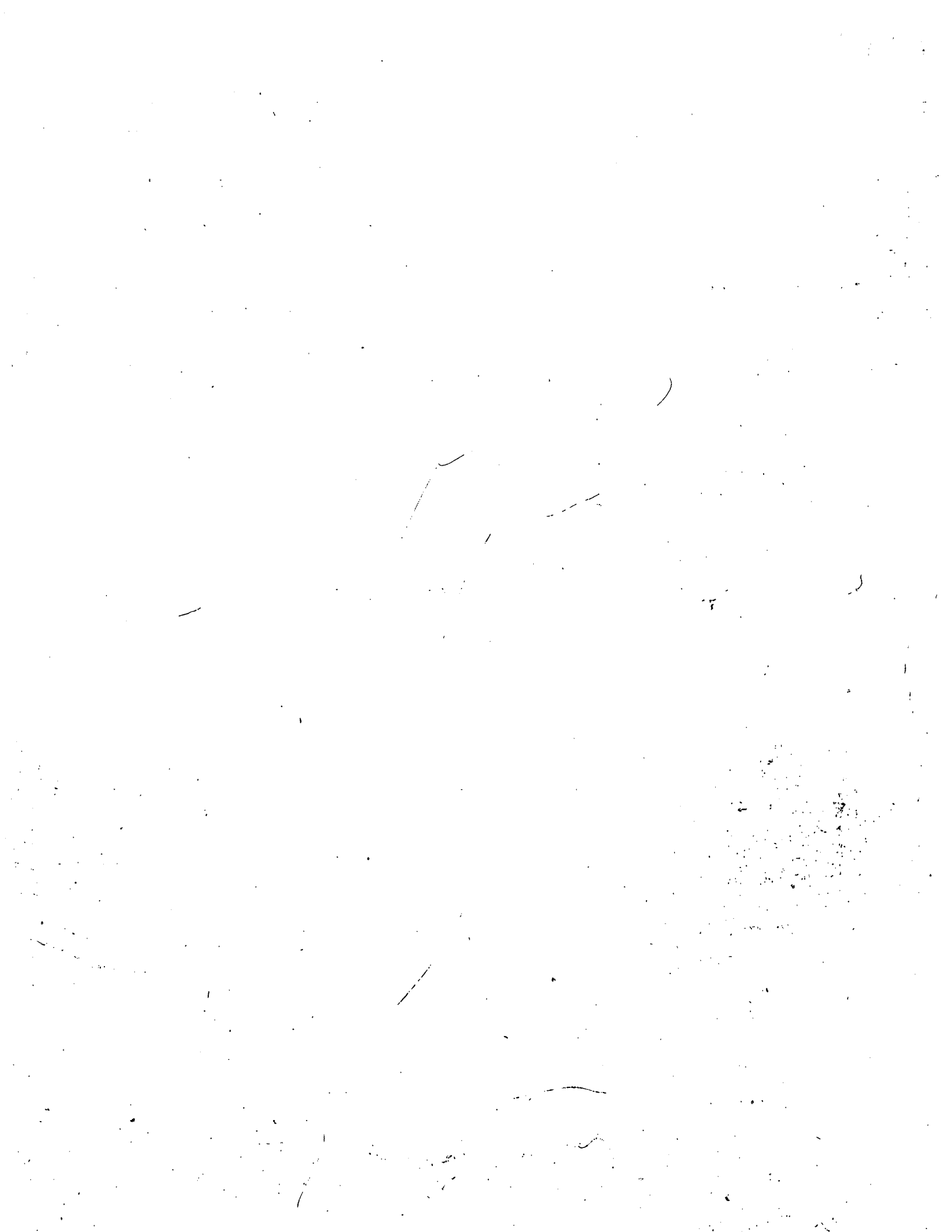
I. Monitoring requirements may be related at the discretion of the Solid Waste Coordinator whereby the frequency of testing, the duration of sampling or the tested parameters may be reduced if it can be demonstrated by the operator that human health and safety and environmental protection are not compromised.

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



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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.

Diversions 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.

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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 a 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 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's name, and must include a map showing the location of the CDDL in relation to surrounding properties and public roads.

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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

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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

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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.

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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.

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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