

AN ORDINANCE RELATING TO  
MANAGEMENT OF SOLID WASTES

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF SIMPSON,  
COMMONWEALTH OF KENTUCKY, by virtue of authority vested in said  
Fiscal Court by KRS 67.083(3)(o), after the passage, approval and  
publication of this ordinance as follows:

That the Regulations as adopted by the Simpson County Solid  
Waste Management District on July 15, 1991 are hereby approved,  
adopted and shall have the effect of county ordinance. A copy of  
said Regulations is attached hereto as EXHIBIT A and incorporated  
herein by this reference.

July 18, 1991 FIRST READING

August 6, 1991 SECOND READING

At a meeting of the Fiscal Court of the County of Simpson,  
Commonwealth of Kentucky held August 6, 1991, on motion made by  
Honorable Glen Evans, and seconded by Honorable  
Bobby Williams, the foregoing ordinance was adopted, after  
full discussion, by the following vote:

AYE BILL SCOTT

AYE GLEN EVANS

AYE BOBBY WILLIAMS

AYE JAMES BAILEY

APPROVED:  
BY: Kenneth Y. Harper  
KENNETH Y. HARPER, COUNTY JUDGE EXECUTIVE,  
COUNTY OF SIMPSON, COMMONWEALTH OF KENTUCKY

ATTEST:  
Jada Rhea  
JADA/RHEA, Fiscal Court Clerk,  
County of Simpson, Commonwealth  
of Kentucky

REGULATIONS

SIMPSON COUNTY SOLID WASTE MANAGEMENT DISTRICT

(as adopted August, 5, 1991)

1.00 APPLICABILITY

These waste management regulations shall apply to the collection, separation, storage, transportation, and disposal of all solid waste in Simpson County, Kentucky by all persons and shall apply to all waste disposal sites, facilities and landfills within Simpson County, Kentucky, whether such sites, facilities or landfills were open or proposed prior to or after the promulgation of these regulations, with the following exceptions:

(a) Domestic sewage that passes through a sewer treatment system to a publicly owned sewer treatment plant.

(b) Disposal or discharge of industrial or commercial waste which is regulated by federal law, but only to the extent that the County is preempted from regulation.

(c) Agricultural wastes including animal manures and crop residues which are returned to the soil as fertilizers or soil conditioners.

(d) Location and operation of residential or commercial septic tanks. However, this exception does not apply to the transportation and disposal of septic tank pumpings, which are covered by these regulations.

1.10 GENERAL REQUIREMENTS

A. All applications, petitions, written requests and notices presented to the Board shall be submitted by presenting the Secretary Treasurer with an original and seven (7) copies.

B. All people desiring to address the Board at either a regular or special meeting must present written notice of such intent five (5) calendar days prior to said meeting. People complying with this notice requirement will be allowed to address the Board for a limited period of time. People present at a meeting desiring to address the Board who have failed to comply with this section shall be heard only at the pleasure of the Board.

1.20 PURPOSE

These regulations are promulgated in order to protect our environment in a responsible manner; and to promote the best interests of the present and future citizens of Simpson County, Kentucky.

1.30 COMPATIBILITY, CONFLICTING PROVISIONS SEVERABILITY

These regulations are promulgated pursuant to KRS 67.083 (o) and KRS 109 and are intended to be compatible with all federal and all state regulations. These regulations are intended to be construed as being compatible with all federal and state regulations except where the clear language of these regulations manifests the intent to establish a more stringent standard than

federal or state regulations. In any event of conflict the regulations which impose the more stringent standard shall prevail.

In the event that any part of these regulations is found to be unconstitutional, illegal, or invalid, that part of the regulations shall be severed and the remaining regulations shall not be effected nor diminished thereby.

Words in the singular shall include the plural where applicable. Words in the plural shall include the singular where applicable. Words in the masculine gender shall include the feminine and neuter genders where applicable. Words in the feminine gender shall include the masculine and neuter genders where applicable.

**1.40 TIME RELATION OF APPLICABILITY**

When the Board issues a permit of operation hereunder, those regulations shall apply which are in force on the date of issuance. With regard to permit modification, revocation, expansion, reissuance, or termination, those regulations shall apply which are in force on the date that the final determination is made by the Board.

**1.50 COMPLIANCE DEADLINES**

After promulgation of these regulations all persons who are engaged in collection, separation, storage, transportation, or disposal of solid waste in Simpson County, Kentucky shall register with the Board as required herein and shall at that time obtain the appropriate permit of operation.

**1.60 ENVIRONMENTAL PERFORMANCE STANDARDS**

These regulations adopt by reference, as though set out herein verbatim, all environmental performance standards contained within 401 KAR 30.030 as amended, and the same are made a part hereof.

**1.70 INSPECTION, ENFORCEMENT, COMPLIANCE MONITORING**

A. In accordance with these regulations the Board shall conduct or cause to be conducted such inspections, studies, investigations or other determinations as it deems reasonable and necessary to obtain information and evidence with which to ensure that the storage, separation, collection, transportation, and disposal of solid waste is being conducted in such a manner as to comply with all applicable laws and regulations in order to protect the health, safety, and welfare of the citizens of Simpson County and adjoining counties and to protect and preserve the environment.

B. Any Board Member or a duly authorized representative of the Board, upon presentation of proper identification and authority, may:

- (1.) Enter any premises registered to store or dispose of solid waste, including, but not limited to any landfill or permitted to solid waste facility;
- (2.) Inspect the premises, and gather evidence (including but not limited to, soil, water, and air samples) on existing conditions and procedures;

(3.) Obtain physical, photographic, sound, and other demonstrative evidence, including samples of waste;

(4.) conduct tests, analyses, and evaluations, to determine whether the requirements of these regulations are being met, provided however that, if requested, by the owner or operator in charge of the facility, a portion of the sample, equal to that retained, shall be given to the owner or operator in charge subject to a receipt from the owner or operator in charge; a copy of any test results shall be furnished to the owner or operator in charge if an analysis is made of the samples;

(5.) inspect and copy any or all pertinent records, reports, information, or test results in the possession of the owner or operator in charge of the facility; and

(6.) question any person found on the premises, including but not limited to, employees, agents, owners, or operator in charge, and shall be entitled to answers concerning their duties, responsibilities, past activities, or any other matter related to the requirements of these regulations.

C. The inspector or authorized representative shall prepare a report of any deficiencies found and said report shall be filed with the Board with a copy of the report to be provided to the owner or operator in charge of the facility, by mailing a copy of the same to the proper agent at the address specified in the registration certificate, or if the facility is unauthorized or unregistered to the owner as soon as his identity is known. All such inspection reports shall be maintained by the Board. Where appropriate the Board shall preserve all collected evidence.

D. Board members and authorized representatives of the Board shall have unrestricted right of entry and access to all parts of any such facility, for any purposes associated with their duties. There shall be no obligation on the part of the Board to give prior notice concerning inspections.

E. The owner or operator in charge of the facility shall be responsible for notifying the Board at least seven (7) working days prior to crucial phases of facility construction or modification in order to allow inspections. Crucial phases of facility construction or modification include but are not limited to, liner installation, well drilling, leachate collection system installation, boiler installation, blower installation, and any other phase of the construction identified in the conditions of the permit.

F. The Board shall notify the owner, operator in charge, or agent specified in the permit of operation of noncompliance with these regulations.

G. The inspection report shall serve as notice to the owner or operator in charge that a deficiency has occurred and shall list a date on which the owner or operator is expected to correct the deficiency. The Board, upon determining that a violation of any requirement of these regulations has occurred, or a violation of a permit condition has occurred or is

occurring shall require the owner or operator to submit to the Board a plan of correction to be implemented within a time acceptable to the Board.

H. If the owner or operator in charge fails to accomplish the required correction within the designated time the Board may modify, suspend, discontinue, or revoke any or all of the owner's permits of operation and seek any other actions and invoke any other penalties set out herein.

I. The owner or operator in charge shall cause to be placed on-site and shall maintain a scale or other measuring device sufficient to weigh any transport vehicle, or ascertain the volume of solid waste on such a vehicle bringing such solid waste onto the site. All such transport vehicles shall be weighed, or measured, as appropriate, prior to and subsequent to discharge of any solid waste and complete and accurate records of both weighings or load volume of all such transport vehicles shall be kept by the owner or operator in charge and a copy of such weight or volume records shall be delivered to the Board no less frequently than once every month.

J. To offset the costs of the inspection, monitoring, and enforcement and compliance provisions of these regulations the owner or operator in charge of each such facility or landfill shall pay a technical supervision fee as set forth in the fee schedule adopted by the Fiscal Court of Simpson County.

K. Unless otherwise specifically provided elsewhere in these regulations, all records and logs required to be maintained by these regulations shall be safely preserved and kept for no less than 24 months following the creation of the record or log. All records and logs shall be available for inspection by the Board at all reasonable hours, and at any time a facility is staffed or open.

1.80 HEARINGS

A. Any person who believes himself to be aggrieved by actions of the Board may, by written notice, request a hearing before the Board. Such request for hearing shall be made no later than thirty (30) days after the applicant has had actual notice of the action or could reasonably have had such notice. Unless the request is deemed frivolous, the Board shall schedule a hearing within twenty-one (21) days of receipt of the request and notice of the hearing shall contain the time, place, and nature of the hearing, the regulations involved, and the reason for granting the hearing.

B. The Chairman of the Board, or his designee, shall conduct the hearing and may direct a pre-hearing conference upon seven (7) days written notice to all interested parties. The purpose of the pre-hearing will be to simplify or define issues, admission of facts, identification of documents, and evidence and witnesses, and any other such matters as may aid in the disposition of the hearing. Disposition of the matter may be made at the pre-hearing conference by stipulation, agreed settlement, consent order, or default for non-appearance.

C. Any party to the hearing may be represented by counsel, and may make oral or written argument, offer testimony and cross examine witnesses.

D. Within thirty (30) days following the conclusion of the hearing the Chairman of the Board, or his designee, shall make a report and recommended order containing appropriate findings of fact and conclusions of law. Such report shall be served on all parties who may file exceptions to the report and order within seven (7) days. After completion of the hearing and report and filing of exceptions, the Board shall meet and issue a final order based on substantial evidence appearing in the record as a whole and shall set forth the decision of the Board in a final order and the facts and law upon which it is based.

Any person who believes himself aggrieved by a final order of the Board may have recourse by filing an original action in Simpson Circuit Court for a de novo proceeding.

**1.90 REMEDIES**

The Board may modify, suspend, or revoke a permit issued under these regulations for:

- a) violation of any of these regulations,
- b) Aiding, abetting, or permitting the violation of any of these regulations,
- c) Any action or omission associated with the storage, separation, collection, transportation, or disposal of waste that could or does create a threat to the health, safety, or welfare of the public, or the environment and is known by the person taking the action or allowing the omission to create such a threat or which any reasonably prudent person would know creates such a threat,
- d) Violations of any condition or variance of a solid waste site or facility or landfill permit,
- e) Misrepresentation or omission of a significant fact by the owner or operator in charge either in the application for the permit or any information subsequently reported to the Board,
- f) Failure to comply with an order issued by the Board.

The Board may issue an order for discontinuance, abatement or alleviation of a condition or activity without prior hearing if it finds, after investigation, that it would be prejudicial to the interest of the public or the environment to delay action. The Board may order discontinuance of a permit if it determines such action is necessary to protect the public or the environment from imminent danger, and such action, if necessary, may be taken prior to a hearing. The Board shall notify the owner or operator in charge of the discontinuance and the effective date thereof and provide an explanation for the basis of the discontinuance. The owner shall take prompt action to correct the cited deficiencies and the discontinuance, suspension, or modification, shall remain in effect until the deficiencies are corrected to the satisfaction of the Board or until the Board makes a final determination following a hearing pursuant to Section 9 of these regulations.

The owner or operator may petition for reinstatement of the permit after all deficiencies

have been corrected.

**1.92 DISCLOSURE OF CHANGES IN CIRCUMSTANCES**

Any violation of the provisions of these regulations, including incomplete disclosure or failure to report changes, may result in the suspension or revocation of the permit and other appropriate remedies of law.

**1.95 PENALTIES**

Any person who intentionally violates any of the provisions of these regulations or who engages in any act or omission in wanton disregard of the provisions of these regulations shall be guilty of a Class A Misdemeanor and shall be subject to a fine of not more than \$500.00 or sentence of not more than twelve (12) months in the county jail, or both, and shall also be subject to such administrative fines or penalties as the Board may impose, not to exceed \$500.00 for each single violation, plus any and all costs of correcting damages done by the violation. Each day that a violation or deficiency continues shall be considered a separate offense.

**2.00 PERMITTING PROCESS**

No person shall engage in the collection, transportation, storage, or disposal of solid waste in Simpson County, Kentucky, without the appropriate Permit of Operation for such activity.

The first step toward securing a Permit of Operation will be by way of petition to the Board for a Certificate of Need for the appropriate Permit of Operation. This petition must be presented in person by the applicant at a regularly scheduled meeting of the Board, at which time the Board may make inquiry into the application. Upon receipt of the application, the Board shall schedule a public hearing on the matter, with this hearing to take place no sooner than 15 days and no later than 45 days subsequent to the petition. At the next regular meeting of the board following this public hearing, the Board shall either approve or deny the petition. If approved, the applicant may then proceed to apply for the appropriate Permit of Operation. Permits of Operation shall exist in the following classes:

**2.10 CLASS A. COLLECTION AND TRANSPORTATION**

(1) No person shall engage in the collection or transportation of waste in Simpson County, Kentucky without first having obtained a CLASS A Permit of Operation from the Board for each vehicle.

(2) This permit shall authorize the owner or operator to engage in collection and transportation of waste for a period extending from the date of issuance of the permit through December 31 of the year in which the permit is granted.

(3) The fee for the CLASS A Permit of Operation shall be as set forth in the fee schedule adopted by the Fiscal Court of Simpson County. Said fee is non-refundable and is to be paid to the Treasurer of the Board. The application shall identify the owner of the vehicle and the owner's address and shall identify the Vehicle Identification Number of the Vehicle and

shall remain with the vehicle and shall not be transferrable from one vehicle to another. Simpson County Solid Waste Management Board Form 2.10-A-01 and 2.10-A-02 must be completed as part of the application. Proceeds from the collection of this fee shall be used for inspection of said vehicles, to insure that they comply with applicable safety and environmental laws and regulations.

(4) The Class A Permit of Operation shall confer upon the owner a qualified right to collect and transport waste in Simpson County during the permit term provided all regulations herein are complied with. Such qualified right shall not relieve the owner of responsibility to comply with federal and state laws and county and city ordinances.

(5) No permit shall be required for a vehicle which is transporting waste through Simpson County, where said waste is not collected, transferred, discharged or disposed of in Simpson County. But all vehicles which collect, transfer, discharge or dispose of waste in Simpson County must have a permit.

**2.20 CLASS B. STORAGE**

(1) No person shall engage in the storage of waste on any site in Simpson County without first having obtained a CLASS B Permit of Operation from the Board.

(2) This permit shall authorize the owner or operator to engage in the storage of waste for a period extending from the date of issuance of the permit through December 31 of the year in which the permit is granted.

(3) This permit shall be issued in the name of the applicant and shall be non-transferrable without written approval of the Board.

(4) The non-refundable fee for the Class B permit and operation shall be as set in the fee schedule adopted by the Fiscal Court of Simpson County. The permit fee shall be used to defray the technical costs to the Board of evaluating the permit application and the site's compliance with all applicable regulations and laws protecting the environment. The permit application shall specify the exact location and size of the permitted site, the owner of the permitted site and his address, the operator of the permitted site and his address, the type of waste to be stored on the site, the reasons for the storage of waste on the site, the length of time waste will be stored on the site, method and means of removing the waste from the site upon termination of storage, and plans to restore the site to its original or improved condition upon termination of storage.

(5) The permit application shall include proof of bond in a sum adequate to assure satisfactory restoration of the site upon termination of storage or operation, or upon termination of the permit, if specifically requested by the Board.

- (6) No permit shall be required for the storage of the following:
  - a) Sawdust piles at permanent or temporary sawmills.
  - b) Inoperable automobiles and other items typical of junkyards, which are



regulated by the Kentucky Revised Statutes.

- c) Demolition waste on the property where demolition occurred provided said waste is removed within six (6) months of final demolition.
- d) Land clearing debris on the property where the land clearing occurred.
- e) Household and agricultural waste on the property owned by the generator of the waste, provided no open dumping laws are violated.

(7) This storage permit shall confer upon the owner or operator a qualified right to store waste in Simpson County during the permit term provided all regulations herein are complied with. Such qualified right shall not relieve the owner or operator of responsibility to comply with the current regulatory standards of federal and state law and county and city ordinances.

(8) No CLASS B Permit of Operation will be granted with regard to any putrescible materials which would remain at the site for longer than twenty-four (24) hours.

(9) No CLASS B Permit of Operation will be granted with regard to any waste materials or with regard to any methods of operation which would constitute a nuisance or create a danger to the health, safety or welfare of the citizens of Simpson County or adjoining counties or which would create a threat to the environment.

(10) Any changes in operations covered by this application shall be reported to and approved by the Simpson County Solid Waste Management Board prior to implementation.

**2.30 CLASS C. DISPOSAL:**

(1) No person shall engage in the disposal of solid waste without first having obtained a CLASS C Permit of Operation from the Board.

(2) This permit shall authorize the owner or operator in charge to engage in the disposal of solid waste in a manner to be prescribed by the Board for a period not to exceed two (2) years from the date of issuance or renewal of the permit. The permit shall be issued in the name of the applicant and shall be non-transferrable without the written approval of the Board.

(3) The non-refundable fee for the disposal site permit as set forth in the fee schedule adopted by the Fiscal Court of Simpson County. The permit fee shall defray the technical costs to the Board of evaluating the permit application and the site's compliance with all applicable regulations and laws protecting the environment. The permit application shall specify the exact location and size of the permitted site, the owner of the permitted site and his address, the operator of the permitted site and his address, the names and addresses of the owners of all adjoining properties and any other information which is required by other sections of these regulations.

(4) The permit application shall include proof of bond in a sum adequate to assure satisfactory restoration of the site upon termination of disposal or termination of the permit.

(5) The permit application shall include Simpson County Solid Waste Management

Board Form 2.30-C-01, 2.30-C-02, 2.30-C-03 and 2.30-C-04.

(6) No permit shall be required for the disposal of the following:

- (a) Sawdust piles at permanent or temporary sawmills.
- (b) Inoperable automobiles and other items typical of junkyards, which are regulated by the Kentucky Revised Statutes.
- (c) Land clearing debris on the property where the land clearing occurred.
- (d) Household and agricultural waste on the property owned by the generator of the waste, provided no open dumping laws are violated.

(7) The disposal permit shall confer upon the owner or operator a qualified right to dispose of waste in Simpson County during the permit term provided all regulations herein are complied with. Such qualified right shall not relieve the owner or operator of responsibility to comply with all federal and state laws and county and city ordinances.

(8) All solid waste disposed of in Simpson County, Kentucky, shall only consist of such waste as remains after a sorting process that will remove all recyclable materials, including but not limited to glass, metals, newsprint and other recyclable papers, and plastics. No solid waste shall be disposed of that contains any recyclable materials.

(9) All solid waste disposed of in Simpson County, Kentucky shall be unloaded at an approved disposal site only if the solid waste is accompanied by a bill of lading that accurately recites the source of origin and all intermediate transfer points for all such solid waste.

(10) Any changes in operations covered by this application shall be reported to and approved by the Simpson County Solid Waste Management Board prior to implementation.

(11) No Class C Permit will be granted with regard to any waste material or with regard to any method of operation which would constitute a nuisance or create a danger to the health, safety, or welfare of the citizens of Simpson County, Kentucky, or adjoining counties, or which would create a threat to the environment.

**2.40 CLASS D. SANITARY LANDFILLS:**

**A.) INERT LANDFILLS**

(1) Any person desiring a Class D Permit of Operation for an inert landfill shall submit a complete application to the Board. The application shall include, but is not necessarily limited to the following:

- (a) Name, address and telephone number of the applicant,
- (b) If the County has planning and zoning requirements, certification of the County Judge-Executive or Chairman of the Planning and Zoning Board that the site meets all local planning and zoning requirements.
- (c) Name, address and telephone number of the owner of the land on which the landfill will be located,

(d) A copy of the deed to the property and if the applicant is not the owner, a copy of a lease showing that the applicant has a five (5) year right of re-entry following final closure of the facility.

(e) An application shall additionally require Simpson County Solid Waste Management Board Forms 2.40-D-01, 2.40-D-02, 2.40-D-03, 2.40-D-04, and 2.40-D-05.

(f) A geologic report of the site including, but not limited to the following:

- (1) Description of all soils on site, including suitability for proposed use;
- (2) Description of the surface and subsurface geology including assessments of any geologic hazards as: seismic activity, stability, and karstic weathering; and
- (3) Description of the hydrologic characteristics of the site, including surface and ground water, current use, potential use, and flow.

(g) A current U.S.G.S. topographic map with the boundaries of the proposed site clearly marked thereon.

(h) Plans drawn to scale of the site certified by an engineer registered in Kentucky and showing:

- (1) Initial and proposed final contour intervals to sufficiently reveal the character of the site.
- (2) Existing roads, and the effect of increased traffic flow to the site, both as to the effect on the roads themselves and on traffic patterns within a ten (10) mile radius around the site.
- (3) Surface drainage, including its effect on all area streams, ponds, and other bodies of surface water.
- (4) Buildings, and other man-made features including all fire protection equipment and property line fences.
- (5) A buffer zone between the property lines and the outer limits of the fill area, and a buffer zone between the fill and any existing residences or streams, ponds, or other bodies of surface water.
- (6) The location of all weather on-site roads sufficient to handle anticipated traffic.
- (7) Site access controls, including locking entrance ways, gates and all fencing.
- (8) Appropriate cross-sections and baseline profiles which shall include: existing surface, bedrock, seasonal high water table, seasonal low water flow of

streams as affected by on site construction or erosion from the site, limits of excavation, final waste cells, final surface elevations, volume available for waste disposal in cubic yards, and other surface and subsurface features including but not limited to shafts, roads, and drainage.

(9) A typical lift cross section showing details of the final cover, length and depth of cells, width of cell walls, and depth of waste.

(10) Diagrams showing the sequence in which areas are to be filled, methods to be used, and planned use of each area.

(11) Details of all site roadways, showing base, wearing surfaces, side slopes, with methods of containing erosion, drainage, width, and other information relevant to roadway design, and use.

(i) The effect on the environment and the habitat of all indigenous and migrating wildlife species, including a survey of all fauna and flora found in the site area, and including which species will or may be destroyed both by the construction and the long term effects of this location. Said report to be compiled by a biologist, zoologist or botanist.

(j) A complete application narrative which shall include:

(1) A written description of the location of the site using roads or highways as reference and including information of all names of adjoining landowners, names of streams through the site or which may be affected by the site, names of other bodies of surface water (or if same are unnamed, their location, type and approximate size).

(2) A description of the sequence of operation.

(3) A list of all types of wastes which will be disposed of at the landfill, the sources which will generate the waste, identified by location, the chemical and physical characteristics of industrial or special wastes and the anticipated quantity of each category of waste from each source.

(4) The source and availability of equipment including both on-site disposal and fire protection equipment and back up and emergency disposal and fire protection equipment.

(5) An engineering statement of flood frequency exposure for the site.

(6) The number of acres to be filled and the total number of acres, including buffer zones.

(7) A detailed safety and communication plan, including but not limited to, certification of fire protection from the appropriate fire marshall or local fire officials and the methods of emergency communication.

(8) A description of access controls.

(9) A description of the covering program, including frequency of

cover, total volume, and source of material available and total estimated volume and source of cover required (final, daily and interim covers).

(10) The proposed revegetation program, including provisions for liming, fertilization, seed types, and seeding schedules, erosion controls, during pregrowth and early growth periods, control of noxious weeds during revegetation and interim cover vegetation programs.

(11) A final cover maintenance program covering the entire site and last five (5) years beyond closure to include erosion control, reseeding, refertilization, growth control and noxious weed control.

(12) A detailed plan for closure of the landfill including costs.

(13) The estimated life of the site in volume and number of years.

(14) A description of the method to be used for compaction of waste and cover of material including placement of waste and direction of compaction, placement of cover material and direction of compaction and the ground pressure developed by the equipment used for compaction.

(15) Maps showing the sources which generate the waste.

(16) All additional information as the Board deems necessary for a determination regarding issuance of the permit.

(2) General Design Requirements for Inert Landfills:

(a) Landfills in the 100 year flood plain shall be designed and operated to prevent the washout of wastes. Further they shall not restrict the flow of the 100 year flood or significantly reduce the temporary water storage capacity of the flood plain. Where available, empirical data shall be used to determine the frequency of flood exposure. Where data is not available, the frequency of flood exposure shall be established by the unit hydrograph technique.

(b) Landfills subject to a high seasonal water table shall be restricted to sites which provide greater than two (2) feet of compacted earth between deposited waste and the maximum water table, and include measures to prevent contamination of groundwater.

(c) The bottom of the waste in the landfill shall be at least two (2) feet above the bedrock, sand or gravel, excluding any sand or gravel used in a leachate collection system.

(d) Landfill locations shall conform to applicable local zoning laws pursuant to KRS Chapter 100.

(e) Surface contours shall minimize surface water running onto or through the operational or completed fill area. Surface storm water features shall be designed for the maximum flows occurring up to a 100 year, twenty-four (24) hour storm flows. Surface water sediment basins shall be designed to detain ten (10) year, twenty-four (24) hour storms with emergency spillway flows of 100 year, twenty-four (24) hour storms.

(f) Surface contours, erosion controls, and excavation procedures, including final cover, and revegetation programs shall be designed so as not to interfere with the seasonal low water flows in any streams which may be affected so as to prevent interference with water flow in such streams during dry periods.

(g) Disposal of wastes presenting special handling problems shall be separately considered in design of the landfill.

(h) A 100 foot minimum buffer zone between the fill area and all property lines of the site, a 350 foot minimum buffer zone between the fill and any stream and a 500 foot buffer zone between the fill and existing residences shall be provided.

(i) Adequate cover material shall be available to cover solid wastes at intervals sufficient to prevent fire hazards, unsightly appearance, disease vectors, and for interim and final cover.

(j) Sufficient equipment shall be available on site, with contingency plans for back-up and emergency equipment, in order to comply with the requirements of these regulations.

(k) Other requirements may be stipulated by the Board.

(3) General operating requirements for Inert landfills:

(a) The owner/operator of a landfill shall operate the facility in accordance with the requirements of KRS Chapter 224 and the regulations promulgated pursuant thereto except where these regulations require a more stringent standard, and according to all conditions of the solid waste facility permit issued by the Cabinet for Natural Resources except where the solid waste facility permit issued by the Board requires a more stringent standard, and by the approved operational plan filed with the Cabinet for Natural Resources, except where these regulations require a more stringent plan.

(b) Landfill operators shall not permit or engage in open burning of waste. Any open burning shall be extinguished immediately. Wastes which are burning or smoldering shall not be deposited in the fill. Such materials shall be deposited in a location safely removed from the normal fill area.

(c) No liquids or hazardous wastes shall be discharged to or placed in a landfill without obtaining a permit modification or a written variance from the Board. In considering such requests the Board shall use the standards set out herein and the standards set forth in KRS 224.886, requiring always that the most stringent standards are met.

(d) The grounds in and about a landfill shall not be allowed to become a nuisance. Interior fences shall be required to prevent litter from blowing from the landfill. The permitted area shall be policed on a routine basis to collect all scattered material such as policing to take place on not less than a daily basis.

(e) Scavenging is prohibited. Salvage and recycling operations shall not be allowed in conjunction with a landfill unless conducted in a sanitary manner.

(f) Landfill operators shall not allow uncontrolled public access which would expose the public to potential health and safety hazards. Days and times of operation shall be clearly posted and in no event shall the period of operation be earlier than 6:00 A.M. nor later than 6:00 P.M. prevailing time.

(g) Landfill operators shall not allow a discharge or fill material, erosion sediment, leachate or other pollutants into waters of Simpson County or any other adjoining county that would be a violation of these regulations or of the National Pollution Discharge Elimination System (EPDES) under Section 402 of the Clean Water Act or the Kentucky Pollutant Discharge Elimination System program approved by the Federal EPA or that exceeds the water quality standards for surface waters established in 401 KAR 5:031. At all times the required standard shall be that which imposes the most stringent standard.

(h) Landfill operators shall not allow a discharge of pollutants into the air in violation of the Clean Air Act or the Kentucky Air Pollution Control Standards.

(i) Final cover and closure:

(1) Those areas of a landfill that will receive no additional deposits of solid waste within 365 days of the last placement of waste shall receive final cover. A minimum final cover of two (2) feet shall be required in addition to any daily and interim cover required.

(2) Before earth-moving equipment is removed from the site, an inspection of the entire site shall be made by an authorized representative of the cabinet to determine compliance with approved plans and specifications. The owner/operator shall submit a closure schedule based on the approved plan thirty (30) days prior to the last intended use of a solid waste facility.

(3) Final cover shall be graded as provided in the approved closure plan in a manner to prevent ponding. For a period of five (5) years the surface of the final cover shall be maintained at the proper elevation.

(4) Final cover shall be revegetated. After grading, final cover shall be fertilized as necessary, said fertilization to be carried out in such a manner as it does not adversely affect any aquifer, surface water or stream. Final cover shall also be seeded and/or planted with legumes according to the best practices of husbandry and in accordance with the closure plan approved by the Board. All noxious weeds shall be eliminated as required and all revegetation and eradication processes shall be repeated as necessary to obtain proper soil stabilization and control of erosion and control of noxious weeds and disease vectors.

(5) Other necessary corrective measures as required by the Board, if any, shall be performed before the landfill is accepted as closed and financial responsibility funds released.

**B.) RESIDENTIAL LANDFILLS**

(1) Additional Contents of Permit Applications for a Residential Landfill. In addition to the requirements of Contents of Permit Application for Inert Landfills under Subsection A of this Section, the complete application for residential landfills shall include but not be limited to the following additional information:

(a) A leachate contingency plan and specifications for collecting and treating or other control of leachate generated at the site.

(b) A methane contingency control plan and specifications shall be given for all sites within 1000 feet of a residential, farm, commercial or industrial building.

(c) The plans shall include grades for proper drainage of each lift and a typical cross-section of each lift.

(d) The site plan shall show locations of personnel structures, toilet facilities, equipment maintenance areas, emergency communication devices, operating scales which are required hereunder, and all other structures within 1000 feet of the site.

(e) A groundwater monitoring plan to include location and specifications of the wells, and monitoring parameters and schedules may be required by the Board upon examination of geological aspects and other relevant factors. The monitoring system shall be capable of detecting any contamination of the uppermost aquifer beneath the site and at least one-third of all wells shall be downgrade from the cells most recently filled.

(f) A surface water monitoring plan shall include location of sampling points, monitoring parameters and schedule. The monitoring system shall be capable of detecting contamination of surface waters and streams leaving the site and surface waters and streams off-site and verifying the proper performance of systems used to protect surface waters and streams from contamination.

(g) The narrative shall specify the method to be used to document and report the quantity of waste received on a daily basis. These regulations require that each vehicle be weighed immediately upon entry into the site and before any discharge of waste from that vehicle, and again weighed immediately subsequent to an unloading. The plans must reflect that actual weight data shall be collected daily and this data shall be reported to the Board no less than once every month.

(h) The narrative shall identify a system of record keeping that includes:

- (1) Documentation of construction requirements such as liners, hydrologic systems, and leachate collection systems;
- (2) Daily quantity of waste received by weight;
- (3) Compliance with all cover requirements;
- (4) Utilization of landfill volume;
- (5) Permit modification waste received in accordance with these regulations;



(6) Environmental monitoring and other permit conditions.

(i) The narrative shall include a complete analysis of the waste management laws, regulations, ordinances and agency provisions for compliance with these regulations from each source in a format which compares with these regulations and all applicable Kentucky Administrative Regulations.

(2) Residential Landfill Design Requirements. In addition to the requirements in General Design Requirements for Inert Landfills in these regulations, residential landfills shall meet the following design requirements:

(a) Residential landfills shall not be located in the ten (10) year flood plain.

(b) A personnel shelter shall be designed to provide all weather protection for site operating personnel.

(c) Leachate and methane gas contingency plans shall contain long-term plans for post-closure maintenance if not self-maintaining by design. If long term maintenance is necessary, a performance bond may be required by the Board before the release of financial responsibility closure funds can be approved.

(d) Groundwater monitoring shall be required and shall contain a minimum of one (1) upgradient monitoring well and two (2) downgradient wells designed to detect the influence of the site on underground drinking water sources. If more wells are drilled to monitor groundwater at least one-third of all wells shall be down grade of the most recently filled cells.

(e) The concentration of methane generated by a residential landfill shall not exceed twenty-five (25%) per cent of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components), and shall not exceed the lower explosive limit for methane at the property boundary.

(f) A minimum of four (4) soil boring holes for the first ten (10) acres and one (1) additional boring hole for each three (3) additional acres shall be required. The "K" test results from a falling head permeability test or other approved permeability test shall be shown on the boring records. There shall be available sufficient material to provide a layer of at least twenty-four (24) inches of  $1 \times 10^{-7}$  cm/sec. permeability or its equivalent under the waste and to provide a cap above the completed waste cells of twelve (12) inches of  $1 \times 10^{-7}$  cm/sec. permeability or its equivalent during final closure. An artificial liner or a greater thickness of more permeable material may be judged "equivalent" to twenty-four (24) inches of  $1 \times 10^{-7}$  cm/sec.

(g) All sanitary landfills shall have scales to measure the quantity by weight of solid waste received per day. The quantity of waste received shall be kept on records on a daily basis and said reports shall be provided to the Board no less frequently than once per month.

(h) An application shall additionally require completed Simpson County Solid Waste

Management Board Forms 2.40-DR-01, 2.40-DR-02, 2.40-DR-03, 2.40-DR-04 and 2.40-DR-05.

(3) Residential Landfill Operating Requirements. In addition to the requirements in General Operating Requirements for Inert Landfills, residential landfills shall meet the following operating requirements.

(a) The following improvements shall be made before a residential landfill site is placed in operation.

(1) All weather roads shall be provided within the site for vehicular movement. Separate areas within the site may be provided to allow for wet or dry weather operation and access. Roads within the site shall be surfaced or treated to prevent a dust nuisance. Proper methods shall be implemented to prevent the spreading of dirt, mud or other road debris onto public roads adjoining the site.

(2) A shelter shall be provided which is accessible to operating personnel. The shelter shall be screened and provided with heating facilities and adequate lighting. Safe drinking water, sanitary hand washing, and a shower facility for cleaning in the event of contamination of personnel and toilet facilities shall be available on the site.

(3) Arrangements shall be made for fire protection services. A fire protection district or other public fire protection service is acceptable. When such a service is not available alternate arrangements shall be made. In any event emergency fire fighting equipment shall be maintained on site by the owner or operator of the site.

(4) Adequate communications facilities shall be maintained on the premises for emergency purposes.

(5) Operating equipment shall be one-site, capable of spreading and compacting the volume of waste received on the site on a daily and interim basis as required hereunder. Backup equipment for such purposes shall be available within not more than twenty-four (24) hours of primary equipment breakdown.

(b) Residential landfill operations shall be in accordance with approved plans and the following additional requirements:

(1) Access to the site shall be permitted only when operating personnel are on site and no access shall be allowed for purposes of discharge earlier than 6:00 A.M. or later than 6:00 P.M.

(2) Dumping of solid waste on the site shall be confined to the smallest practical area.

(3) Unloading shall be supervised at all times by properly trained personnel.

(4) Disease vector control measures in addition to daily cover shall be required by the Board when necessary.

(5) Solid waste shall be spread within two (2) hours of depositing at the site, in shallow layers not to exceed two (2) feet in depth and compacted with appropriate equipment

to the maximum practical density. The completed cell shall consist of the solid waste admitted and compacted during one (1) working day regardless of overall height and volume. Large bulky items, if accepted for deposit, shall be deposited in a manner approved by the Board.

(6) A compacted layer of at least six (6) inches of soil shall be used to cover all exposed solid waste at the end of each working day. Surfaces that will not receive an additional depth of refuse or final cover within sixty (60) days shall receive, in addition to the daily cover, an interim layer of compacted cover of at least one (1) foot total. All daily and interim cover depths shall be maintained until the landfill is closed.

(c) Records shall be maintained at the landfill as specified in these regulations. In addition to the requirements of maintaining records relative to the quantity, by weight, of waste received, copies of all reports required to be submitted to the Cabinet for Natural Resources and Environmental Protection shall be forwarded to the Board at the same time they are submitted to the Cabinet.

(d) Annual Survey Requirements:

(1) For sanitary landfills which receive more than an average of fifty (50) tons of solid waste per day but less than seventy-five (75) tons of solid waste per day, an annual survey shall be conducted by the owner or operator to determine the remaining landfill volume which may be used for waste disposal. The results of the said survey shall be submitted to the Board no later than January 15 of each year.

(2) For sanitary landfills which receive more than an average of seventy-five tons of solid waste per day but less than 100 tons of solid waste per day a semi-annual survey shall be conducted by the owner or operator to determine the remaining landfill volume which may be used for waste disposal. The results of the said semi-annual surveys shall be submitted to the Board no later than January 15 and July 15 of each year.

(3) For sanitary landfills which receive an average of more than 100 tons of solid waste per day a quarterly survey shall be conducted by the owner or operator to determine the remaining landfill volume which may be used for waste disposal. The results of the said quarterly surveys shall be submitted to the Board no later than January 15, April 15, July 15 and October 15 of each year.

(4) All such surveys shall be certified by the individual conducting the survey. The owner or operator shall notify the Board no less than fifteen (15) working days prior to the date the survey will be conducted.

(e) The owner/operator of a residential landfill must record a notice that will in perpetuity notify any potential purchaser of the property of the location and time of operation of the facility, and a statement that future disturbance of this area should only occur after an examination of potential gas or leachate migration problems and disease vector problems. Such notice shall be recorded in accordance with state property laws in the office of the

Simpson County Clerk prior to acceptance of the final closure of the landfill and in addition there shall be posted at least three (3) locations on the site the same notice in a manner and of a material that will not deteriorate with age or weathering.

**C.) CONTAINED LANDFILLS**

(1) Additional contents of Permit Applications for Contained Landfills. In addition to the requirements in Contents of Permit Applications for Inert Landfills and Residential Landfills contained in these regulations, the complete application for a contained landfill shall include but not be limited to the following:

(a) A description and specifications of an in-place groundwater monitoring system shall be given in the site plan and the narrative.

(b) A description and details of an in-place leachate collection and treatment system shall be given in the site plan and narrative.

(2) Contained landfill design requirements. In addition to the requirements for Inert Landfills and Residential Landfills contained in these regulations, contained landfills shall meet the following requirements.

(a) A groundwater monitoring system approved by the Board shall be in place. The monitoring plan shall consist of at least one (1) upgradient well and at least three (3) downgradient wells, and a monitoring schedule. If more than the required number of wells are drilled, at least one-third of all wells shall be downgradient wells.

(b) A leachate collection and treatment or other control system shall be approved by the Board and shall be in place.

(c) The design and specifications for special areas, if any which will receive exempt hazardous waste, spill residues and other sludge and residual wastes shall be approved by the Board.

(3) Contained Landfill Operating Requirements. In addition to the requirements in the general operating requirements for inert landfills and residential landfills in these regulations, contained landfills shall meet the following operation standards:

(a) The owner/operator of a contained landfill shall keep permanent records of the source, amount, characteristics and disposal location of any spill residues or small generator exclusion waste, and records as to the source and quantity of all other wastes disposed of at the contained landfill. This record shall be summarized in a report and submitted to the Board with the request for permit renewal.

(b) Receipt of exempt hazardous wastes shall be limited to those wastes which meet the characteristics for hazardous waste but are not regulated by the state hazardous waste program because they are generated in small quantities (or otherwise exempted) having been determined as not harmful to public health or the environment consistent with the Federal Resource Conservation and Recovery Act, as amended.

**D.) RESIDUAL LANDFILLS**

(1) Contents of Permit Application for Residual Landfills. This section shall apply to owners and operators of residual landfills that require solid waste site or facility permits. A person or state or federal agency desiring a residual landfill permit shall submit a complete application to the Board: The application shall be on Simpson County Solid Waste Management Forms 2.40-DS-01, 2.40-DS-02, 2.40-DS-03, 2.40-DS-04, and 2.40-DS-05 and shall include but not be limited to the following:

(a) Name, address, and telephone number of applicant. If applicant is a government agency, corporation, company or partnership, include the name and address and telephone number of process agent or other contact person.

(b) Written certification from the County Judge Executive or chairman of the local planning and zoning Board that the site meets all local planning and zoning requirements.

(c) Name, address and telephone number of the land owner.

(d) A copy of the deed to the property or copy of a lease showing a five (5) year right of reentry following final closure of the facility if the landowner is not the applicant.

(e) A geological report of the site including but not limited to:

(1) A description of all soils at the site, in detail, including their suitability for the proposed site;

(2) A description of the surface and subsurface geology of the site, including an assessment of such geologic hazards as: seismic activity, stability, and karstic weathering, and

(3) A description of the hydrologic characteristics of the site, including surface and groundwater current use, potential use, and flow.

(f) An original current U.S.G.S. topographic map that has the boundaries of the site clearly and accurately marked.

(g) The plans drawn to scale including a closure plan for the site which shall bear the seal of a professional engineer registered in Kentucky.

(h) The complete application narrative which shall include:

(1) A written description of the location of the site.

(2) A description of the sequence of operation.

(3) A list of all types of wastes which will be disposed at the landfill, the sources which generate the waste, the chemical and physical characteristics of industrial or special wastes and the anticipated volume of each category of waste.

(4) The number of acres to be filled and the total number of acres to be permitted.

(5) A closure plan.

(6) The effect on the environment and the habitat of all indigenous and

migrating wildlife species, including a survey of all fauna and flora found in the site area, and including which species will or may be destroyed both by the construction and the long term effects of this location said report to be compiled by a biologist, zoologist or botanist.

(i) Draft permit conditions for the duration of the facility to assure compliance with the applicable environmental performance standards as found in the Kentucky Administrative Regulations.

(2) Residual Landfill Design Requirements. Residual landfills shall meet the following design requirements.

(a) The engineering design must demonstrate compliance with the environmental performance standards in the Kentucky Administrative Regulations 401 KAR 30.030 and which are adopted herein:

(1) The physical and chemical characteristics of the waste, including compatibility, to be disposed of at the facility:

- (2) Volume of waste;
- (3) The climatic conditions in the area;
- (4) The permeability of the liner material;
- (5) The properties of the soil underlying the facility;
- (6) Hydrogeological characteristics of the facility including quality, quantity, current use and direction of groundwater flow;

(7) The design of the facility leachate control system, run-off control system, and gas migration control, if required, must consider the physical and chemical characteristics of the waste. The climatic conditions of the specific location, the volume of leachate or contaminated run-off that could be produced and available options for managing leachate or contaminated run-off collected at the facility must be considered; and

(8) The proximity to surface water.

(b) Residual landfill locations shall conform to applicable zoning laws pursuant to KRS Chapter 100.

(c) The closure plan shall specify the function and design of the final cover of the facility. The closure design should assure compliance with the applicable environmental performance standards in the Kentucky Administrative Regulations, 401 KAR 30.030 as amended, and as adopted herein, and must reflect consideration of:

- (1) The type and amount of waste in the facility,
- (2) The mobility and expected rates of migration of the waste;
- (3) The site location, topography and surrounding land use, and final site use;
- (4) The climatic conditions in the area;
- (5) The characteristics of the cover material including erodibility, slope stability, final surface contours, thickness, porosity, permeability, slope, length of run of

slope and type of vegetation in cover;

(6) The geologic and soil profiles and surface and subsurface hydrology of the site; and

(7) The effect on the environment and the habitat of all indigenous and migrating wildlife species, including a survey of all fauna and flora found in the site area, and including which species will or may be destroyed both by the construction and the long term effects of this location said report to be compiled by a biologist, zoologist or botanist.

(3) Residual Landfill Operating Requirements. Residual landfills shall meet the following operational standards:

(a) The owner/operator of a residual landfill shall operate the landfill in accordance with the requirements of all aspects of these regulations and in compliance with KRS Chapter 224 and the regulations promulgated pursuant thereto, the conditions of the facility permit issued by the Board, and the operational plan filed with and approved by the Board.

(b) The owner/operator of a residual landfill shall operate the facility in such a manner as to assure compliance with all requirements of these regulations and with the applicable environmental performance standards in 401 KAR 30.030 as adopted herein.

(c) The owner/operator of the facility must inspect the site and operation at a sufficient frequency to assure compliance with the applicable environmental performance standards in 401 KAR 30.030 as adopted herein.

(d) Closure of the landfill.

(1) A residual landfill must be closed in a manner that will assure compliance with the applicable environmental performance standards in 401 KAR 30.030 as adopted herein. The closure shall include the placement of a final cover for the facility as specified in the approved design of the site.

(2) Any necessary corrective work required by the Board shall be performed before the residual landfill is accepted as closed and financial responsibility funds released.

(3) The owner/operator of a residual landfill must record a notice that will in perpetuity notify any potential purchaser of the property of the location and time of operation of the facility and the nature of the waste placed in the site, and a statement that future disturbance of this area should only occur after an examination of potential gas or leachate migration problems and disease vector problems. Such notice shall be recorded in accordance with state property laws in the office of the Simpson County Clerk prior to acceptance of the final closure of the landfill and in addition there shall be posted at least three (3) locations on that site the same notice in a manner and of a material that will not deteriorate with age or weathering.

(e) Post-closure maintenance. A residual landfill shall be maintained for five (5) years following the closure of the site in a manner that complies with the applicable environmental

performance standards in 401 KAR 30.030 as adopted herein and in accordance with any approved post-closure monitoring and maintenance plan approved by the Board.

(f) The Board may place additional requirements on the owner/operator of a residual landfill in addition to those stated where necessary to insure compliance with all regulations set out herein and in order to insure compliance with applicable environment performance standards in 401 KAR 30.030 as adopted herein.

Any changes in operations covered by this application shall be reported to and approved by the Simpson County Solid Waste Management Board prior to implementation.

No Class D Permit will be granted with regard to any waste material or with regard to any method of operation which would constitute a nuisance or create a danger to the health, safety, or welfare of the citizens of Simpson County, Kentucky, or adjoining counties, or which would create a threat to the environment.

**2.50 CLASS E INFECTIOUS OR MEDICAL WASTE PROCESSING FACILITY**

(1) No person or entity shall engage in the commercial processing of infectious or medical waste without first having obtained a Class E Permit of Operation from the Solid Waste Management Board.

(2) A non-refundable fee for the Class E permit of operation shall be as set forth in the fee schedule adopted by the Fiscal Court of Simpson County.

(3) Any person or entity desiring a Class E Permit of Operation shall submit a complete application to the Solid Waste Management Board. The application shall include, but is not necessarily limited to, the following:

(A) A narrative fully describing the process both in technical and layman's terms, including the following:

- (i) maximum daily volume in terms of tonnage, gallons, etc.;
- (ii) specific origin and transfer points of material to be processed;
- (iii) gallons of water to be used and discharged daily;
- (iv) chemicals to be utilized in process daily;
- (v) a plat or schematic of the property and facility showing all essential features;
- (vi) if site and facility are owned, provide copy of deed;
- (vii) if site and facility are leased, provide copy of lease agreement, and a statement from lessee that it is aware of the proposed operation and condones such operation.
- (viii) A specific description of the nature and composition of the infectious or medical waste.
- (ix) A sample of each type of container to be used with the packaging of the waste.

(B) If there are to be any emissions to be released into the air, a statement from an independent laboratory to be approved by the Solid Waste Management Board that states emissions will be within legal limits and consistent with the best health and safety considerations of the immediate and surrounding community.

(C) If there is to be any effluent released into the city sewer, a statement from



an independent consultant and laboratory to be approved by the Solid Waste Management Board that the effluent is compatible to the efficient operation of the Municipal Sewer System, possess no health risks to the community or the environment and specifically what impact the effluent will have on the sewer treatment process.

(D) A traffic approach plan and a statement as to the maximum number of freight vehicles to be expected in any 24 hour period.

(E) Full description of contingency and emergency plan in the event of human injury or exposure, spill or other accident.

(F) Engineered drawings for total containment system for site runoff.

(G) Description of health and safety protection to be provided for and required for employees.

(H) Simpson County Solid Waste Management Board Form 2.50-E-01, 2.50-E-02, 2.50-E-03, 2.50-E-04, 2.50-E-05, 2.50-E-06, 2.50-E-07, 2.50-E-08, 2.50-E-09, and 2.50-E-10.

(4) Any site engaged in the processing of medical waste or infectious medical waste is required to erect a 6' high chain link fence and gates, enclosing the entire facility.

(5) Any medical or infectious waste processing facility will be required to maintain professional security 24 hours a day, at all primary site entrances.

(6) The successful applicant must post bond in a reasonable amount as set by the Board in order to provide for any subsequent cleanup costs that may become necessary for the forty year permit subsequent to approval of the permit, as a result of operations or previous operations of the facility.

(7) The operator shall keep on file a monthly report that discloses all injuries and exposures to waste, including but not limited to:

(A) respiratory exposure to any dangerous airborne substance;

(B) exposure to the skin of any untreated chemical or biomedical substance; and

(C) Any lacerations from sharps or sticks from syringes.

(D) Any other significant, similar occurrences.

(8) Any vehicle transporting infectious or medical waste to or from the permitted facility shall not remain on the grounds of the permitted facility for more than six hours prior to being unloaded. Immediately upon being unloaded, such vehicles shall be inspected to insure that all material has been removed and that no leakage of any packages or containers has occurred.

(9) All bacterial waste must be transferred in a sealed container, as approved by the board. Such containers shall be sturdy, sealable, non-porous, and resistant to puncture by sharp objects or abrupt handling.

(10) No Class E Permit will be granted with regard to any waste material or with regard to any method of operation which would constitute a nuisance or create a danger to the health,

safety, or welfare of the Citizens of Simpson County, Kentucky, or adjoining counties, or which would create a threat to the environment.

(11) Any Class E facility will maintain adequate vector control as to protect public health.

(12) Any changes in operations covered by this application shall be reported to and approved by the Simpson County Solid Waste Management Board prior to implementation.

**2.60 CLASS F LANDFARMING**

(1) No person shall engage in landfarming in Simpson County, Kentucky without first having obtained a Class F Permit of Operation.

(2) Any person desiring a Class F Permit of Operation for Landfarming shall submit a complete application to the Board. The application shall include, but is not necessarily limited to the following:

(a) Name, address and telephone number of the applicant,

(b) If the County has planning and zoning requirements, certification of the County Judge-Executive or Chairman of the Planning and Zoning Board that the site meets all local planning and zoning requirements.

(c) Name, address and telephone number of the owner of the land on which the landfill will be located,

(d) A copy of the deed to the property and if the applicant is not the owner, a copy of a lease showing that the applicant has a five (5) year right of re-entry following final closure of the facility.

(e) An application shall additionally require Simpson County Solid Waste Management Board Forms 2.60-F-01, 2.60-F-02, 2.60-F-03, 2.60-F-04, and 2.60-F-05.

(f) A geologic report of the site including, but not limited to the following:

(1) Description of all soils on site, including suitability for proposed use;

(2) Description of the surface and subsurface geology including assessments of any geologic hazards as: seismic activity, stability, and karstic weathering; and

(3) Description of the hydrologic characteristics of the site, including surface and ground water, current use, potential use, and flow.

(g) A current U.S.G.S. topographic map with the boundaries of the proposed site clearly marked thereon.

(h) Plans drawn to scale of the site certified by an engineer registered in Kentucky and showing:

(1) Initial and proposed final contour intervals to sufficiently reveal the character of the site.

(2) Existing roads, and the effect of increased traffic flow to the site, both as to the effect on the roads themselves and on traffic patterns within a ten (10) mile radius around the site.

(3) Surface drainage, including its effect on all area streams, ponds, and other bodies of surface water.

(4) Buildings, and other man-made features including all fire protection equipment and property line fences.

(5) The location of all weather on-site roads sufficient to handle anticipated traffic.

(6) Site access controls, including locking entrance ways, gates and all fencing.

(7) Appropriate cross-sections and baseline profiles which shall include: existing surface, bedrock, seasonal high water table, seasonal low water flow of streams as affected by on site construction or erosion from the site, limits of excavation, final waste cells, final surface elevations, volume available for waste disposal in cubic yards, and other surface and subsurface features including but not limited to shafts, roads, and drainage.

(8) Details of all site roadways, showing base, wearing surfaces, side slopes, with methods of containing erosion, drainage, width, and other information relevant to roadway design, and use.

(i) The effect on the environment and the habitat of all indigenous and migrating wildlife species, including a survey of all fauna and flora found in the site area, and including which species will or may be destroyed both by the construction and the long term effects of this location. Said report to be compiled by a biologist, zoologist or botanist.

(j) A complete application narrative which shall include:

(1) A written description of the location of the site using roads or highways as reference and including information of all names of adjoining landowners, names of streams through the site or which may be affected by the site, names of other bodies of surface water (or if same are unnamed, their location, type and approximate size).

(2) A description of the sequence of operation.

(3) A list of the chemical compositions of all types of materials that will be landfarmed.

(4) The source and availability of equipment including both on-site disposal and fire protection equipment and back up and emergency disposal and fire protection equipment.

(5) An engineering statement of flood frequency exposure for the site.

(6) A detailed safety and communication plan, including but not limited to, certification of fire protection from the appropriate fire marshall or local fire officials and the methods of emergency communication.

(7) A description of access controls.

(16) All additional information as the Board deems necessary for a determination regarding issuance of the permit.

(3) The permit shall authorize the holder thereof to engage in landfarming from the time of the issuance of the permit through December 31 of the year in which the permit is granted.

(4) The Board hereby adopts by reference as though repeated verbatim herein the regulations promulgated by the Kentucky Cabinet for Natural Resources and Environmental Protection with regard to landfarming as found at 401 KAR 47.050 as amended and the same are made a part hereof.

(5) The fee for a Class F permit of Operation shall be as set by the fee schedule adopted by the Fiscal Court of Simpson County.

(6) No Class F Permit will be granted with regard to any waste material or with regard to any method of operation which would constitute a nuisance or create a danger to the health, safety, or welfare of the Citizens of Simpson County, Kentucky, or adjoining counties, or which would create a threat to the environment.

(6) Any changes in operations covered by this application shall be reported to and approved by the Simpson County Solid Waste Management Board prior to implementation.

**2.70 CLASS G HAZARDOUS WASTE PROCESSING FACILITY**

(1) No person or entity shall engage in the commercial processing of hazardous waste without first having obtained a Class G Permit of Operation from the Solid Waste Management Board.

(2) A non-refundable fee for the Class G permit of operation shall be as set forth in the fee schedule adopted by the Fiscal Court of Simpson County.

(3) Any person or entity desiring a Class G Permit of Operation shall submit a complete application to the Solid Waste Management Board. The application shall include, but is not necessarily limited to, the following:

(A) A narrative fully describing the process both in technical and layman's terms, including the following:

- (i) maximum daily volume in terms of tonnage, gallons, etc.;
- (ii) specific origin and transfer points of material to be processed;
- (iii) gallons of water to be used and discharged daily;
- (iv) chemicals to be utilized in process daily;
- (v) a plat or schematic of the property and facility showing all essential features;
- (vi) if site and facility are owned, provide copy of deed;

- (vii) if site and facility are leased, provide copy of lease agreement, and a statement from lessee that it is aware of the proposed operation and condones such operation.
- (viii) a specific description of the nature and composition of the hazardous waste.

(B) If there are to be any emissions to be released into the air, a statement from an independent laboratory to be approved by the Solid Waste Management Board that states emissions will be within legal limits and consistent with the best health and safety considerations of the immediate and surrounding community.

(C) If there is to be any effluent released into the city sewer, a statement from an independent consultant and laboratory to be approved by the Solid Waste Management Board that the effluent is compatible to the efficient operation of the Municipal Sewer System, possess no health risks to the community or the environment and specifically what impact the effluent will have on the sewer treatment process.

(D) A traffic approach plan and a statement as to the maximum number of freight vehicles to be expected in any 24 hour period.

(E) Full description of contingency and emergency plan in the event of human injury or exposure, spill or other accident.

(F) Engineered drawings for total containment system for site runoff.

(G) Description of health and safety protection to be provided for and required for employees.

(H) Simpson County Solid Waste Management Board Form 2.70-G-01, 2.70-G-02, 2.70-G-03, 2.70-G-04, 2.70-G-05, 2.70-G-06, 2.70-G-07, 2.70-G-08, 2.70-G-09 and 2.70-G-10.

(4) Any site engaged in the processing of hazardous waste is required to erect a 6" high chain link fence and gates.

(5) Any hazardous waste processing facility will be required to maintain professional security 24 hours a day, at all primary site entrances.

(6) The successful applicant must post bond in a reasonable amount as set by the Board in order to provide for any subsequent cleanup costs that may become necessary for the forty year permit subsequent to approval of the permit, as a result of operations or previous operations of the facility.

(7) The operator shall keep on file a monthly report that discloses all injuries and exposures to waste, including but not limited to:

- (A) respiratory exposure to any dangerous airborne substance;
- (B) exposure to the skin of any untreated chemical or biomedical substance;
- (C) any lacerations from sharps or sticks from syringes;
- (D) Any other significant, similar occurrences.

(8) Any vehicle transporting hazardous waste to or from the permitted facility shall not

remain on the grounds of the permitted facility for more than six hours prior to being unloaded. Immediately upon being unloaded, such vehicles shall be inspected to insure that all material has been removed and that no leakage of any packages or containers has occurred.

(9) No Class G Permit will be granted with regard to any waste material or with regard to any method of operation which would constitute a nuisance or create a danger to the health, safety, or welfare of the citizens of Simpson County, Kentucky, or adjoining counties, or which would create a threat to the environment.

(10) Any Class G facility will maintain adequate vector control as to protect public health.

(11) Any changes in operations covered by this application shall be reported to and approved by the Simpson County Solid Waste Management Board prior to implementation.

### 3.00 VARIANCE

A Variance is a written waiver of these regulations by the Board upon finding by the Board that the health, safety, and welfare of the citizens of Simpson County and adjoining counties and the preservation of the environment will be secured despite the waiver.

A Variance may be granted if the Board finds:

- (a) that any potential hazard to public health, safety, or welfare or to the environment is insignificant because of low quantity, low concentration, nature of subject matter, or method of operation, or
- (b) the subject matter or method of operation is regulated by another government agency, provided such other regulations adequately protect the public health, safety and welfare and preservation of the environment and are at least as stringent as the standards set out herein.

A Request for Variance shall be submitted to the Board in a written report as prescribed by the Board in sufficient detail to describe clearly the analyses, procedures, controls and other pertinent data necessary to support the request. This Request for Variance shall be submitted at a regularly scheduled meeting of the Board in person by the applicant.

The variance if granted, shall be in writing from the Board and shall specify appropriate conditions such as duration, limitations, monitoring requirements, and review procedures.

The Board will not grant any request for a variance which:

- (a) would make the program less stringent than regulations of the Federal Environmental Protection Agency or the Kentucky Natural Resources and Environmental Protection Cabinet, or
- (b) would be in conflict with any federal or Kentucky statutes, or county or city ordinances, or
- (c) would be in conflict with any regulation herein which specifically states that no variance will be allowed to that regulation.

All requests for variance shall be accompanied by a non-refundable technical review fee of as set forth in the fee schedule adopted by the Fiscal Court of Simpson County. This

technical review fee is intended to cover the cost of technical review of environmental impact by the Board.

A Request for Variance and any Variance granted shall be public record which shall be available for inspection and photocopying by any person. Any person who feels that they or another will be aggrieved by the grant of the variance shall be entitled to request a hearing regarding such variance as provided under the Section of these regulations dealing with hearings.

**4.00 DEFINITIONS**

1. County - means Simpson County, Kentucky.
2. District - means the Simpson County Waste Management District.
3. Board - means the Board of Directors of the Simpson County Waste Management District.
4. Collection - means the removal of all types of solid waste from the designated location to the transport vehicle.
5. Disposal - means the discarding, discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that such solid waste or any constituent of solid waste may enter the environment, be emitted into the air or be discharged into any water, including underground water.
6. Closure - means the time at which a waste treatment, storage or disposal facility permanently ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the site for post-closure monitoring and maintenance or to make it suitable for other uses.
7. Container - means any portable enclosure in which a material is stored, transported, treated, disposed, or otherwise handled.
8. Contamination - means the degradation of naturally occurring water air, or soil quality either directly or indirectly as a result of human activities.
9. Contingency plan - means a document setting out an organized, planned, and coordinated course of action to be followed in the event of a fire, explosion or release of waste or waste constituents into the environment which has the potential for endangering human health and the environment. Financial planning to identify resources for initiation of such action is a part of contingency plan development.
10. Cover material - means soil or other suitable material that is spread and compacted on the top and side slopes of disposed waste in order to control disease vectors, gases, erosion, fires, and infiltration of precipitation or run-on; support vegetation; provide trafficability, or assure an aesthetic appearance.
11. Discharge - means (but is not limited to) spilling, leaking, pumping, pouring, emitting, emptying, or dumping.
12. Facility - means all contiguous land, and structure, other appurtenances, and

improvements on the land, used for treating, storing, or disposing of waste.

13. Solid Waste Site or Facility - means one of the following:

(a) Inert Landfill - means a facility for the proper disposal of inert, nonsoluble, and nonputrescible solid waste, including but not limited to, construction materials, certain industrial or special wastes, and other waste material, and other waste material with specific approval of the Board.

(b) Residential Landfill - means a facility for the proper disposal of solid waste including residential waste, commercial waste, institutional waste, and those sludges, industrial waste or special wastes with specific approval of the Board.

(c) Contained Landfill - means a facility for the proper disposal of solid waste including those industrial wastes, special wastes, or hazardous wastes exempted by regulation and any nonhazardous waste without case-by-case approval of the Board.

(d) Residual Landfill - means a facility for the disposal of specific solid wastes including special waste, which is located, designed, constructed, operated, maintained and closed in conformance with the "Environmental performance standards" in 401 KAR 30.030, Section 1(1) and which must receive a case-by-case design review by the Board and the Cabinet for Human Resources.

(e) Landfarming Facility - means a facility for land application of sludges or other residual waste by any method for the purposes of disposal. It can be on any piece or pieces of land which may improve the physical and chemical qualities of the land for agricultural purposes, but does not alter the topography of the application area as revealed by contours and will not disturb the soil below three (3) feet from the surface.

14. Leachate - means any liquid including any suspended components in the liquid, that has percolated through or drained through the wastes.

15. Major modification - means a change in ownership where the Board determines that other changes in the permit are necessary as a result of the change in ownership or operational method or control, area occupied, disposal method, or other significant change in the operation of the waste management facility.

16. 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.

17. Monitoring Well - means a well used to obtain water samples for water quality and quantity analysis and groundwater levels.

18. Off site - means properties non-contiguous to the site.

19. On-site - means on the same or geographically contiguous property which may be divided by public or private roads or rights of way, provided that the entrance and exit between the properties is at a crossroads, intersection, and access is by crossing, as opposed to going along the right of way. Non contiguous properties owned by the same person but connected by a



right of way which he controls and to which the public does not have access shall also be considered as on-site property.

20. Open dump - means any facility or site for the disposal of solid waste which does not meet the criteria for a sanitary landfill under regulations promulgated by the Board which shall be consistent with or more stringent than those promulgated by the Cabinet for Natural Resources.

21. Operational plan - means the approved plan of operations filed with the Board which described the method of operation that the permittee will use in the treatment, storage, and/or disposal of waste.

22. Periodic application of cover material - means the application and compaction of soil or other suitable material over disposed waste at a solid waste site or facility at the end of each operating day or at such frequencies and in such a manner as to reduce the risks of fire and to impede disease vector's access to the waste.

23. Permit - means the authorization issued by the Board to implement the requirements of the waste management regulations.

24. Person - means any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision, business, or organization of any kind whatsoever, or their legal representative, agent, employee, or assigns.

25. Point source - means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete, fissure, container, rolling stock, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

26. Post-closure care - means the manner in which a facility must be maintained when it no longer accepts waste for disposal.

27. Post-closure monitoring and maintenance - means the routine care, maintenance, and monitoring of a solid waste disposal facility, storage, or disposal facility following closure of the facility.

28. Putrescible - means susceptible to rapid decomposition by bacteria, fungi, or oxidation, sufficient to cause nuisances such as odors, gases, or other offensive conditions.

29. Recovered material - means waste material and by-products which have been recovered or diverted from waste, but does not include those materials and by-products generated from, and commonly reused within an original manufacturing process.

30. Recycling - means any treatment process for the reclamation of material or energy from wastes.

31. Representative sample - means a sample of a universe or whole which can be expected to exhibit the average properties of the universe or whole.

32. Resource recover - means the recovery of material or energy from waste.
33. Run-off - means any rainwater, leachate, or other liquid that drains overland onto any part of a facility or onto adjoining land or water.
34. Salvaging - means the controlled removal of waste materials for utilization in a manner approved by the Board.
35. Saturated zone - means that part of the earth's crust containing ground water in which all voids, large and small are filled with liquid.
36. Scavenging - means the removal of waste materials from a site or facility in a manner deemed by the Board to be dangerous to the health or safety of any person.
37. Sludge - means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant or any other such waste having similar characteristics and effects.
38. Solid waste management - means the administration of solid waste activities including collection, source separation, storage, transportation, transfer, processing, treatment, and disposal, which shall be in accordance with the Simpson County Waste Management Plan as amended and approved by the Department for Natural Resources.
39. Special wastes - means those wastes of high volume and low hazard which include, but are not limited to mining wastes, utility wastes, (fly ash, bottom ash, scrubber sludge), sludge from water treatment facilities and waste water treatment facilities, cement kiln dust, gas and oil drilling muds and oil production brines.
40. Storage - means keeping, maintaining or storing solid waste from the time of its collection until the time of its final disposal but does not include transportation which takes place immediately from the point of collection to the point of disposal.
41. Termination - means the final actions taken by the Board as to a solid waste treatment, storage, or disposal site or facility when formal responsibilities for post-closure monitoring and maintenance cease.
42. Transfer facility - means any transportation related facility including but not limited to loading docks, parking areas, storage areas, and other similar areas where shipments of waste are held during the normal course of transportation.
43. Transport vehicle - means a motor vehicle, rail car, boat, or barge used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, boat, barge, etc.) is a separate transport vehicle.
44. Transportation - means any off-site movement of waste by any mode, and any loading, unloading, or storage incidental thereto.
45. Transporter - means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

46. Underground drinking water source - means

(a) An aquifer supplying drinking water for human consumption.

(b) An aquifer in which the groundwater contains less than 10,000 milligrams per liter of total dissolved solids.

47. Unsaturated zone - means that region of the soil or rock between the land surface and the nearest saturated zone in which the interstices are partially occupied by air. (Also known as the zone of aeration.)

48. Vector control - means preventing flying insects from gaining access to areas.

49. Washout - means the carrying away of waste by waters of the base flood.

50. Waste - means

(a) Solid waste - means any garbage, refuse, sludge and other discarded material, including but not limited to solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, 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 discharges which are point sources subject to permits under Section 402 of the federal Water Pollution Control Act, as amended, or other wastes as defined by special federal legislation.

(i) Commercial solid waste - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(ii) Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units.

(b) 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 or chemical characteristics may cause, or significantly contribute to an increase mortality or 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.

(c) Infectious or medical waste - means any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, of a medical, biological, or infectious nature, in any form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase mortality or 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.

All definitions contained within 401 KAR 30:010, and which are not separately defined

herein, are adopted herein by reference as though repeated verbatim and are made a part hereof.

I, Jada Rhea, Clerk of the Simpson County Fiscal Court do hereby certify that the foregoing instrument was this day lodged to be and is, with this and the foregoing certificate duly recorded in my office. Given under my hand this 8th day of August, 1991.

Jada Rhea  
Fiscal Court Clerk