

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT

Pursuant to Kentucky Revised Statutes 224 and 109 and related administrative regulations, Simpson County, including its cities, has been designated as a solid waste management area, based upon a Solid Waste Management Plan approved by the Natural Resources and Environmental Protection Cabinet, hereinafter referred to as "the Cabinet," of the State of Kentucky. In addition, Simpson County is acting under powers outlined in KRS 67.083 (3)(o) which provides the authority to manage solid waste by ordinance.

NOW, THEREFORE, be it ordained by the Fiscal Court, Simpson County, Kentucky, that the Simpson County Solid Waste Management District Board shall be responsible for the administrative management of this ordinance and the promulgation of all rules and regulations incident hereto.

SECTION 1: DEFINITIONS

For the purpose of this ordinance, the following terms shall be deemed to have the meaning indicated below:

Cabinet: The Natural Resources and Environmental Protection Cabinet.

Collection: Removal of solid waste from the designated pick-up location to the transfer vehicle. Acceptable collection practices shall consist of the following: (1) door-to-door household collection and/or (2) direct access to a staffed convenience center or transfer facility.

Person: An individual, trust firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the State of Kentucky, or any interstate body.

Sludge: 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.

Solid Waste: Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse and overburden), agricultural operations, and from community activities, but does not include those materials including, but not limited to, sand, soil, rock, gravel, or bridge debris extracted as part of a public road construction project funded wholly or in part with state funds, recovered material, special wastes as designated by KRS 224.868, solid or dissolved material in domestic sewage, manure, crops, crop residue, or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditioners, or solid or dissolved material 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 (86 Stat. 880), or source, special nuclear, or by-

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product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

Storage: The containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.

Transfer: The placement of solid waste from smaller collection vehicles into larger vehicles for transportation to intermediate or final disposal facilities.

Transportation: Any off-site movement of waste by any mode, and any loading, unloading, or storage incidental thereto.

Treatment: Any method, technique, or process including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amendable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

SECTION 1: UNIVERSAL COLLECTION OF SOLID WASTE

Section 1.1: County Responsibility Defined

The County shall provide for the collection of solid waste as follows:

- a. The County shall provide for the collection of all residential solid waste in the County, provided, however, the County may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire County or portions thereof, as deemed to be in the best interest of the County.

- b. The County may, at its discretion, provide commercial solid waste collection services.

Section 1.2: Universal Collection

A municipal solid waste collection system which is established by ordinance and approved by the Cabinet and requires access for each household or solid waste generator in a county.

SECTION 2: ANNUAL REPORT

Each person shall, at least annually, file a report with the Simpson County Solid Waste Management District Board addressing the following items: an accounting of the amount or volume of solid wastes collected, transferred, transported, treated, and/or disposed of by that person, rates charged, numbers of households serviced, routes, disposal facilities used, and other information as deemed necessary.*

SECTION 3: SAVINGS CLAUSE

Nothing in this ordinance shall be deemed to affect, modify, amend, or repeal any provision of any ordinance administered by the Simpson County Health Department or other department, board, commission, or agency of Simpson County.

SECTION 4: SEVERABILITY CLAUSE

This provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

This ordinance shall become effective upon second reading
February 23, 1993.

February 16, 1993 FIRST READING
February 23, 1993 SECOND READING

At a meeting of the Fiscal Court of the County of
Simpson, Commonwealth of Kentucky held February 23rd, 1993, on
motion made by Honorable Bill Scott, and seconded by
Honorable Glen Evans, 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

(COATTY\ORDIN.SW)

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
24th day of February, 1993.

Jada Rhea
-5- Fiscal Court Clerk