

Kentucky Department for Environmental Protection
Division of Waste Management
Recycling and Local Assistance Branch
300 Sower Boulevard – Frankfort KY 40601
(502) 564-6716

**FOR OFFICIAL USE ONLY.
DO NOT WRITE IN THIS SPACE**

**Area Solid Waste Management Plan - Five Year Update
Years 2023 - 2027**

1. BACKGROUND INFORMATION

A. Area Designation

1. Name of County or Regional Solid Waste Management Area ("RSWMA") Mason

Check One: County Regional Solid Waste Management Area ("RSWMA")

If area designation is a RSWMA, list counties:

2. List all incorporated cities within the solid waste management area and the population of each.

1.) Maysville/8866	2.) Sardis/100	3.) Germantown/153
4.) Dover/246	5.)	6.)
7.)	8.)	9.)

B. Governing Body Information

1. Designation Type: Fiscal Court 109 Board (Taxing) 109 Board (Non-taxing) Regional Area City/County Merger

2. Name of chairperson of the governing body (judge executive, chairperson, etc.) Owen J. McNeill

3. List each member of the governing body:

1.) Joseph McKay	2.) Chris O'Hearn	3.) Phil Day
4.)	5.)	6.)
7.)	8.)	9.)
10.)	11.)	12.)

4. Address: 221 Stanley Reed Court Street

City: Maysville	State: Kentucky	Zip Code: 41056
5. Telephone: 606-564-6706	6. Fax: 606-564-7315	7. Email: masoncojudge@masoncountykentucky.us

C. Solid Waste Coordinator Information

1. Name of Coordinator: Shane Taylor

2. Address: 221 Stanley Reed Court Street

City: Maysville	State: Kentucky	Zip Code: 41056
3. Telephone: 606-564-6706	4. Fax: 606-564-7315	5. Email: solidwaste@masoncountykentucky.us

6. Work Status (check one):
 Volunteer Full-time Part-time

7. Hours worked per week: 21

D. Advisory Committee

List the names and representative bodies of the advisory committee members.

Name	Representing
1.) Matt Wallingford/Debra L. Cotterill	City of Maysville
2.) Owen McNeil/Nathan Truesdell	Mason County Fiscal Court
3.) Todd Leonard/Shane Taylor	Maysville Mason County Landfill/Solid Waste
4.) Chris Hopper	Private Sector
5.) Dennis Truesdell	Maysville Public Works Director
6.) David Maher	Private Sector

E. Preparer Information

Complete this section, if the preparer is different than the solid waste coordinator.

1. Name:

2. Address:

City:

State:

Zip Code:

3. Telephone:

4. Fax:

5. Email:

F. Resolution/Ordinance to Adopt Solid Waste Management Plan 5-Year Update

1. Check one: Resolution Ordinance

2. Public Notice Date:

3. Date Signed:

4. The following documents must be attached. Check all that have been attached and place at the end of the report with a cover sheet labeled "Chapter 1 Attachments."

- A signed and dated copy of the resolutions/ordinance adopting the 5-year update
- A dated original of the public notice, or a copy and an affidavit from the newspaper by whom the notice was originally published
- Area Designation

2. COLLECTION SYSTEM

A. Collection System

1. Ordinance Type (check one): Mandatory Universal

Date passed: 12/2002

2a. Provide a detailed description of all the collection systems in your SWMA (collection systems include: franchise, permit, municipality owned/operated, private, staffed transfer stations and staffed convenience centers, etc.)
The city limits of Maysville is contracted with Rumpke of Ohio Inc. to handle all collection services for residents. Mason county has mandatory residential collection of all occupied households. Households are allowed to hire a private collector, such as Warner Waste, and supply proof of active shervice there in, or they are set up and charged by Mason County Garbage Collection. Some residents are on an exemption list, allowing them to bring their refuse to the landfill instead of using curbside collection, as long as they bring refuse to the landfill at least once a month. The list is maintained at the landfill and an updated copy is kept by the Garbage Coordinator. Mason County provides a weekly residential collection service for household refuse and offers the option for its customers to schedule large item pick-up of residential furniture and appliances. Small businesses are offered weekly pick-up waste service. 96-98 gallon size trash recepticles, as well as dumpsters are available for rental through Mason County.

2b. Attach a signed and dated copy of the current solid waste management ordinance(s) including all related amendments. Place at the end of the report with a cover sheet labeled "Chapter 2 Attachments."

3. Describe your annual waste hauler registration process including the annual requirement to file reports: Any person who collects, hauls, or transports any solid waste not generated a a site owned or operated by persons collecting, hauling, or transporting such solid waste shall first obtain a permit from Fiscal Court. As part of the permit application process, each person who provides collection serivces shall report the following:

- 1) The number of customers from which solid waste was being collected as of October 1st.
- 2) The amount of municipal solid waste collected for dsposal durin the previous permitted calendar year.
- 3) The amount of solid waste collected for recycling, by volume weight or number of items during the previous permitted year.
- 4) The types of items collected for recycling.
- 5) All haulerswill be registered in accordance with KRS.224.43-315

B. Collection System Strengths

Describe the strengths of your collection system:

- 1) County ordinance stipulating mandatory collections
 - 2) Billing for residential collection service handled by County since 2004
 - 3) County handling the actual collection of refuse since July 2006.
 - 4) Offers small businesses which do not require a dumpster to meet their waste needs an optional weekly pick-up.
 - 5) Additional options for customer need-specific waste disposal through increased inventory of dumpsters and waste wheelers.
 - 6) County roll off business started in November 2005
 - 7) Flow Control Ordinance mandating that all solid waste generated in Mason County be disposed of in Mason County.
- We are better able to monitor and control the appropriate disposal of solid waste generated in our county as a result of these factors.

C. Collection System Weaknesses

Describe the weaknesses of your collection system:

- 1) Mason County is paying the expense of running the garbage collection system, even for those citizens that fail to pay their bill.
- 2) The expense of running the collection service exceeds the revenue currently generated through payment for services received.
- 3) Current billing software not sufficient for increased growth of service business and/or in need of an update to more adequately track and bill for services offered.
- 4) The changes in occupancy at individual locations and/or utilization of independent contractors is difficult to track as a result of limited timely updates to the Mason County Garbage Collection office by tenants and/or property owners.

D. Collection System Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve the collection system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/Year to Begin	Month/Year to End
1.) Mandatory residential garbage collection service for occupied locations	weekly	1/2023	12/2027
2.) Dumpster and Roll off business	monthly	1/2023	12/2027
3.) Community Education	yearly in Spring and Fall of the local school year	1/2023	12/2027
4.) Requirements for all haulers to be registered and fill out DEP 5033 forms	annually	1/2023	12/2027
5.) Bill county residents for collection services and include on said bill educational information about these and other services	monthly	1/2023	12/2027

3. DISPOSAL SYSTEM

A. Disposal System

1. Provide SWMA population and municipal solid waste disposal projections for five (5), ten (10), and twenty (20) years in the future.

Population 2020: 17,106

Population 2025: 17,074

Population 2033: 16,833

Waste Generation Projection
2018 – 2022: 97,548 Tons

Waste Generation Projection
2023 – 2027: 97,365 Tons

Waste Generation Projection
2028 – 2037: 91,982 Tons

2. List all contained landfills, including out-of-state landfills that will be used by your governing body during the 5-year update period. Provide capacity assurance letters demonstrating a minimum of 10 years of capacity from the landfill(s) and copies of any contractual agreements with those disposal facilities. Place at the end of the report with a cover sheet labeled "Chapter 3 Attachments."

1.) Landfill Name: Maysville-Mason County Landfill	Permit #: 081-00006
--	---------------------

Address: 7055 Sherman Clarkson Road

City: Maysville	State: KY	Zip Code: 41056
-----------------	-----------	-----------------

2.) Landfill Name:	Permit #:
--------------------	-----------

Address:

City:	State:	Zip Code:
-------	--------	-----------

3.) Landfill Name:	Permit #:
--------------------	-----------

Address:

City:	State:	Zip Code:
-------	--------	-----------

3. Provide a complete inventory of all disposal facilities currently operating in your SWMA. Facilities to include are: contained landfills, construction/demolition debris landfills greater than one acre, incinerators or other technologies that accept municipal solid waste and medical waste incinerators that accept medical waste from other sources. see attachment Chapter 3, Section A-3

1.) Facility Name: Maysville-Mason County Landfill	Ownership: Mason County Fiscal Court/City of Maysville
--	--

Address: 7055 Sherman Clarkson Road

City: Maysville	State: KY	Zip Code: 41056
-----------------	-----------	-----------------

Cost to users: \$23.75 (\$/Ton)	Life expectancy: 40 Years
---------------------------------	---------------------------

Level of compliance with state and federal laws: In compliance

2.) Facility Name: East Kentucky Power-special waste Landfill (coal)
--

Address:	Ownership: East Kentucky Power Cooperative
----------	--

City: Maysville

Cost to users: \$0.00 (\$/Ton)	State: KY	Zip Code: 41056
--------------------------------	-----------	-----------------

Level of compliance with state and federal laws:	Life expectancy: Years
--	------------------------

3.) Facility Name: International Paper-Beneficial Reuse

Address: 1645 Mary Ingels Hwy	Ownership: International Paper
-------------------------------	--------------------------------

City: Maysville

Cost to users: \$ \$0.00 (\$/Ton)	State: Ky	Zip Code: 41056
-----------------------------------	-----------	-----------------

Level of compliance with state and federal laws:	Life expectancy: Years
--	------------------------

4. SWMA's hosting a landfill must complete question 4. All other SWMA's may proceed to question 5.

4a. Identify the following for each contained solid waste disposal facility hosted in your SWMA:

Landfill: Maysville Mason County Landfill	Permit #: SW08100006
---	----------------------

Total capacity authorized to date: 9,613,174.26 Tons

Amount disposed in landfill to date: 2,007,446.00 Tons

Remaining authorized capacity: 7,605,728.26 Tons

5. Describe any proposal(s) for new disposal facilities or expansions of existing disposal facilities (landfill, incinerators, or other approved technologies, etc.) planned during the 5-year update period: Mason County will seek the expansion of the landfill: Construction phase 6 of existing permitted facility, 2023 pending state approval of liner modification. Repurpose Residual to CDD after gypsum removal pending closure cap approval KDWM 2026/2027

6. Describe the county's emergency disaster plan to address solid waste concerns in the event of natural disasters (flooding, snow/ice storms, tornadoes, earthquakes, etc.): We are Storm Ready Certified. Maysville/Mason County Debris Management Plan is Attached under Chapter 3-Disposal System

7. Describe plans to research alternative approaches to solid waste management: In 2022 we have begun researching a Livestock composting facility for the purpose of diverting associated waste from the landfill. The county is researching alternative disposal methods for waste tires from the landfill.

B. Disposal Practices Strengths.

Describe the strengths of your existing disposal practices:

High rate of compaction

Attention to permit compliance

Utilization of alternate daily cover to increase use of available airspace

C. Disposal Practices Weaknesses.

Describe the weaknesses of your existing disposal practices: The diversion of C & D Waste and Recyclables

D. Disposal Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve its disposal system, the frequency at which such actions will take place, a date for commencement of the activities, and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Phase 6 contained landfill(pending state approval)	once approved	11/2022	07/2023
2.) Residual Conversion (pending state approval)	once approved	7/2027	07/2028
3.) Gas system expansion (pending state approval)	once approved	6/2025	9/2025
4) Monitor capacity levers at the Maysville Mason County Landfill	Daily	01/2023	12/2027
5) Will try and utilize both newspaper and radio to communicate disposal issues and services	Spring and Fall annually	01/2023	12/2027
6)			

4. RECYCLING AND REDUCTION

A. Recycling/Reduction Program

1. Is recycling offered in your SWMA? Yes No

2. Describe your SWMA's annual recycler registration process including the annual requirements to file reports: Anyone providing collection services for the purpose of recycling shall be required to register with the County on a annual basis. Annual reports will be requested so the County can keep track of recycling efforts of its citizens.

3. Do you have a plan to reduce the need for land disposal of yard waste? Yes No
If yes, describe: We actually collect yard waste and brush in a separate area where it is ground into a mulch annually.

4. Does your SWMA collect or manage yard waste for the purpose of diverting it from a landfill? Yes No

5. List the counties and cities within your SWMA that collect or manage yard waste for the purpose of diverting it from the landfill?

Mason County accepts it at the landfill but does not provide collection

Maysville provides pick up within the city limits

6. List all permitted composting operations currently operating in your SWMA. If no composting operation exists, detail any actions your SWMA plans to take to encourage composting: Our SWMA is researching the feasibility and processes of bringing composting to our Maysville/Mason County Landfill. We have reached out to Franklin County on their current process and our reasearching the cost and logistical obstacles for our county.

7. Describe your plan to reduce the need for land disposal through recycling, reuse and waste reduction (include drop off centers, curbside collection, interlocal agreements for regional alliances, etc.) The City of Maysville provide Recycling bins in the city limits provided by RUMPKE. The County Recycling Center is open on a daily basis and set up to accept recycling from the public. We collect cardboard and paper from the county businesses on a daily basis.

8. If recycling is deemed not feasible, provide specific details supporting that decision:

9. Describe how used motor oil, batteries, and antifreeze are handled in your SWMA: Used motor oil is accepted and used in our CleanBurn oil furnace to heat our Recycling Center. We collect about half we require each winter. Used batteries are accepted and stockpiled and sold as numbers dictate. Antifreeze is not accepted.

10. Describe how household hazardous waste is handled in your SWMA: All waste is sent to the County owned landfill.

11. Are electronics/computers recycled in your SWMA? Yes No

11a. If yes, describe your electronics/computer (e-scrap) recycling program: Escrap is accepted and then sent to Ecyclers in Knoxville, TN.

11b. If no, discuss any plans your governing body has to start an electronics/computer (e-scrap) recycling program:

12. Is office paper recycled in your SWMA? Yes No

12a. If yes, what businesses or agencies recycle office paper? Local government facilities participate. Several private companies send us shredded paper for security.

12b. If no, explain why office paper is not recycled in your SWMA:

13. What efforts has your governing body made to assist the local school boards in recycling white paper and cardboard to meet the statutory requirements in KRS 160.294? If there have been none what will the county do to assist in this endeavor? Include dates in the implementation schedule: We no longer accept recycling from the local schools. RUMPKE takes care of the school system.

B. Recycling Program Strengths

Describe the strengths of your existing recycling program: By Mason County having a Recycling Center as well as our own landfill, we can show our citizens the importance of Recycling. By encouraging the public to bring their recycling into the Recycling Center and drop it off they can see first hand what is recycable, what is not, and can see how important it is to recycle. If the Public knows the more we recycle, is less going to the landfill is greatly appreciated, but number could be better than they actually are. We are able to provide free pick up of cardboard and paper to the County businesses.

C. Recycling Program Weaknesses

Describe the weaknesses of your existing recycling program: All recycling is done on a voluntary basis, and not all the public participates. It would be great if everyone participated.

D. Recycling/Reduction Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve its recycling/reduction system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/Year to Begin	Month/Year to End
1.) We will continue to operate the Recycling Center located at the landfill property	Daily (Mon-Sat.)	1/2023	12/2027
2.) The public is allowed to bring recycling into the Recycling Center	Daily (Mon-Sat.)	1/2023	12/2027
3.) Whenever requested we will continue to provide tours and presentations to the public or educational facilities	upon request	1/2023	12/2027
4.) Continue to advertise with local advertising agencies as needed	yearly on Earth Day and social media throughout the year	1/2023	12/2027
5.)			
6.)			

5. OPEN DUMPS AND LITTER

A. Open Dumps and Litter

1. Describe the contents of your ordinance with respect to open dumping. Provide a copy of the section of the ordinance(s) pertaining to open dumping and place at the end of the report with a cover sheet labeled "**Chapter 5 Attachments.**" 07-09, Section 9 Part B Plainly states that open dumps are prohibited and may be subject to injunctive relief in Mason County Circuit Court.

2. What is your process for identifying and recording open dumps? When a dump is reported or found:

- 1) The site is photographed
- 2) The site is inspected for any identifying evidence
- 3) If evidence is found the Sherriff's Department is contacted
- 4) The site is cleaned and pictures are taken

3. How does the SWMA prioritize the cleanup of open dumps? Open dumps are cleaned up as they are found or reported

4. Describe the procedures to prevent the recurrence of open dumping at sites that have been cleaned (include surveillance efforts, pull-off barricades, etc.):

- 1) No dumping signs are posted
- 2) Drive by inspections are done monthly
- 3) Due to our garbage collections being done by the county, route drivers report dumping activity
- 4) Cameras are utilized in illegal dumping hot spots

5. Describe any assistance your SWMA offers to private property owners to clean open dumps: Dumps that are reported are inspected and then cleaned up by the county with little to no cost to the property owners

6. Describe your plan to control and clean up litter:

During the calendar year, nonprofit groups and inmate labor are both utilized for roadside clean-up. Continuation of this process as well as utilization of individuals under court ordered mandate to complete community service. Education of citizens with regard to litter clean-up, not littering, not burning or illegally dumping solid waste. Provide updated information on available options for appropriate recycling, residential collection, and landfill use through set up of informational booth/table at public event(s) and locations such as the area schools.

7. Describe the coordination efforts that exist within your SWMA with local, county and state law enforcement. If your county has a litter ordinance, provide a copy of the ordinance(s) or the portion of the solid waste ordinance(s) pertaining to litter and place at the end of the report with a cover sheet labeled "**Chapter 5 Attachments.**" 07-09 Section 4. All illegal roadside dumps as well as litter is inspected for names and addresses. Any that are found are turned over to the county attorney and the Solid Waste Coordinator signs a complaint. It is then turned over to the Sherriff's office for it to be served and the defendant is summonsed to court and charged with littering.

B. Open Dump Prevention Strengths

Describe the strengths of your program to clean and prevent open dumps:

- 1) With little to no cost of clean-up to residents, open dumping reports are frequent
- 2) The use of inmate labor keeps the cost low, normally to a dumping fee
- 3) An education program in the school where we educate the children on open dumping hazards to their health
- 4) The use of technology to prevent and capture illegal dumping

C. Open Dump Prevention Weaknesses

Describe the weaknesses of your program to clean and prevent open dumps:

- 1) The clean-ups can be time consuming
- 2) Technology can't prevent and capture all illegal dumping
- 3) The need for more awareness and education

D. Open Dump Prevention Implementation Schedule

List specific actions or projects your SWMA will complete to maintain or improve its open dump abatement program. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) All reports of open dumping will be investigated, with small dumps cleaned up immediately. Large dumps will be scheduled for cleanup with grant funding	As reported	1/2023	12/2027
2.) Will advertise on the local radion station as well as the local newspaper waste tire collection events	spring and fall	1/2023	12/2027
3.) Will contact the local school systems to educate students on the health hazards of illegal dumping	Spring and Fall school year	1/2023	12/2027
4.)			
5.)			
6.)			

E. Litter Prevention Strengths

Describe the strengths of your program to control and clean up litter:

- 1) County is able to have more roadside miles cleaned through the use of inmate labor without utilizing limited funds.
- 2) Litter abatement monies received through the State of Kentucky allow for additional miles cleared through participation of nonprofit community groups, also with decreased direct cost to Mason County
- 3) Participation in opportunities to educate the public through participation in public events, announcements, and supporting of area school programs for campagns such as Earth Day, enables us to reach more citizens with anti-litter information, recycling options and illegal disposal of solid waste issues.
- 4) The rate for clean up per mile is at maximum amount allowed by rules for state litter abatement monies, which should increase interest in participation from the area nonprofit community groups.

F. Litter Prevention Weaknesses

Describe the weaknesses of your program to control and clean up litter:

1) Inmate labor is not a consistently dependable labor source. When the inmate participation is limited, as we saw associated with Covid-19 Pandemic, the number of roadside miles covered is limited due to a reliance upon only volunteers in nonprofit community groups.

D. Litter Prevention Implementation Schedule

List specific actions or projects your SWMA will complete to maintain or improve its litter abatement program. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Apply annually for roadside litter grant funds through the State of Kentucky	annually	1/2023	12/2027
2.) Complete roadside litter collection utilizing both inmate labor and nonprofit community organizations with consideration to availability of labor pool and abatement monies. pply annually for roadside litter grants	annually	1/2023	12/2027
3.) Supply educational items to participating nonprofit groups to encourage anti-litter practices.	on going as needed	1/2023	12/2027
4.) Encourage public awareness of anti-litter practices through advertisement and educational items during public event(s) where a booth can be established, such as at the Kentucky State Fair and Germantown Fair	August yearly	1/2023	12/2027
5.) Supply educational information and encourage anti-litter campaign through support of presentations and demonstrations in cooperation with similar local/area school programs.	in the spring and fall of the local school calendar	1/2023	12/2027
6.) Research additional grant opportunities for litter prevention and/or roadside clean-up.	monthly	1/2023	12/2027

6. FACILITY SITING

As per KRS 224.01-010, the definition for a "solid waste management facility" is any facility for the collection, storage, transportation, transfer, processing, treatment, and disposal of solid waste..." Solid waste facilities include, but are not limited to contained landfills, CD/D landfills, transfer stations, recycling centers and composting facilities.

A. Facility Siting

1. Describe your SWMA's current siting ordinance(s). Include any local planning and zoning requirements. *Attach a signed and dated copy of the current siting ordinance(s) and place at the end of the report with a cover sheet labeled "Chapter 6 Attachments."* Mason County Solid Waste Ordinance 07-09, Section 10 outlines the requirements for siting solid waste management facilities. Any persons proposing to construct or operate a solid waste facility must first apply for and obtain a site approval permit from Fiscal Court. Extensive background and preparatory information is required to evaluate potential environmental and economic community impact. Public comment and notification are required.

2. Describe in detail the site approval process for your SWMA. Attach a copy of the siting procedures and place at the end of the report with a cover sheet labeled "**Chapter 6 Attachments.**" The owner or operator of a proposed solid waste facility shall file an application for a Site Approval Permit with the Mason County Fiscal Court..

- 1) Within 45 days of the receipt of the application for site approval, the owner/operator shall be notified in writing if the application is administratively complete.
- 2)Public Comment and Public Hearing- for 6 weeks public notice will run in the local newspaper and within 45 days the Public Hearing will commence
- 3)Within 60 days after conclusion of the public hearing, the appropriate Fire Department Chief, The County D.E.S. Coordinator and the Director of the Buffalo Trace District Health Dept. shall review the application for a Site Approval Permit. Each agency shall make a recommendation to the Fiscal Court regarding the issuance or denial of the Site Approval Permit.
- 4)Within 30 days the Mason County Fiscal Court shall make a final determination whether to issue or deny Site Approval Permit

3 List any planned modifications to your existing siting ordinance(s), siting procedures, planning and zoning requirements and/or land use regulations. If your SWMA does not have a siting ordinance, planning and zoning and/or land use regulations, what steps are planned for developing and enacting an ordinance or other local policy to regulate the use of land for solid waste facilities within your area? N/A

4. Selection of a site for a solid waste facility can be very controversial and the public must be given an opportunity to understand and participate in the process. What steps are taken by the SWMA to ensure the public is informed and involved in the decision-making process for siting solid waste facilities within your area? The public will receive notice for 6 consecutive weeks in the newspaper of the greatest circulation serving Mason County. The notice shall be in a form that advises the public that an application for a Site Approval Permit has been filed. The beginning date of the public comment period shall commence as of the date of the first public notice and shall end on the date on which the public hearing is concluded. The public hearing shall be held within forty-five days after the date of the publication of the last of the six weekly public notices required. Such public hearing shall be held in Mason County at a location readily accessible to the public.

5. The siting process at the local level and the permitting process at the state level are mutually supportive and share the same objective for solid waste facilities to meet environmental, engineering and operational standards, as well as be acceptable to the public. Describe how your SWMA coordinates local siting procedures with state permitting procedures for solid waste facilities. The county siting of Solid Waste Management Facilities ordinance is an addition to the state permitting procedures for solid waste facilities. The Site Approval Permit required by 10.1(A) of Ordinance No. 07-09 is required in addition to any other approvals or permits required by federal or state regulatory authority.

B. Facility Siting Strengths

Describe the strengths of your existing siting ordinance: We have already determined specific sites that would not be suitable and therefore zoned them accordingly. This allows us to stop any attempts to place a site in these areas rather quickly. The ordinance gives us safeguards and control at a local level for permitting.

C. Facility Siting Weaknesses

Describe the weaknesses of your existing siting ordinance: As with all ordinances, there can be challenges by the public which we will educate and continuously defend our siting permit process.

D. Facility Siting Implementation Schedule

List specific actions or projects the SWMA will complete to maintain or improve its facility siting system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to	Month/ Year to End
------------------	-----------	-------------------	-----------------------

		Begin	
1.) continue to enact and enforce the siting requirements in the Solid Waste Management Ordinance	daily	1/2023	12/2027
2.) Will continue to advise all persons requesting a siting permit	as needed	1/2023	12/2027
3.) Will notify the public of all new facilities requesting a siting permit	as needed	1/2023	12/2027
4.)			
5.)			
6.)			

7. ENFORCEMENT

A. Enforcement Program

1. Describe your enforcement procedures and penalties for non-participation in your approved solid waste collection system. Attach a copy of the section of the ordinance(s) or procedures pertaining to non-participation and place at the end of the report with a cover sheet labeled **"Chapter 7 Attachments."** 1) Non-participation in collection results in a verbal or written notice of services. Failure to comply results in a court summons where fines and court costs are imposed. 07-09 Section 11, 12, and 13 deal with Civil, Criminal and Collection

2. Describe all surveillance/enforcement activities used by your SWMA to prevent litter and illegal dumping; for example, neighborhood watches, hidden cameras, etc. Attach copies of citation forms and letters to violators and place at the end of the report with a cover sheet labeled **"Chapter 7 Attachments."** Solid Waste Enforcement officer Shane Taylor is on the roadways daily. Letters are typed up on an as needed basis and tailored to the individual occurrence. Court citations are issued by Sheriffs department. We utilize cameras in hot spots for illegal dumping and review the footage every two months to check batteries and location.

3a. Do you use an administrative court for solid waste issues? Yes No

3b. If "yes" to question 3a, above, provide the date the court became effective:

4. Describe the operative procedures of the administrative court for solid waste issues. Attach a copy of the relevant documents or codes that relate to the administrative court and place at the end of the report with a cover sheet labeled "**Chapter 7 Attachments.**"

5. If your SWMA does not have an administrative court for solid waste issues, do you plan to initiate an administrative court during this plan period? Yes No **If yes, provide dates in the implementation schedule:**

6. Describe any proposed modifications to your open dumping and littering procedures/ordinances. Provide dates in the implementation schedule: No modifications are planned at this time

7. Describe enforcement actions or procedures taken by the SWMA if identifying information (i.e. names, addresses, etc.) is found in litter or an illegal dump: All dumps are checked for identifying materials. Pictures are taken and turned over to the Sheriff's department with whom the Solid Waste Coordinator signs a summons to court where the County Attorney then pursues prosecution.

B. Enforcement Procedures Strengths

Describe the strengths of your existing enforcement procedures regarding litter and illegal dump prevention and non-participation in your approved collection system: By Mason County being totally self reliant we are able to better track the violators if and when they move to new residences within the county. The county utilizing technology such as cameras to deter and enforce the current ordinance has been beneficial to the community.

C. Enforcement Procedures Weaknesses

Describe the weaknesses of your existing enforcement procedures regarding litter and illegal dump prevention and non-participation in your approved collection system: All responsibility and costs are placed on the county. Landlords are being held responsible for their tenants.

D. Enforcement Implementation Schedule

List a detailed account of specific actions or projects the county will complete to maintain or improve its Enforcement System, the frequency at which such actions will take place, a date for commencement of the activities, and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Continue to enforce the Mason County Solid Waste Ordinance	continuous	1/2023	12/2027
2.) Continue to enforce non-participation in collection	continuous	1/2023	12/2027
3.) Continue to utilize the sheriff's department for issuing citations	continuous	1/2023	12/2027
4.) Continue to have Solid Waste Enforcement Officer follow up on violations	continuous	1/2023	12/2027
5.) Continue to have Solid Waste Enforcement Officer deploy cameras to monitor and deter illegal dumping	monthly	1/2023	12/2027
6.)			

8. FINANCIAL MECHANISMS

A. Financial Mechanisms

1. Check all items that apply for the funding of your Solid Waste Program.

- Line Item in County Budget
- Collection franchise fees
- 109 Taxing Board
- General Fund
- Host agreement fees
- Other (list all): landfill tipping fees, hauler permits, roll off income

2. How is the Solid Waste Coordinator's position funded?

- Line Item in County Budget
- Collection franchise fees
- 109 Taxing Board
- General Fund
- Host agreement fees
- Other (list all):

3. List all fees/revenues collected by local government for solid waste management. Examples of fees/revenue are: fees charged for disposal facilities under KRS 68.178; fees charged by local government for garbage collection; 109 taxes, franchise and/or permit fees charged by local

government; fees charged at transfer stations or convenience centers if owned by local government; and revenue received from the sale of recyclables.

Type of Fees/Revenue:	Anticipated Amounts Collected				
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year
License Fee (per KRS 68.178 for Off-Site Waste Management Facilities)	\$0	\$0	\$0	\$0	\$0
Municipal Garbage Collection (city and/or county)	\$460,000	\$525,000	\$540,000	\$560,000	\$590,000
Franchise fee	\$0	\$0	\$0	\$0	\$0
Permit fee	\$10,819	\$11,419	\$12,019	\$12,619	\$13,220
Transfer station	\$0	\$0	\$0	\$0	\$0
Convenience center	\$0	\$0	\$0	\$0	\$0
109 or other tax	\$0	\$0	\$0	\$0	\$0
Proceeds from sale of recyclables	\$85,000	\$100,000	\$110,000	\$120,000	\$130,000
Landfill user fees	\$1,725,000	\$1,805,000	\$1,885,000	\$1,965,000	\$2,045,000
Host agreement	\$0	\$0	\$0	\$0	\$0
General revenue	\$300,000	\$325,000	\$330,000	\$335,000	\$340,000
Eastern Kentucky PRIDE	\$0	\$0	\$0	\$0	\$0
Grants, Conservation Service	\$0	\$0	\$0	\$0	\$0
Grants, State illegal dump	\$0	\$0	\$0	\$0	\$0
Grants, State litter abatement	\$17,000	\$17,000	\$17,000	\$17,000	\$17,000
Grants, State Crumb Rubber	\$0	\$0	\$0	\$0	\$0
Grants, State HHW Collection Grant	\$0	\$0	\$0	\$0	\$0
Grants, State Waste Tire	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000
Grants, State Recycling	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify): 1 roll-off business	\$275,000	\$300,000	\$330,000	\$370,000	\$400,000
Other (specify):	\$	\$	\$	\$	\$
TOTAL AMOUNT ANTICIPATED	\$2,926,819	\$3,137,419	\$3,278,019	\$3,433,619	\$3,589,220

4. Provide the following information on anticipated expenditures during the 5-year update period.

Type of Expenditures:	Anticipated Expenditures/Budget				
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year
Capital Expenditures	\$192,714	\$202,349	\$212,467	\$223,090	\$234,245
Personnel	\$1,400,000	\$1,456,000	\$1,515,000	\$1,575,000	\$1,637,801
Collection	\$205,488	\$220,500	\$232,000	\$245,000	\$260,000
Disposal	\$0	\$0	\$0	\$0	\$0
Enforcement	\$0	\$0	\$0	\$0	\$0

Open Dump Cleanups	\$0	\$0	\$0	\$0	\$0
Litter Cleanups	\$24,579	\$25,316	\$26,582	\$27,911	\$28,748
Education Activities	\$0	\$0	\$0	\$0	\$0
Recycling Costs/Expenses	\$250,000	\$249,000	\$258,000	\$267,000	\$275,000
Other (specify): Landfill Operations	\$1,361,251	\$1,429,314	\$1,500,779	\$1,575,818	\$1,654,609
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
TOTAL COSTS ANTICIPATED	\$3,184,032	\$3,582,479	\$3,744,828	\$3,913,819	\$3,732,224

CHAPTER 1

ATTACHMENTS

PUBLIC NOTICE

For Solid Waste Management Plan Update 2023-2027

The Mason County Fiscal Court proposes to adopt the county's Solid Waste Management Plan update per 401 KAR 49:011, Section 5. The plan, if approved, will serve as the basis for handling solid waste management issues in Mason County, (including the City of Maysville), for the years 2023 - 2027.

The proposed plan is available for public inspection beginning July 5, 2022, at the following locations during their normal business hours:

- Mason County Judge/Executive's office, 221 Stanley Reed Court St; Maysville, KY 41056.
- Maysville City Hall, 216 Bridge St; Maysville, KY 41056
- Online @ www.masoncountykentucky.us on the home page labeled 5-year Solid Waste Plan

Additional information about this plan is available from Shane Taylor, Mason County Solid Waste Coordinator, at 606-564-6067 or 606-375-7499. Anyone unable to review the plan at the above locations may call and request that a copy be e-mailed or prepared for pick up for them.

Any person wishing to comment on the plan may do so by providing comments no later than August 5, 2022 at 4:00pm, to the Mason County Fiscal Court at 221 Stanley Reed Court St; Maysville, KY 41056. Any person wishing to be heard at a public hearing must make a request via telephone, email (solidwaste@masoncountykentucky.us), or written communication, to the governing body identified above, no later than August 5, 2022 at 4:00pm.

A public hearing is scheduled on **August 9, 2022 at 9:30am** during monthly Fiscal Court Meeting to receive public comments on the plan.

The Solid Waste Coordinator, Shane Taylor, will respond to written public comments within 15 days of the close of the public comment period, and will consider the plan for passage at the August Fiscal Court meeting. The plan, if approved, will then be submitted to the Kentucky Energy and Environment Cabinet for review and approval.

Update of Area Designation

A solid waste management area may include a single county, multi-county region, waste management district, or any combination thereof. Name of the county and cities requesting designation as a solid waste management area:

1. Mason County
2. Maysville
3. Sardis
4. Dover
5. Germantown

Are any of the agencies identified above as part of a Waste Management District established under KRS 109?

YES NO

If yes, the following documentation must be attached:

- Agreement establishing district
- Rules, regulation, bylaws or other documents that govern the actions of the board of directors
- List of members of the board of directors and their official titles

Who will have overall responsibility for plan preparation?

- Fiscal Court/County Official/109 Board
- Consultant
- Advisory Committee
- Area Development District
- Other Please Specify: _____

Contact person responsible for plan preparation:

Name: Shane Taylor
Title: Mason County Solid Waste Coordinator
Address: 221 Stanley Reed Court
Telephone: 606-375-7499
E-Mail: solidwaste@masoncountykentucky.us

Signature of the appropriate representative from the county and any city requesting designation as part of the solid waste management area:

<u>Signature</u>	<u>Date</u>	<u>County/City</u>
1. _____		
2. _____		
3. _____		
4. _____		
5. _____		

CHAPTER 2

ATTACHMENTS

ADDENDUM

This document serves to add the following to the contract dated November 26, 2018 (the "Contract") between the City of Maysville, Kentucky (the "City") and Rumpke of Ohio, Inc. (the "Contractor").

It is hereby agreed as follows:

Effective January 1, 2021 and continuing through December 31, 2022 Rumpke shall continue to provide solid waste collection on an exclusive basis within the City of Maysville. Rumpke agrees to collect up to the equivalent of (7) 35-gallon trash receptacles per week from each residential dwelling unit within the City. Customers shall be permitted to set out one (1) large item per week at no additional charge. Rumpke will invoice the City on a monthly basis at \$12.50 per unit per month. 95-gallon trash carts are available for residents to use for \$2.50 each per month.

Rumpke will pay the City a franchise fee of 1% of gross billings of commercial customers,

All other terms and conditions of the original contract dated November 26, 2018 shall remain unchanged.

The Contractor agrees to comply with all Federal, State and local laws and regulations in the collection, removal, and disposal of all such waste material. In the event that the Contractor incurs increased costs (such as, but not limited to, tipping fees, disposal fees, additional fuel costs, or new or increased surcharges, fees or taxes as a result of imposition of new governmental regulations not in effect at the time of acceptance of said contract and which regulate the type of material collected, the location for disposition of such material, or the payment of fees for disposing of such materials) then the City shall, after negotiation with Rumpke and approval by the City Council, adjust the unit cost by an amount commensurate with the increased per unit operating cost incurred by Rumpke.

In the event that either party is unable to perform any of its obligations under this contract or to enjoy any of its benefits because of (or if failure to perform the services is

caused by) war, Acts of God, natural disaster (such as floods, earthquakes, tornadoes, hurricanes, blizzards, windstorms, high water table, unusually severe weather), fires, quarantine, labor disputes or strikes, explosion, shortage or failure in the supply of fuel, electric current or other public utility not caused by Contractor's actions, actions or decrees of governmental bodies not caused by Contractor's actions, or any other cause beyond the control of the parties (hereinafter referred to as a "Force Majeure Event"), the party who has been so affected shall immediately give notice to the other party. Upon receipt of notice, all obligations under this contract shall be immediately suspended. If the period of nonperformance exceeds thirty (30) days from the receipt of notice of the Force Majeure Event, either party may terminate this contract.

The term of this contract extension shall be for two (2) years effective January 1, 2021 and continuing through December 31, 2022. This contract may be renewed for additional option periods upon mutual written agreement of both parties.

CITY OF MAYSVILLE, KY



Title: Mayor




Witness

12/11/20

Date

RUMPKE OF OHIO, INC.



William J. Rumpke, Jr., President



Witness

12/9/20

Date

COMMONWEALTH OF KENTUCKY
MASON FISCAL COURT
ORDINANCE NO. 07- 09

**AN ORDINANCE AMENDING THE MASON FISCAL COURT
SOLID WASTE ORDINANCE TO PROHIBIT TRANSPORTATION
AND DISPOSAL OF SOLID WASTE COLLECTED WITHIN MASON
COUNTY OUTSIDE SUCH COUNTY, AND TO CREATE PENALTIES
FOR VIOLATION OF SUCH PROHIBITION; AND CREATING
MEANS OF COLLECTING FOR DELINQUENT COLLECTION
FEES AGAINST LANDOWNERS, AND PROVISIONS FOR THE
CREATION OF A LIEN TO SECURE PAYMENT OF SUCH DELINQUENCIES**

WHEREAS, by Ordinance 90-1, as amended by Ordinances 95-1 and 02-08, the Fiscal Court has adopted comprehensive legislation addressing storage, disposal and transportation of solid waste within Mason County, Kentucky; and

WHEREAS, the Mason Fiscal Court jointly with the City of Maysville operates the Mason County Landfill, and has in the past been at the forefront in dealing with solid waste issues, and has attempted to be progressive in such concerns; and

WHEREAS, the residents of Mason County, Kentucky, are provided affordable fees for participation in the mandatory universal system by operating the collection system and managing the Mason County Landfill; and

WHEREAS, the Mason Fiscal Court hereby finds that the present collection and disposal system promotes and protects the health, safety and welfare of the citizens of Mason County, and promotes the protection of the scarce resources and beautiful landscape of such County; and

WHEREAS, the Fiscal Court of Mason County further finds that a compelling interest exists to promote and protect the continued existence of the collection system and Mason County Landfill, and that the loss of residential and commercial solid waste collected within Mason

County to other private or public landfills, and the loss of revenue therefrom, threatens the financial stability of such landfill.

NOW THEREFORE, in order to promote and protect the continued existence and financial stability of the collection system and the Mason County Landfill, and to insure continued provision of waste collection services to residents at an affordable and reasonable cost, **BE IT RESOLVED BY THE FISCAL COURT OF MASON COUNTY, KENTUCKY**, that Ordinance No. 90-1, as amended by Ordinance No. 95-1 and Ordinance No. 02-08, is hereby further amended as follows:

1. REMOVING THE GRACE PERIOD FOR GREENBOXES FROM SECTION 6:

The ordinance provided for a six month grace period for roll off containers from the original enactment of the Ordinance. Such language is being removed.

2. PROVISION FOR BILLINGS TO CUSTOMERS AND PROPERTY OWNERS:

The present ordinance provides for billing to customers only, and not property owners. Section 7 (2)(b) is amended to provide for "periodic billing of customers and property owners."

3. PROHIBITION UPON TRANSPORTING WASTE COLLECTED IN MASON COUNTY OUTSIDE SUCH COUNTY: New section 8 (A) and (B) are created as follows:

- A. No solid waste collected within the boundaries of Mason County, Kentucky, shall be transported for any purpose outside of such County, and may be disposed of only as provided herein and any other applicable state or federal law or regulation, at the Mason County Landfill.
- B. The requirements of Subsection (A) above may be suspended or exempted upon a transporter of solid waste receiving from the Judge/Executive, Landfill Manager, or Solid Waste Enforcement Officer, or other employee of the Landfill, an exemption certificate indicating that the subject solid waste cannot be disposed of at Landfill, and must therefore be transported to disposal outside Mason County.

4. PROHIBITION UPON DISPOSAL; EXEMPTION CERTIFICATE: A new section 9(A) is created prohibiting disposal of solid waste generated anywhere in Mason County, except at the Mason County Landfill, and providing for exemption certificates for waste which cannot be disposed in such manner.

5. CREATING CIVIL PENALTIES OF TRIPLE ESTIMATED TIPPING FEES:
Section 11 is amended to create new civil penalties equal to three times estimated tipping fees where waste is disposed outside Mason County in violation of the ordinance.

6. PROVISION OF COLLECTION OF FEES FROM OWNERS; FILING OF LIEN:
A new Section 13 is created providing as follows:

As provided in Section 7(A)(ii)(b) and (c) above, a mandatory universal collection system has been created, which requires residents to pay periodical billings for the provision of such services. Should any resident fail to timely pay such invoice, the Mason Fiscal Court shall proceed to collect such delinquent amount as follows:

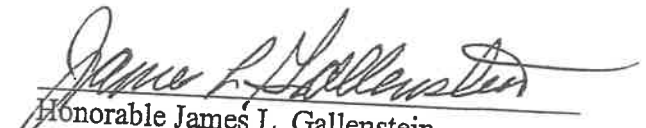
- (1) Cessation of the provision of services and imposition of criminal penalties as provided by Section 12 hereof;
- (2) Filing of a civil action in the Mason District or Circuit Court for the collection of any delinquent amounts, plus the costs of collection, inclusive of a reimbursement to the Mason Fiscal Court for the reasonable attorney fees of the Mason County Attorney, plus the imposition of any civil penalties provided for by Section 11 above; or
- (3) Upon any resident becoming delinquent in payment of collection fees in an amount exceeding the amount of such fees for a three month period, and upon the Mason Fiscal Court providing notice to the landowner of such delinquency by certified United States mail, return receipt requested, or by personal service by the Solid Waste Enforcement Officer or other designee of the Judge/Executive, a Certificate of Delinquency may be filed with the office of the Mason County Clerk to secure such delinquent amounts, and such certificate shall create a lien on the real property to which the services were provided, such lien being inferior to the lien for ad valorem taxes, prior mortgage liens, and other prior perfected liens or encumbrances. The Certificate of Delinquency shall also secure interest at the legal rate of twelve (12.0%) percent from the time of its filing and any filing fees. Should the landowner not be the resident who incurred the collection fees, such landowner shall not be responsible for the payment of any collection fees incurred

prior to receipt of notice of such delinquencies, and such amount shall not be included upon the Certificate of Delinquency.

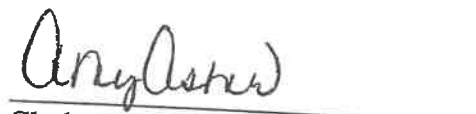
7. EFFECTIVE DATE: This ordinance shall become effective after adoption and passage on October 9, 2007.

8. INCORPORATION OF ENTIRE ORDINANCE AS AMENDED: The entirety of Ordinance No. 90-1, as previously amended by Ordinance No. 95-1 and Ordinance No. 02-08, and as further amended hereby, is set forth in full and incorporated herein by reference, and shall hereinafter be known as the "Mason County Solid Waste Ordinance".

INTRODUCED, SECONDED AND GIVEN FIRST READING at the regular meeting of the Fiscal Court of Mason County, Kentucky on September 11, 2007. Thereafter **GIVEN SECOND READING AND ADOPTED** on the 9 day of October, 2007.


Honorable James L. Gallenstein
Judge/Executive

ATTEST BY:


Clerk, Mason Fiscal Court

COMMONWEALTH OF KENTUCKY
MASON FISCAL COURT
ORDINANCE NO. 07- 09

MASON COUNTY SOLID WASTE ORDINANCE

SECTION 1. PURPOSE

This ordinance is enacted:

- A. To enhance and protect the public health;
- B. To abate a potential public health hazard or nuisance;
- C. To preserve the natural resources of Mason County;
- D. To encourage the social and economic development of Mason County;
- E. To assure adequate capacity for the disposal of solid waste and to site solid waste management facilities in areas of the County which will minimize the adverse effects of such facilities; and
- F. To encourage recycling and waste reduction so as to preserve scarce resources and to reduce the volume of the solid waste stream being created.

SECTION 2. DEFINITIONS

- A. "Collection" means removal of solid waste from the designated pickup location to the transportation vehicle.
- B. "Existence" means a solid waste management facility which is in: operation, or for which continuous construction has commenced at time-of enactment of the ordinance. A solid waste management facility has commenced continuous construction if: (1) The owner or operator had obtained necessary federal, State or local approvals to being physical construction; and (2) Either: (a) a continuous on-site physical construction program had begun; or (b) the owner or operator had entered into contractual obligations which could not be canceled or modified without a substantial loss.
- C. "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,

chemical or infectious characteristics may cause, or significantly contribute to 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. The term hazardous waste shall include only those substances or materials listed in 401 KAR 31:040.

- D. "Knowingly" means that a person is aware of the nature of his conduct or has knowledge of the existing circumstances.
- E. "Landfill" refers to the "Mason County Landfill", a publicly owned solid waste disposal facility owned by the City of Maysville and the Mason Fiscal Court, and operated by such County pursuant to interlocal agreement.
- F. "Litter" means rubbish, refuse, waste material, offal, paper, glass, cans, bottles, trash, debris or any foreign substance of whatever kind or description and whether or not it is of value.
- G. "Open Dump" means any facility or site for the disposal of solid waste which does not have a valid permit issued by the Natural Resources and Environmental Protection Cabinet and the Site Approval Permit required hereunder, or which does not meet the environmental performance standards under regulations promulgated by the Natural Resources and Environmental Protection Cabinet or standards established by this ordinance.
- H. "Owner or Operator" means the owner of any solid waste management facility and any person who has ultimate decision-making authority over the facility or other person involved in the operation of a solid waste management facility.
- I. "Person" means any individual, trust, firm, corporation, joint stock company, partnership, association, federal agency, state agency, city, commission, or political subdivision of the Commonwealth.
- J. "Recycling Facility or Resource Recovery Facility" means any facility at which non-hazardous materials are salvaged, separated, or transformed for the purpose of creating any material or energy for beneficial reuse or sale. Recycling facilities and resource recovery facilities are to be limited to those facilities whose owner or operator derives 90% or more of its revenue at that facility from the reuse or sale of recycled or recovered products and materials.
- K. "Solid Waste" means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining (excluding mining waste, by product, refuse and

overburden), 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 wastewater systems, or source, special nuclear, or by product material as defined by the atomic energy act of 1954, as amended, or non-hazardous materials that are recycled, reused or utilized for resource facilities or that are intended for recycle, reuse, or resource recovery. For purposes of this ordinance, substances which are "special wastes" are not within the definition of solid waste.

- L. "Solid Waste Management" means the administration of solid waste activities, which includes source separation, transfer, processing, treatment, and disposal of solid waste.
- M. "Solid Waste Management Facility" means any facility for source separation, transfer, processing, treatment or disposal of solid waste.
- N. "Special Wastes" mean those wastes of high volume and low hazard which include, but are not limited to, mining waste, utility wastes (fly ash, bottom ash, scrubber sludge and other wastes from coal-fired electric generating plants), sludge from water treatment facilities and waste water treatment facilities, cement kiln dust, gas and oil drilling muds and oil production brines.
- O. "Storage" means keeping, maintaining or storing solid waste from the time it is generated until the time it is collected and disposed of.
- P. "Transfer" means holding or transferring any solid or hazardous waste at any transportation related facility including any fixed or mobile loading docks, parking areas, or similar areas where shipments of solid waste are held or transferred during the normal course of transportation.
- Q. "Transportation" means any off-site movement of waste by any mode, and any loading, unloading, or storage incidental thereto.

SECTION 3. SOLID WASTE ENFORCEMENT OFFICER

- A. The Fiscal Court shall appoint a Solid Waste Enforcement Officer, or a number of such Officers, on a full or part-time basis at the discretion of the Fiscal Court, who shall be primarily responsible for enforcing this ordinance, and shall also enforce violations of the applicable state statutes and regulations pertaining to solid waste.
- B. The Solid Waste Enforcement Officer shall have and exercise all powers and duties assigned to him by this ordinance and such other responsibilities as designated from time to time by the County Judge/Executive and/or the Fiscal

Court. The Solid Waste Enforcement Officer shall attend all regular meetings of the Fiscal Court as required by the County Judge/Executive, and shall submit written monthly reports to the County Judge/Executive of all his activities relating to enforcement of this ordinance. The Solid Waste Enforcement Officer shall maintain complete records of all inspections, complaints, reports, notices, summons, warrants and hearings related to his duties.

C. The Solid Waste Enforcement Officer may exercise all powers necessary or convenient to carry out and effectuate the purposes of this ordinance and any statute pertaining to solid waste, including but not limited to, the following specific powers:

- (1) To investigate all reports or complaints concerning litter and open dumps, or relating to the storage, collection or transportation of solid waste;
- (2) To make investigation, reports and recommendations to the Fiscal Court concerning any applications for a collection/transportation permit or for a Site Approval permit.
- (3) To issue or post any notices, complaint or orders related to compliance with this ordinance and to obtain summonses and warrants, including search warrants where he shall have reason to believe violations of this ordinance or an applicable statute exist.

D. The Solid Waste Enforcement Officer, in addition to all other duties imposed or authorized hereby, is responsible for all reporting of collection activities and efforts to abate littering and open dumps to the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Solid Waste Division, and efforts and reporting thereto necessary to qualify for participation in the Kentucky Pride Fund, or other reimbursement or inducement programs, as provided by KRS Chapter 220.42, or otherwise.

SECTION 4. LITTERING

No person shall throw, drop or place, or permit to be thrown, dropped or placed, any litter on any public or private property or in any public or private water without permission. When any litter is thrown or dropped from a motor vehicle, the operator thereof shall be deemed prima facie to be in violation of this section.

SECTION 5. APPLICABILITY

A. This ordinance shall apply to the storage, collection, transportation, transfer, and

disposal of solid waste in Mason County and to any person who is an owner or operator of a solid waste management facility.

- B. This ordinance shall not apply to any solid waste management site or facility in existence and holding all authorizations or permits required under applicable State or federal laws as of the date of enactment of this ordinance: Provided, however, that any owner or operator of a solid waste management facility shall be required to obtain fiscal court site approval as required by this ordinance in the event that the owner or operator proposes to alter the activity conducted to: (1) Include a new solid waste management facility; or (2) Increase the total volume of solid waste disposal by twenty five (25%) percent or greater; or (3) Modify or expand existing solid waste management facility resulting in an increase in the facility's disposal capacity; or (4) Include a new type of waste being received.
- C. This ordinance shall not apply to recycling facilities or resource recovery facilities or to any solid waste management facility owned by such recycling or resource recovery facility which is utilized exclusively for the management of residual material derived from the operation of the recycling facility or resource recovery facility provided that such residual materials are non-hazardous and are managed in full compliance with the environmental performance standards of 401 KAR 47:030. The Fiscal Court, or an agent thereof, is hereby authorized to conduct reasonable inspections of recycling facilities, resource recovery facilities or any solid waste management facility associated therewith and to review applicable records in order to determine whether the terms of the exemption granted by this section have been satisfied.
- D. Special wastes within the definition of § 2(J) of this ordinance are not solid wastes. Accordingly, this ordinance is not applicable to the storage, processing, transfer, disposal or other handling of special wastes.
- E. Construction/demolition debris landfills of one acre or less issued a permit by rule under 401 KAR 47:080 and operating in conformance with all applicable regulations are exempt from §10 of this ordinance.
- F. The provisions of §10 of this ordinance shall not apply to the source separation of solid waste where such separation is conducted at a recycling facility, a resource recovery facility, or at the site where the solid waste was generated.

SECTION 6. STORAGE OF SOLID WASTE

- A. The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste shall provide sufficient and adequate containers for each dwelling unit or

- establishment to store all solid waste, except for bulky rubbish and demolition and construction debris.
- B. All solid waste shall be collected in proper waste containers and such solid waste containers and the area surrounding them shall be maintained in a clean, neat and sanitary condition at all times. Solid waste shall be stored in a manner that will not provide harborage to rodents, insects and vermin and will not create a fire hazard. Solid waste containers shall be leakproof, waterproof, and fitted with a secure lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof.
 - C. Plastic garbage bags may be used as containers for solid waste only if they are made of a strong material able to withstand compaction, are absent of flaws that would allow leachate or solid waste to escape and are securely fastened. Plastic garbage bags may be left at the point where collection services are performed but shall not be left out for more than twelve (12) hours prior to time of collection.
 - D. No solid waste shall be stored at a site other than the place of its generation for more than twelve (12) hours after collection, unless at an approved and permitted solid waste management facility.
 - E. Demolition and construction debris shall not be stored longer than commercially reasonable, and under no circumstances shall such debris be stored for longer than six (6) months, unless at a permitted construction/demolition debris landfill.
 - F. Storage of household and agricultural waste on the property owned or leased by the generator of the waste is permissible, provided that open dumping laws are not violated.

SECTION 7. COLLECTION OF SOLID WASTE

- A. Creation of Universal Collection System
 - i. Every resident and business within Mason County, Kentucky, exclusive of such residences or businesses within the corporate limits of the City of Maysville which are provided collection services, shall be provided universal and mandatory "curbside" collection services by the Mason Fiscal Court, and such residences and businesses shall dispose of all solid waste generated on such premises thereby, and in no other method.
 - ii. The Mason Fiscal Court shall create such universal and mandatory "curbside" collection services by one, or a combination, of the following methods, which may be implemented on a district or countywide basis:

- a. Award of a franchise and billing by the franchise holder to residents and businesses directly;
 - b. Contracting with an individual, business entity or other government to provide services, and recovery of the cost thereof by periodical billings of customers or property owners, imposing a tax levy or by entering into an agreement with any public or private utility to collect the costs of such collection, plus any service or administrative charges incurred, from the residents and businesses, all as provided by KRS 109.056; or
 - c. Operation of such collection system by the Mason Fiscal Court, and recovery of the costs thereof, as provided in subsection (b) above.
- iii. Bids for any franchises or contracts sought as provided in the immediately preceding section shall be sought and awarded on an annual basis, and advertised in accordance with KRS Chapter 424, provided however, that such bid shall provide for renewal of such bid for up to two (2) additional one (1) year terms upon the election of the Mason Fiscal Court.
 - iv. Any business or other commercial entity may, on an annual basis, make application to the Mason Fiscal Court for exemption of these collection provisions, such application to demonstrate that such business or commercial entity is disposing, or proposing to dispose, of solid waste generated in accordance with all Federal and State statutes and regulations, and this Ordinance. Such application is to be made and the exemption sought shall be considered by the Mason Fiscal Court on a calendar year basis, with any such application due by December 15 of the year preceding the year for which the exemption is sought.
 - v. Nothing herein shall prohibit or preclude any individual or entity from contracting with another solid waste collector which complies with Subsection (B) hereof, other than that collector which is the franchisee or contractor for the Mason Fiscal Court, nor transportation of solid waste by the residential generator thereof, but none of such activities shall relieve such resident of payment of any fees or charges imposed for the collection system hereby created.

B. Collection Permits and Reporting Requirements

- i. Any person who collects, hauls or transports any solid waste not generated at a site owned or operated by the person collecting, hauling or

transporting such solid waste, including any franchisee or contractor of the Mason Fiscal Court, and further including any person collecting, hauling or transporting such materials for the purpose of recycling, shall first obtain a collection/transportation permit from the Fiscal Court.

- ii. A permit fee of \$25.00 per vehicle, plus \$4.00 for each cubic yard of capacity over 18 cubic yards, shall be assessed and is payable to the Mason Fiscal Court at such time as application for such permit is made.
- iii. Collection/Transportation permits are valid from the date of issuance until the 31st day of December in the year in which such permit is issued.
- iv. All applications for collection/transportation permits shall be made on the official form which is attached hereto as "Appendix A" and which may be obtained at the office of the Mason County Judge/Executive. Failure to complete any portion of the application form or the giving of false information in such application shall be grounds for denial of the requested permit.
- v. At time of permit expiration, the permit holder shall submit to the Mason Fiscal Court a performance report relative to the previous year's operations, and which report shall include the number of households, business and industries collected from, the amount of waste collected therefrom, the amount of such waste collected for recycling and the types of items recovered for recycling.
- vi. If operational or performance deficits are determined from such report, or other complaint, the permit holder shall be notified to appear before the Mason Fiscal Court and show cause why the collection/transportation permit shall not be suspended or revoked.
- vii. Collection or transportation shall not continue after permit expiration or revocation until such permit has been reissued or an extension has been granted.
- viii. Any person engaged in the collection and transportation of solid waste, including recycled items, must carry liability insurance in the amount of One Hundred Thousand (\$100,000.00) Dollars for each person injured or killed, and in the amount of not less than Five Hundred Thousand (\$500,000.00) Dollars in the event of injury or death of two or more persons in a single accident. Such policy shall further provide liability coverage for damage to property in the amount of One Hundred Thousand (\$100,000.00) Dollars and may be written to allow the first Two Hundred

Fifty (\$250.00) Dollars of liability for damage to property to be deductible. Proof of insurance meeting the above-described requirements shall be furnished to the Fiscal Court at time of application for permit.

- ix. No permit shall be required for a vehicle transporting solid waste through Mason County which is neither collected, transferred, or disposed of such in County. However, all vehicles which either collect or transfer or dispose of waste in Mason County must have a collection/transportation permit, unless the person collecting, transferring or disposing of solid waste is also the generator of such waste.
- x. The provisions of Section 7(B) hereof shall not apply to persons occasionally transporting construction/demolition debris or debris associated with land clearing, provided that such persons are not in the business of transporting such solid waste.

SECTION 8. TRANSPORTATION OF SOLID WASTE

- A. No solid waste collected within the boundaries of Mason County, Kentucky, shall be transported for any purpose outside of such County, and may be disposed of only as provided herein and any other applicable state or federal law or regulation, at the Mason County Landfill.
- B. The requirements of Subsection (A) above may be suspended or exempted upon a transporter of solid waste receiving from the Judge/Executive, Landfill Manager, or Solid Waste Enforcement Officer, or other employee of the Landfill, an exemption certificate indicating that the subject solid waste cannot be disposed of at Landfill, and must therefore be transported to disposal outside Mason County.
- C. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with adequate sides so as to prevent spillage of solid waste and shall be provided with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

SECTION 9. DISPOSAL OF SOLID WASTE

- A. No solid waste shall be disposed of in Mason County other than at the Mason

County Landfill, although upon receipt of the exemption certificate referred to in Section 8 (B) above, any exempted solid waste may be delivered to any other properly sited and permitted solid waste management facility meeting all requirements of this ordinance and applicable State and federal statutes or regulations.

- B. The use of open dumps is hereby prohibited, and the Fiscal Court may seek injunctive relief in the Mason Circuit Court to compel cleanup of the same, in addition to other enforcement of this ordinance as provided herein.

SECTION 10. SITING OF SOLID WASTE MANAGEMENT FACILITIES

§10.1 Prohibition

- A. No person shall construct or operate a solid waste management facility prior to the issuance of a Site Approval Permit by the Mason County Fiscal Court as provided in this ordinance.
- B. The Mason County Fiscal Court has determined that certain areas within the County are not suitable for the siting of solid waste management facilities. The map attached hereto as "Appendix B" illustrates the areas of Mason County in which solid waste management facilities are tentatively prohibited. Accordingly, site approval permits shall not be issued for a facility in an area where solid waste management facilities are tentatively prohibited unless the owner or operator can show compelling reasons why the site approval permit should be issued. The Fiscal Court has based this tentative prohibition on the criteria set forth in §10 of this ordinance, as those criteria apply to areas in general and not to specific facilities.
- C. The Site Approval Permit required by §10.1(A) of this ordinance is required in addition to any other approvals or permits required by federal or State regulatory authority.
- D. No person shall dispose of hazardous wastes in Mason County other than the small quantities allowed pursuant to 401 KAR Chapter 47.

§10.2 Site Approval Process

- A. The owner or operator of a proposed solid waste management facility shall file an application for a Site Approval Permit with the Mason County Fiscal Court at the office of the County Judge/Executive.
- B. The application for a Site Approval Permit shall include:

- (1) The name and address of the owner or operator and the location of the proposed site of the facility.
- (2) A copy of the deed or other document establishing the right, title and interest of the owner or operator in the proposed site of the facility.
- (3) A current USGS map showing the location of the proposed site, at a scale of one (1) inch equals two thousand (2,000) feet, with said map showing the entire boundaries of the site or proposed site;
- (4) A description of the type of solid waste and the source of generation of the solid waste involved in the solid waste activity to be conducted on the site together with a description of the technology and the procedures the owner/operator proposes to utilize in its solid waste management activities at the site;
- (5) A complete history of the owner or operator's prior experience in the ownership and/or operation of any and all solid waste facilities or activities, wherever located. The description shall include a record of compliance with federal, State and local laws and regulations applicable to the operation of solid or hazardous waste management facilities, and with respect to the owner or operator, such description shall disclose:
 - (a) Any administrative, criminal or civil action pending against the owner or operator of the proposed site alleging a violation of any federal, State or local law or regulation concerning solid waste, the protection of public health and safety, or environmental protection;
 - (b) For the five (5) year period immediately preceding the date of filing of the petition for site approval, whether the owner or operator has been convicted of a crime, entered a plea of guilty or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding, involving the violation of any federal, State or local law or regulation applicable to the management of solid waste and the protection of the public health and safety of the environment;
- (6) The petition for site approval shall identify the following persons and entities, and provide the compliance information required by §10.2(B)(5) for each person or entity so identified:

- (a) The owner or operator applying for site approval;
- (b) If the owner or operator is a proprietorship, each proprietor and the interest held;
- (c) If the owner or operator is a partnership, each of the partners and their respective interest, and any corporation, joint venture, partnership in which any of the partners comprising the applicant holds twenty-five (25) percent or greater interest;
- (d) If the owner or operator is a corporation, a detailed listing of the officers, directors and stockholders; any corporation of which the applicant is a subsidiary or which holds a ten (10) percent or greater interest in the applicant; any corporations which are either subsidiaries of the applicant or in which the applicant holds a ten (10) percent or greater interest; and any proprietorship, partnership, or joint venture in which the applicant holds a ten (10) percent or greater interest.

For the purposes of this section, "interest" includes ownership or other interest reflected in stocks, assets or other beneficial interest.

- (7) Financial data including:
 - (a) An estimate of the total cost of the facility and an estimate of the cost of each of the major components of the facility;
 - (b) Audited statements of income and balance sheets of the owner or operator for each of the three (3) years immediately preceding the year in which the application for site approval permit is filed;
 - (c) A plan of financing for the proposed facility, including the amount to be raised through debt and the potential sources thereof. If the owner or operator is a subsidiary corporation which wishes to have the financial resources of its parent considered, then the owner or operator shall submit, in addition to the foregoing, a description of the relation between the subsidiary and the parent and written confirmation from such parent corporation that its financial resources are available to finance the proposed facility as represented by the subsidiary;
 - (d) A statement as to the extent of liability insurance in effect or proposed with respect to the facility, together with true copies of

any policies of insurance in effect and a listing of any claims made or threatened under any policies of liability insurance;

- (e) A statement as to whether the owner or operator has been designated as a potentially responsible party under the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("CERCLA"), as amended; and, if so, the location of the site or sites involved, an estimate of the owner or operator's share, if any, of the cost to clean up the site and a description of site and superfund listing;
- (8) A statement as to the present suitability of the site for the conduct of the proposed activity at the facility and of any additional measures that would be required to make the site suitable for such activity;
- (9) A set of drawings prepared by a licensed engineer depicting the proposed facility, which drawings impart sufficient detail and information for the analysis required under this ordinance;
- (10) A Facility Impact Report ("FIR") in accordance with §10.4 hereof;
- (11) A copy of the public notice of the right to submit comments to the Mason Fiscal Court pursuant to §10.2(D) hereof;
- (12) Evidence of notification to adjoining property owners by certified mail of the intention to submit to the Mason County Fiscal Court an application for a Site Approval Permit for a solid waste management facility;
- (13) A list of the names and addresses of all persons to whom the application for site approval was submitted pursuant to the provisions of §10.2(C); and
- (14) The following certification:

"I certify under the penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons directly responsible for gathering and evaluating the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Which shall be signed:

- (a) If the owner or operator is a corporation, by an authorized executive officer; or
 - (b) If the owner or operator is a partnership, by an authorized general partner; or
 - (c) If the owner or operator is a sole proprietor, by the proprietor; or
 - (d) If the owner or operator is a governmental agency, by the head of that agency.
- (15) Any information submitted to the Mason County Fiscal Court pursuant to this ordinance may be claimed confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, the Mason County Fiscal Court may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures on KRS 224.035, which are adopted herein by reference. Claims that the name and address of any owner or operator is confidential will be denied.
- (16) A true copy of any permit application required by the Natural Resources and Environmental Protection Cabinet, if such application is available. In the discretion of the Mason County Fiscal Court, the approval of such permit may be accepted to satisfy any technical or engineering data considered therein, although the Fiscal Court shall not be required to defer to such permit or permit review on any issue.
- (17) A closure plan for the landfill as required by Title 401 Chapter 47 of the Kentucky Administrative Regulations with estimates of closure costs.

C. SUBMISSION AND DISTRIBUTION

- (1) The application for site approval shall be submitted to the Mason County Judge/Executive. Within forty-five (45) days of the receipt of the application for site approval, the owner/operator shall be notified in writing if such application is administratively complete. For the purposes of this ordinance, "Administratively Complete Application" means an

application for site approval which the Mason County Judge/Executive, or a designated agent thereof, determines contains information addressing each application requirement of this ordinance and all information necessary to initiate technical processing and public review. Additional information may be required after determination that the application is administratively complete.

- (2) Upon receipt of the notification from the County Judge/Executive of administrative completeness, the owner/operator shall forthwith deliver the application for site approval to the following persons:
 - (a) Members of the Mason County Fiscal Court and the Mason County Attorney at those addresses set out in the list to be provided to the owner/operator of the proposed facility by the County Judge/Executive;
 - (b) The Fire Department Chief over the jurisdiction of the site or facility; such fire department shall be within the boundaries of Mason County;
 - (c) The County Disaster and Emergency Services Coordinator ("DES"); and
 - (d) The Director of the Buffalo Trace District Health Department.

D. PUBLIC COMMENT AND PUBLIC HEARING

Each application for site approval shall be subject to a public comment period and a public hearing. After the owner or operator has been notified that the application for a site approval permit is administratively complete and has submitted such application to the persons or agency as required by §10.2(C), the owner or operator shall cause a public notice to be published weekly for six (6) consecutive weeks in the newspaper of the greatest circulation serving Mason County.

The notice shall be in a form that advises the public that an application for a Site Approval Permit has been filed. The beginning date of the public comment period shall commence as of the date of the first public notice and shall end on the date on which the public hearing is concluded. The public hearing shall be held within forty-five (45) days after the date of the publication of the last of the six weekly public notices required herein. Such public hearing shall be held in Mason County at a location readily accessible to the public.

§10.3 Fiscal Court Determination as to Facility Site Approval

- A. Within sixty (60) days after the conclusion of the public hearing, the appropriate Fire Department Chief, the County D.E.S. Coordinator and the Director of the Buffalo Trace District Health Department shall review the application for a Site Approval Permit, together with any comments or information received during the public comment period; and any other information deemed appropriate, and each such agency shall make a recommendation to the Fiscal Court regarding the issuance or denial of the Site Approval Permit for the proposed facility.

Within thirty (30) days following receipt of the agency recommendations, the Fiscal Court of Mason County shall make final determination whether to issue or deny the Site Approval Permit.

- B. Fiscal Court Determination: The Mason County Fiscal Court shall issue the application for site approval if it finds, on the basis of the information available to it that:
- (1) The nature of the solid waste management activity conducted at the facility site will not present an unreasonable risk to public health or safety;
 - (2) The nature and extent of the solid waste activity conducted at the proposed site would not significantly impede or adversely impact the provision of fire, health and other emergency services to the public both in the vicinity of the proposed site and throughout Mason County;
 - (3) The nature of the solid waste activity conducted at the facility site would not result in a significant reduction in the public's use and enjoyment of parks, recreational waters, historic structures, cultural and natural resources located in the vicinity of the proposed site;
 - (4) The facility and the solid waste activity occurring on the site will not have a significant adverse impact on the establishment of businesses, residential developments, churches, schools or other types of activities related to the social, economic, and cultural development of Mason County;
 - (5) The owner operator's prior experience and history in solid waste activities indicates a reasonably satisfactory record of compliance with applicable federal, State, and local laws and regulations, and based upon such prior record, it can be reasonably expected that the owner/operator will, in constructing, expanding, maintaining or operating the facility at the proposed site maintain a corresponding satisfactory record of compliance with applicable laws and regulations;
 - (6) The owner or operator has sufficient financial resources to complete

construction of the new or expanded facility, maintain and operate the facility in compliance with applicable laws and regulations, respond immediately in the event of emergency by reason of accident or upset at the site, and complete closure of the facility in accordance with federal and State laws and regulations;

- (7) The owner or operator has complied with all solid waste management laws and regulations concerning solid waste facility permits, filings and/or notifications required by the State or federal regulatory authority;
- (8) The application is consistent with the goals and objectives of the five county solid waste plan as adopted; and
- (9) The required financial responsibility for closure has been established, by posting a bond or establishing an escrow account in a minimum amount of Ten Thousand (\$10,000.00) Dollars or greater if so determined by an approved closure plan and cost estimate. The approved cost estimate for closure and corresponding bond shall be reviewed and adjusted at least once every five (5) years.

C. NOTIFICATION

The Mason County Fiscal Court shall send written notification of its determination with respect to the Site Approval Permit application to the owner or operator and to all persons who submitted written or oral comments during the public comment period. Such notifications shall include a written summary of the basis for the determination.

D. COORDINATION WITH OTHER LAWS

The Mason County Fiscal Court shall, to the extent possible or as may be required, coordinate its review of applications for site approval under this ordinance with the exercise of authority conferred upon it pursuant to any State or federal laws.

§10.4 Facility Impact Report

A. PROCEDURE

The owner or operator shall file with its application for site approval a facility impact report which shall include the following: An environmental impact report, a socioeconomic report, and a risk assessment.

The owner or operator shall publish notice of the availability of the facility impact report for examination and review at the office of the County Judge/Executive, such notice to be

included in the public notice required in §10.2(D) hereof with respect to the application for site approval.

B. CONTENTS OF FACILITY IMPACT REPORT

- (1) The facility impact report shall contain a socioeconomic report which shall include a comprehensive community inventory which shall identify the following:
 - (a) The historic land use of the facility site;
 - (b) Proximity of the proposed site to residences, schools, churches, public parks, agricultural land, nursing homes, hospitals, cemeteries, historic structures, and infant care facilities;
 - (c) A general profile of the business community located in the vicinity of the facility site including any sites planned for future industrial parks or sites being considered for any business or manufacturing facility;
 - (d) A description of any streets, highways, railroads, or waterways which may be used to transport solid waste to the proposed site, including information on capacity, usage, and routes;
 - (e) Cultural resources;
 - (f) Population data and projected population in the vicinity of the facility site; and
 - (g) A statement as to the impact on the community, including community perception, direct and indirect impact on the local economy and economic growth, and an analysis of the impact on land values in the vicinity of the facility site.
- (2) The facility impact report shall contain an environmental impact report which shall identify existing environmental conditions in the vicinity of the facility site. To the extent that this data may be provided in the permit application required by State regulations, a verified copy of such permit application may be substituted for the environmental impact report required by this section. Nonetheless, such report is to include at a minimum:

- (a) A geological report with a description of the soil types to include soil permeability, stability and drainage, and the geology down through and including the aquifer zones in the area;
 - (b) A hydrological report describing the hydrology and surface and groundwater quality and quantity in the area, including proximity to any aquifers and recharge areas and sensitive areas such as wetlands;
 - (c) Proximity to public and private surface or groundwater supplies, including current and potential future uses;
 - (d) A biological report indicating the presence of significant, threatened or endangered species;
 - (e) An air quality survey, including the characteristics (stability) of the atmosphere which affects the site and the population, present and projected, in relation to the facility and the prevailing wind;
 - (f) Flood plain identification;
 - (g) Historic, archaeological natural sites and landmarks, outstanding resource waters, public forest areas, dedicated or designated open space, public recreational areas, wildlife refuges, gamelands, and fishing waters.
- (3) The facility impact report shall include a risk assessment which shall quantitatively define the public health, safety and environmental risk associated with routine operations and upset conditions at the facility site. The scope and context of the impacts on the community will vary depending upon the nature, size, duration, and extent of the activity to be conducted at the facility site. The risk assessment shall analyze those items as identified by the Mason County Fiscal Court, which shall include the following:
- (a) Risks associated with accidents in transportation, such analysis to include mode of transportation, route, schedule and frequency of deliveries, accident rate of mode and route, and the characteristics of structures and population, residential and nonresidential, within the reasonably predicted impact area;
 - (b) Nature, extent, quantity and impacts of routine releases to air, water, land from all sources at the facility site, including storm water run off.

- (c) Nature, extent, quantity and impacts of releases to air, water, land in upset conditions, including both historical data from comparable facilities and modeling reasonable worst case upset conditions;
- (d) Adequacy of emergency services (police, fire, medical) to protect public health, safety and environment from fire, explosion, flood, chemical release or any natural disaster, including emergency response capability and the owner/operator's emergency implementation plan;
- (e) Projections of possible health effects with particular emphasis on occupational health, public health, chronic and acute exposure for both at the facility site and the surrounding area;
- (f) Adequacy of transportation in the event of an emergency, including an evacuation plan.

§10.5 Fees

The owner or operator shall, by certified check made payable to the Mason County Fiscal Court, submit Fees in accordance with the following schedule:

- A. At the time of submission of the application for site approval the owner or operator shall pay to the Fiscal Court an application fee of Twenty Five Thousand (\$25,000.00) Dollars, which is to be held in escrow for payment of the reasonable expenses of reviewing and evaluating the application. Fees are required for new facilities and also for any modified or expanded existing facilities.
- B. At the conclusion of the review process, the Mason County Judge/Executive shall tender to the owner or operator a statement setting out the actual cost incurred by the Mason County Fiscal Court for the use of qualified consultants for technical, accounting, or legal assistance and any other expenses incurred in the evaluation of the application and the facility impact report, which shall be payable upon receipt;
- C. The Mason County Fiscal Court may not recover costs in excess of the actual cost of consultants and any other necessary and reasonable expenses incurred by the Mason County Fiscal Court.
- D. An additional fee of Five Thousand (\$5,000.00) Dollars per year is due and payable each year on the anniversary of the issuance of the permit. Such fee shall be used to defray the costs of enforcement of this ordinance.

SECTION 11. CIVIL PENALTIES

Any person who violates this ordinance shall be liable for a civil penalty not to exceed the amount of five hundred (\$500.00) dollars for each day during which such violation continues and in addition, may be concurrently enjoined from any further violations hereof. Should a transporter of solid waste violate the provisions of Section 8 and Section 9 hereof by removing non-exempt solid waste from Mason County for disposal elsewhere, such person shall be subject to a civil penalty equal to three times the estimated tipping fee at the Mason County Landfill for any solid waste improperly transported or disposed of, in addition to the civil penalty provided herein. It shall be the duty of the Mason County Attorney, at the request of the County Judge/Executive, to institute an action for the recovery of penalties and to bring an action for injunctive relief against any person violating or threatening to violate this ordinance. Nothing herein shall preclude any person from recovering actual compensatory damages resulting from violation of this ordinance.

SECTION 12. CRIMINAL PENALTIES

Any person who knowingly violates this ordinance shall be imprisoned for a period not to exceed one year or be subjected to a fine not to exceed Five Hundred (\$500.00) Dollars for each offense. Each occurrence, or, in the case of a violation of permit requirements, each day of violation shall constitute a separate offense.

SECTION 13. COLLECTION OF FEES; CREATION OF LIEN

As provided in Section 7(A)(ii)(b)and(c) above, a mandatory universal collection system has been created, which requires residents to pay periodical billings for the provision of such services. Should any resident fail to timely pay such invoice, the Mason Fiscal Court shall proceed to collect such delinquent amount as follows:

- (1) Cessation of the provision of services and imposition of criminal penalties as provided by Section 12 hereof;
- (2) Filing of a civil action in the Mason District or Circuit Court for the collection of any delinquent amounts, plus the costs of collection, inclusive of a reimbursement to the Mason Fiscal Court for the reasonable attorney fees of the Mason County Attorney, plus the imposition of any civil penalties provided for by Section 11 above; or
- (3) Upon any resident becoming delinquent in payment of collection fees in an amount exceeding the amount of such fees for a three month period, and upon the Mason Fiscal Court providing notice to the landowner of such delinquency by certified United States mail, return receipt requested, or by personal service by the Solid Waste Enforcement Officer, a Certificate of Delinquency may be filed with the office of the Mason County Clerk to secure such delinquent amounts, and such certificate shall create a lien on the real property to which the services were

provided, such lien being inferior to the lien for ad valorem taxes, prior mortgage liens, and other prior perfected liens or encumbrances. The Certificate of Delinquency shall also secure interest at the legal rate of twelve (12.0%) percent from the time of its filing and any filing fees. Should the landowner not be the resident who incurred the collection fees, such landowner shall not be responsible for the payment of any collection fees incurred prior to receipt of notice of such delinquencies, and such amount shall not be included upon the Certificate of Delinquency.

SECTION 14. LIMITATION OF ACTIONS

Actions for recovery of civil penalty or injunctive relief as provided herein, or for criminal violation of this ordinance, shall be commenced within one year after the violation of this ordinance, provided that an action relating to a continuing violation hereof shall not be barred so long as said violation exists.

SECTION 15. PUBLIC HEALTH HAZARD

Nothing in this ordinance or any site approval permit issued hereunder shall confer the right upon the owner/operator of any solid waste management facility to maintain a public health hazard or nuisance.

SECTION 16. SOLID WASTE MANAGEMENT BOARD

In the event that the Mason County Fiscal Court establishes a Solid Waste Management Board as provided by Chapter 109 of the Kentucky Revised Statutes, this ordinance shall be administered and enforced through the Solid Waste Management Board. The Solid Waste Management Board created hereby shall also serve as the "Clean County Committee" required by KRS Chapter 220.43, and shall have all duties and authority thereof as described in such chapter.

SECTION 17. SEVERABILITY

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

SECTION 18. EFFECTIVE DATE

This ordinance shall become effective after adoption and passage on October 9, 2007.

SECTION 19. LEGISLATIVE HISTORY

The Mason County Solid Waste Ordinance was originally codified at Ordinance 90-1,

and thereafter amended by Ordinances 95-1 and 02-08. Thereafter Ordinance No 07-09 was given second reading on October 9, 2007, creating the most recent version of the Mason County Solid Waste Ordinance set forth above.

CHAPTER 3

ATTACHMENTS

Maysville-Mason County Landfill

7055 Sherman-Clarkson Road
Maysville, Kentucky 41056
(606) 759-7049

June 14, 2022

The Local Planning and Assistance Staff of The Division of Waste Management (Division) requires that you have waste tonnage reports from landfills utilized by your Solid Waste Management Plan Filing System.

In order for your county to receive credit from the Division on implementing your plan, we are hereby providing you with the waste tonnage received by Maysville-Mason County landfill during 2021.

Total Tons for Landfill	-	52,736.52
Total Tons for Compost	-	584.14
Mason County	-	53,320.66 Total Tons

Since your waste streams arrive at the landfill intermingled, the above quantity includes: Industrial, commercial, construction demolition, yard and household wastes.

The life expectancy of the contained landfill as of January 2022 is 40.35 years. If you need further information please contact me at 606-759-7049.

Sincerely,



Todd Leonard, Manager
Maysville-Mason County Landfill

<p style="text-align: center;">MAYSVILLE/MASON COUNTY DEBRIS MANAGEMENT PLAN</p>

PURPOSE

The purpose of this Plan is to provide for coordination of efforts in the clean-up, removal, and disposal of debris following a major emergency or disaster in Mason County.

This plan will serve as the master plan for the county and contains guidance regarding organization, responsibilities, documentation, contracting, activation of the county plan, temporary debris storage sites, informational fact sheets, and samples of agreements and contracts.

The plan also contains guidance to local jurisdictions for development of local plans that will identify the local jurisdiction's debris management organization, assignment of duties, designation of temporary debris storage sites and other items as the jurisdictions desire.

SITUATION & ASSUMPTIONSSituation

1. Debris may be the result of natural, man-made, and technological hazards.
2. Some or all jurisdictions within Mason County may experience events which result in large amounts of debris that may adversely affect public safety.
3. Communities have varying and unique circumstances that could impact the types and amounts of debris and the responses to debris cleanup. These may include types of local business/industry, land use, size of the community, topography, and economics.
4. Jurisdictions must be prepared to conduct emergency debris removal on their own during the initial phases of an emergency or disaster and must consider public safety as their first and top priority.
5. Individuals and businesses will be responsible for the removal and disposal of debris on private property.
6. Debris management activities can be a major burden on the time and resources of everyone affected.

Assumptions

1. Extraordinary demands will be placed on public and private resources for debris management following a disaster event.
2. A coordinated community effort will be required to effectively collect, remove, and dispose of debris following a disaster.
3. In order to combine local resources (personnel, equipment, supplies) various jurisdictions may joint together to establish a local area of operations for collecting and handling the debris.
4. Mutual aid from adjacent jurisdictions will be coordinated with pre-disaster planning.
5. Temporary debris storage and reduction sites will be located in each of the local jurisdictions area of operations in order to provide a close by site thus reducing transportation time and costs.
6. Pre-disaster planning will provide the jurisdictions knowledge of debris management and how to organize locally to conduct debris removal operations thus ensuring that cost effective and environmentally sound practices will be used.

7. During major emergencies requests for state and/or federal disaster assistance may be necessary.

ASSIGNMENT OF RESPONSIBILITIES

Agencies with primary responsibility for debris management are tasked with attending meetings as often as necessary, participation in the planning process, and documentation of their actions.

1. Maysville/Mason County Emergency Management Agency

- EMA Director will serve chair of the team
- Activate a Debris Management Team, as necessary
- Update the team on disaster situation and known debris issues
- Prepare and submit debris calculations and requests for assistance from the State of Kentucky and FEMA.
- Provide information to the County PIO for publication and distribution
- Develop the County Plan and assist the Jurisdictions with the development of local plans.

2. Mason County Solid Waste

- Coordinate with the county emergency manager.
- Coordinate debris management plans and activities with affected jurisdictions

3. Buffalo Trace Health District

- Assist in identification of health issues
- Inspect and coordinate appropriate actions by restaurants and grocery stores in addressing contaminated or spoiled food
- Provide monitors for temporary debris storage and reduction sites, as needed
- Provide information about health risks and safety procedures to the team and to the County PIO for publication and distribution

4. Mason County Landfill

- Relate available options for activities that may be supported by the landfill
- Provide monitoring for debris shipped to the landfill
- Coordinate necessary permits and requests with State of Kentucky

8. Officials of Affected Jurisdictions

- Develop a local Debris Management Plan for their jurisdiction or participate in a joint plan for multiple jurisdictions in the area.
- Clear roadways and assess debris to be collected, as possible
- Coordinate local debris operations through the county strategy
- Distribute debris separation instructions and collection schedules to residents
- Maintain proper documentation of local expenses for purposes of reimbursement and historical records. Each jurisdiction must maintain separate records as they applied for disaster assistance by jurisdiction.

- Secondary responsibilities apply to the following agencies or individuals. They will possibly have limited involvement in the planning process, but fill a vital role in the overall picture of debris management operations.

CONCEPT OF OPERATIONS

Disaster Response

In the event of a debris generating event the County EMA Director would normally activate the County Emergency Operations Center (EOC) Local jurisdictions will evaluate the amount of damage and debris within their jurisdictions and provide the County EMA information on amount of damages and debris removal actions planned.

The following items would need to be considered during the response and recovery phases of debris management.

Phased Approach

1. The County will address debris issues and response using a phased approach as noted below:

- Phase One – *Emergency debris clearance* to open access for emergency response vehicles and necessary traffic. This may be accomplished by jurisdiction officials due to the immediate nature of the situation.
- Phase Two – Debris issues affecting health and safety. These may include such issues as chemical, sewage, and flood contaminated debris, as well as dangerous limbs and trees, dead animals, and spoiled food.
- Phase Three – Other actions necessary to protect health and safety. These may include, but not be limited to, pest or rodent control activities associated with the presence of debris.

*NOTE: **It is important to note that the first three activities may or may not qualify for reimbursement under a state or federal declaration; however, they may be critical to preventing the spread of disease in the communities.*

- Phase Four – Complete all remaining debris activities necessary to restore the county to pre-disaster condition.

Evaluation of Need

1. When a debris generating event occurs - the EMA Director will brief the Team (normally by e mail) regarding the extent of the damage produced by the event and of actions planned or underway. Team members will provide any assistance or response necessary at the time.
2. An assessment of the debris situation county-wide will be made, to include estimates of damages by jurisdiction or joint jurisdiction, and the County EMA office, or County EOC staff, will provide assistance and coordination for the jurisdictions as necessary.
3. Debris cleanup activities will be prioritized based on the four phases of debris activities as listed under Phased Approach above.
4. Mutual aid assistance from unaffected jurisdictions and from other counties will be requested whenever necessary.
 - a. Assistance may be available from surrounding county health departments or solid waste districts.
 - b. Written agreements should be signed to clarify the terms of the assistance. See Appendix 3,

Determination of Appropriate Strategy

1. Debris types may include:

- Woody and tree material
- Household goods, including furniture, personal belongings, and appliances
- Food waste
- Utility poles and wires
- Hazardous materials and infectious waste
- Vehicles and tires
- Building materials
- Animal carcasses
- Silt and mud

2. Means of collection may include:

- Use of authorized waste transfer or disposal facilities
- Establishment of alternate or Temporary Debris Storage and Reduction (TDSR) sites
- Direct pickup
- Placement of dumpsters

3. Means of Reduction

- Incineration
- Grinding and chipping
- Separation
- Recycling

4. Means of Disposal

- Landfill disposal
- Incineration
- Sale or donation of reduced material
- Decontamination and reuse

5. Demolition of a structure may be the only option in certain instances when severe damage has occurred. This will only be recommended after all other options have been explored:

- a. Local building and zoning officers are required to inspect any buildings sustaining major damage.
- b. The Buffalo Trace Health District may also conduct inspection in certain cases and has the authority to condemn buildings.
- c. Permits for demolition are issued by the Maysville/Mason County planning and zoning.
- d. Responsibility for all costs and removal of debris from demolition is the responsibility of the property owner.
- e. When demolition is recommended, contracts and legal guidance will be necessary.

Debris Removal Operations

1. Debris removal operations will be divided by public and private property.

- a. Public Property/Rights-of-Way Debris Removal: Debris deposited on public lands including the right-of-way will be the responsibility of local government.

- In some cases, where a health and/or safety threat exists, private property owners may move event-related debris to the public right-of-way for removal by government forces.
 - Government forces or volunteers may assist private property owners if necessary to remove event-related debris that poses a health and/or safety threat.
- b. *Private Property Debris Removal:* Debris deposited on private property is the responsibility of the property owner.
- In some cases, where a health and/or safety threat exists, private property owners may move event-related debris to the public right-of-way for removal by government forces.
 - ~ Debris removal schedules will be published through local media outlets and provided to officials in affected jurisdictions for release to private individuals.
 - ~ Instructions for separation of debris and steps to follow if assistance is required in getting debris to the curbside will be published with the removal schedules.
 - Volunteers or voluntary groups may assist property owners.

Debris Site Security

Debris Site security is required to ensure the site is not used for illegal dumping.

Security of the active temporary debris sites within the county and local jurisdictions will be coordinated by the County Sheriff's Office and with local law enforcement departments.

Debris Site Managers will be responsible for overseeing the security of the jurisdictions site(s). All problems will be brought to the attention of the County EMA office (or County EOC).

Public Notification and Information

It is extremely important for the public to be notified of the procedures to be followed in handling the debris on their property and businesses as soon as the information is available. This information should include:

- Notice of how removal of debris from private property will be conducted and what is type of debris eligible to be picked up.
- Dates and time and locations schedules for debris pickup within the jurisdiction.
- Informational bulletins regarding the individual owners responsibilities, insurance coverage considerations, volunteers. etc.

Contract Monitoring

- a. In the event that contracts are used for debris removal, monitoring of contractors is a very important issue. The team will designate a person or persons for contract monitoring.
- b. Contract monitoring verifies that the following actions are taking place:
 - Debris being picked up is a direct result of the disaster
 - Trucks hauling debris are fully loaded.
 - Debris pick-up areas are being managed properly
 - Trucks are sticking to debris routes
 - Inspection of temporary storage sites to ensure operations are being carried out according to contract
 - Verification of security and control for temporary debris storage and reduction sites.

Contracts and Contracting

Types of Contracts.

The following types of contracts may be used in conducting debris management operations.

Time and Material: Under a time and material contract, the contractor is paid on the basis of time spent and resources utilized in accomplishing debris management tasks. The Federal Emergency Management Agency policy requires that the use of time and material contracts be limited to the first 72 work hours following a disaster event.

Lump Sum: A lump sum contract establishes a total price using a one item bid from a contractor. It should be used only when a scope of work is clearly defined, with areas of work and quantities of material clearly identified.

Lump Sum contracts can be defined in one of two ways:

- ~ Area Method, where the scope of work is based on a one time clearance of a specified area, or
- ~ Pass Method, where the scope of work is based on a certain number of passes through a specified area, such as a given distance along a right of way.

Unit Price: A unit price contract is based on weight (tons) or volume (cubic yards) of debris hauled, and should be used when the scope of work is not well defined. It requires close monitoring of collection, transportation, and disposal to ensure that quantities are accurate. A unit price contract may be complicated by the need to segregate debris for disposal.

Establishment of Debris Removal Priorities

When a debris-generating event occurs there is an immediate need for prioritization of actions.

- The first priority shall include roadways that allow ingress and egress to the critical public facilities such as fire stations, police stations, hospitals, and other critical facilities.
- Other essential, but perhaps not critical facilities include schools, municipal buildings, water treatment plants, wastewater treatment plants, power generation units, airports, temporary shelters for disaster victims, etc.
- The county will need to prioritize debris removal from roadways that allow ingress or egress to these facilities.

Environmental Compliance

1. Compliance with environmental protection laws and regulations is still required after disasters.
2. Federal and State Environmental Protection Agencies and local Health Departments should be consulted for applicable regulatory requirements.
3. Hazardous waste will be a significant issue in the debris management strategy.
 - The county/ city will work closely with Federal and State environmental protection agencies to ensure proper removal and disposal of hazardous waste.
 - Procedures for establishing a separate staging area for hazardous waste, to include lining with an impermeable material so chemicals do not leak into the groundwater and soil will need to be developed.

ADMINISTRATION & LOGISTICS

Temporary Debris Storage and Reduction (TDSR) Sites

- a. Some specific considerations when using these types of sites include:
 - **Location:** Care should be taken in selection of TDSR sites. Land use, proximity to housing, location of the nearest water table and/or public water supply, and other factors that may impact the use of the site should be taken into account.
 - **Operations:** Monitoring receipt of debris and verifying types of debris received are critical functions for successful operation of a TDSR site. Included in the attachments to this document is a sample TDSR site layout.
 - **Closeout:** In order to close out a TDSR site, care should be taken to restore the site to its original condition in an environmentally friendly and timely manner. Included in the attachments to this document is a checklist for site closeout.

Tracking of Resources

- a. Tracking of resources is essential in order to obtain the most possible utilization from those available in the County. County EMA maintains a Resource Manual and will soon utilize Ops Center Software for tracking resources, expenses, and actions taken during disasters.
- b. The level of detail in the tracking system will be dependent upon the size magnitude of the disaster. County EMA (and the EOC) will assist the local jurisdictions as needed.

Meetings and Briefings

- a. Meetings and briefings will be conducted by or through the County EOC. The main purpose of the meetings is to brief EOC staff and media on current and future debris management activities.

Documentation Process

- a. Debris management personnel will maintain records regarding planning and decisions made on debris management activities.
- b. This include minute of meetings, debris site selections, debris removal policies and priorities, demolition of public/private structures and others.

Direct Federal Assistance

Direct federal assistance may be available during certain incidents; however, this applies only to emergency work (debris removal and emergency protective measures) and must meet general FEMA eligibility criteria. Debris activities that are eligible for Direct Federal Assistance include:

- Debris removal from critical roadways and facilities
- Debris removal from curbsides or from eligible facilities and hauling to either temporary or permanent sites
- Identification, design, operation, and closeout of debris management sites
- Monitoring debris contractor's activities

- Demolition or removal of disaster damaged structures and facilities in accordance with FEMA regulations and policies

Federal Technical Assistance

Federal technical assistance may be available, and applies when a state or county lacks technical knowledge or expertise to accomplish an eligible task. The Federal Emergency Management Agency will then request technical assistance from the appropriate federal agency in the National Response Plan.

Volunteer Organizations

Volunteer organizations may provide assistance for debris removal from private property. There is a wide range of volunteer organizations at the local, state, and federal levels. The following is an incomplete list of organizations:

- American Red Cross
- Citizen Corps
 - ~ Community Emergency Response Teams
 - ~ Medical Reserve Corps
- Fairfield County Neighborhood Watch
- Catholic Social Services
- Salvation Army
- Voluntary Organizations Active in Disaster (VOAD) and (OHVOAD)
- Mennonite Services
- Civic Clubs
- Student Organizations
- Church Organizations

PLAN DEVELOPMENT & MAINTENANCE

1. The Maysville/Mason County EMA Director are responsible for updating this Plan based on deficiencies identified through actual events, drills and exercises, and changes in government structure and emergency organizations.
2. The Maysville/Mason County EMA Director will prepare, coordinate, publish and distribute necessary changes and revisions to this Plan.

AUTHENTICATION



William Clay Buser

Maysville/Mason County EMA Director

Types of Debris

1. Vegetative Debris
2. Construction and Demolition Debris
3. Hazardous Waste
4. Household Hazardous Waste
5. Electronic Waste
6. White Goods
7. Soil, Mud, and Sand
8. Vehicles and Vessels
9. Putrescent Debris
10. Infectious Waste
11. Chemical, Biological, Radiological, and Nuclear-Contaminated Debris

More information can be found in FEMA's PA Debris Monitoring Guide

CHAPTER 5

ATTACHMENTS

Fifty (\$250.00) Dollars of liability for damage to property to be deductible. Proof of insurance meeting the above-described requirements shall be furnished to the Fiscal Court at time of application for permit.

- ix. No permit shall be required for a vehicle transporting solid waste through Mason County which is neither collected, transferred, or disposed of such in County. However, all vehicles which either collect or transfer or dispose of waste in Mason County must have a collection/transportation permit, unless the person collecting, transferring or disposing of solid waste is also the generator of such waste.
- x. The provisions of Section 7(B) hereof shall not apply to persons occasionally transporting construction/demolition debris or debris associated with land clearing, provided that such persons are not in the business of transporting such solid waste.

SECTION 8. TRANSPORTATION OF SOLID WASTE

- A. No solid waste collected within the boundaries of Mason County, Kentucky, shall be transported for any purpose outside of such County, and may be disposed of only as provided herein and any other applicable state or federal law or regulation, at the Mason County Landfill.
- B. The requirements of Subsection (A) above may be suspended or exempted upon a transporter of solid waste receiving from the Judge/Executive, Landfill Manager, or Solid Waste Enforcement Officer, or other employee of the Landfill, an exemption certificate indicating that the subject solid waste cannot be disposed of at Landfill, and must therefore be transported to disposal outside Mason County.
- C. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with adequate sides so as to prevent spillage of solid waste and shall be provided with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

SECTION 9. DISPOSAL OF SOLID WASTE

- A. No solid waste shall be disposed of in Mason County other than at the Mason

County Landfill, although upon receipt of the exemption certificate referred to in Section 8 (B) above, any exempted solid waste may be delivered to any other properly sited and permitted solid waste management facility meeting all requirements of this ordinance and applicable State and federal statutes or regulations.

- B. The use of open dumps is hereby prohibited, and the Fiscal Court may seek injunctive relief in the Mason Circuit Court to compel cleanup of the same, in addition to other enforcement of this ordinance as provided herein.

SECTION 10. SITING OF SOLID WASTE MANAGEMENT FACILITIES

§10.1 Prohibition

- A. No person shall construct or operate a solid waste management facility prior to the issuance of a Site Approval Permit by the Mason County Fiscal Court as provided in this ordinance.
- B. The Mason County Fiscal Court has determined that certain areas within the County are not suitable for the siting of solid waste management facilities. The map attached hereto as "Appendix B" illustrates the areas of Mason County in which solid waste management facilities are tentatively prohibited. Accordingly, site approval permits shall not be issued for a facility in an area where solid waste management facilities are tentatively prohibited unless the owner or operator can show compelling reasons why the site approval permit should be issued. The Fiscal Court has based this tentative prohibition on the criteria set forth in §10 of this ordinance, as those criteria apply to areas in general and not to specific facilities.
- C. The Site Approval Permit required by §10.1(A) of this ordinance is required in addition to any other approvals or permits required by federal or State regulatory authority.
- D. No person shall dispose of hazardous wastes in Mason County other than the small quantities allowed pursuant to 401 KAR Chapter 47.

§10.2 Site Approval Process

- A. The owner or operator of a proposed solid waste management facility shall file an application for a Site Approval Permit with the Mason County Fiscal Court at the office of the County Judge/Executive.
- B. The application for a Site Approval Permit shall include:

Court. The Solid Waste Enforcement Officer shall attend all regular meetings of the Fiscal Court as required by the County Judge/Executive, and shall submit written monthly reports to the County Judge/Executive of all his activities relating to enforcement of this ordinance. The Solid Waste Enforcement Officer shall maintain complete records of all inspections, complaints, reports, notices, summons, warrants and hearings related to his duties.

- C. The Solid Waste Enforcement Officer may exercise all powers necessary or convenient to carry out and effectuate the purposes of this ordinance and any statute pertaining to solid waste, including but not limited to, the following specific powers:
- (1) To investigate all reports or complaints concerning litter and open dumps, or relating to the storage, collection or transportation of solid waste;
 - (2) To make investigation, reports and recommendations to the Fiscal Court concerning any applications for a collection/transportation permit or for a Site Approval permit.
 - (3) To issue or post any notices, complaint or orders related to compliance with this ordinance and to obtain summonses and warrants, including search warrants where he shall have reason to believe violations of this ordinance or an applicable statute exist.
- D. The Solid Waste Enforcement Officer, in addition to all other duties imposed or authorized hereby, is responsible for all reporting of collection activities and efforts to abate littering and open dumps to the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Solid Waste Division, and efforts and reporting thereto necessary to qualify for participation in the Kentucky Pride Fund, or other reimbursement or inducement programs, as provided by KRS Chapter 220.42, or otherwise.

SECTION 4. LITTERING

No person shall throw, drop or place, or permit to be thrown, dropped or placed, any litter on any public or private property or in any public or private water without permission. When any litter is thrown or dropped from a motor vehicle, the operator thereof shall be deemed prima facie to be in violation of this section.

SECTION 5. APPLICABILITY

- A. This ordinance shall apply to the storage, collection, transportation, transfer, and

CHAPTER 6

ATTACHMENTS

Fifty (\$250.00) Dollars of liability for damage to property to be deductible. Proof of insurance meeting the above-described requirements shall be furnished to the Fiscal Court at time of application for permit.

- ix. No permit shall be required for a vehicle transporting solid waste through Mason County which is neither collected, transferred, or disposed of such in County. However, all vehicles which either collect or transfer or dispose of waste in Mason County must have a collection/transportation permit, unless the person collecting, transferring or disposing of solid waste is also the generator of such waste.
- x. The provisions of Section 7(B) hereof shall not apply to persons occasionally transporting construction/demolition debris or debris associated with land clearing, provided that such persons are not in the business of transporting such solid waste.

SECTION 8. TRANSPORTATION OF SOLID WASTE

- A. No solid waste collected within the boundaries of Mason County, Kentucky, shall be transported for any purpose outside of such County, and may be disposed of only as provided herein and any other applicable state or federal law or regulation, at the Mason County Landfill.
- B. The requirements of Subsection (A) above may be suspended or exempted upon a transporter of solid waste receiving from the Judge/Executive, Landfill Manager, or Solid Waste Enforcement Officer, or other employee of the Landfill, an exemption certificate indicating that the subject solid waste cannot be disposed of at Landfill, and must therefore be transported to disposal outside Mason County.
- C. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with adequate sides so as to prevent spillage of solid waste and shall be provided with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

SECTION 9. DISPOSAL OF SOLID WASTE

- A. No solid waste shall be disposed of in Mason County other than at the Mason

County Landfill, although upon receipt of the exemption certificate referred to in Section 8 (B) above, any exempted solid waste may be delivered to any other properly sited and permitted solid waste management facility meeting all requirements of this ordinance and applicable State and federal statutes or regulations.

- B. The use of open dumps is hereby prohibited, and the Fiscal Court may seek injunctive relief in the Mason Circuit Court to compel cleanup of the same, in addition to other enforcement of this ordinance as provided herein.

SECTION 10. SITING OF SOLID WASTE MANAGEMENT FACILITIES

§10.1 Prohibition

- A. No person shall construct or operate a solid waste management facility prior to the issuance of a Site Approval Permit by the Mason County Fiscal Court as provided in this ordinance.
- B. The Mason County Fiscal Court has determined that certain areas within the County are not suitable for the siting of solid waste management facilities. The map attached hereto as "Appendix B" illustrates the areas of Mason County in which solid waste management facilities are tentatively prohibited. Accordingly, site approval permits shall not be issued for a facility in an area where solid waste management facilities are tentatively prohibited unless the owner or operator can show compelling reasons why the site approval permit should be issued. The Fiscal Court has based this tentative prohibition on the criteria set forth in §10 of this ordinance, as those criteria apply to areas in general and not to specific facilities.
- C. The Site Approval Permit required by §10.1(A) of this ordinance is required in addition to any other approvals or permits required by federal or State regulatory authority.
- D. No person shall dispose of hazardous wastes in Mason County other than the small quantities allowed pursuant to 401 KAR Chapter 47.

§10.2 Site Approval Process

- A. The owner or operator of a proposed solid waste management facility shall file an application for a Site Approval Permit with the Mason County Fiscal Court at the office of the County Judge/Executive.
- B. The application for a Site Approval Permit shall include:

- (1) The name and address of the owner or operator and the location of the proposed site of the facility.
- (2) A copy of the deed or other document establishing the right, title and interest of the owner or operator in the proposed site of the facility.
- (3) A current USGS map showing the location of the proposed site, at a scale of one (1) inch equals two thousand (2,000) feet, with said map showing the entire boundaries of the site or proposed site;
- (4) A description of the type of solid waste and the source of generation of the solid waste involved in the solid waste activity to be conducted on the site together with a description of the technology and the procedures the owner/operator proposes to utilize in its solid waste management activities at the site;
- (5) A complete history of the owner or operator's prior experience in the ownership and/or operation of any and all solid waste facilities or activities, wherever located. The description shall include a record of compliance with federal, State and local laws and regulations applicable to the operation of solid or hazardous waste management facilities, and with respect to the owner or operator, such description shall disclose:
 - (a) Any administrative, criminal or civil action pending against the owner or operator of the proposed site alleging a violation of any federal, State or local law or regulation concerning solid waste, the protection of public health and safety, or environmental protection;
 - (b) For the five (5) year period immediately preceding the date of filing of the petition for site approval, whether the owner or operator has been convicted of a crime, entered a plea of guilty or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding, involving the violation of any federal, State or local law or regulation applicable to the management of solid waste and the protection of the public health and safety of the environment;
- (6) The petition for site approval shall identify the following persons and entities, and provide the compliance information required by §10.2(B)(5) for each person or entity so identified:

- (a) The owner or operator applying for site approval;
- (b) If the owner or operator is a proprietorship, each proprietor and the interest held;
- (c) If the owner or operator is a partnership, each of the partners and their respective interest, and any corporation, joint venture, partnership in which any of the partners comprising the applicant holds twenty-five (25) percent or greater interest;
- (d) If the owner or operator is a corporation, a detailed listing of the officers, directors and stockholders; any corporation of which the applicant is a subsidiary or which holds a ten (10) percent or greater interest in the applicant; any corporations which are either subsidiaries of the applicant or in which the applicant holds a ten (10) percent or greater interest; and any proprietorship, partnership, or joint venture in which the applicant holds a ten (10) percent or greater interest.

For the purposes of this section, "interest" includes ownership or other interest reflected in stocks, assets or other beneficial interest.

- (7) Financial data including:
 - (a) An estimate of the total cost of the facility and an estimate of the cost of each of the major components of the facility;
 - (b) Audited statements of income and balance sheets of the owner or operator for each of the three (3) years immediately preceding the year in which the application for site approval permit is filed;
 - (c) A plan of financing for the proposed facility, including the amount to be raised through debt and the potential sources thereof. If the owner or operator is a subsidiary corporation which wishes to have the financial resources of its parent considered, then the owner or operator shall submit, in addition to the foregoing, a description of the relation between the subsidiary and the parent and written confirmation from such parent corporation that its financial resources are available to finance the proposed facility as represented by the subsidiary;
 - (d) A statement as to the extent of liability insurance in effect or proposed with respect to the facility, together with true copies of

any policies of insurance in effect and a listing of any claims made or threatened under any policies of liability insurance;

- (e) A statement as to whether the owner or operator has been designated as a potentially responsible party under the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("CERCLA"), as amended; and, if so, the location of the site or sites involved, an estimate of the owner or operator's share, if any, of the cost to clean up the site and a description of site and superfund listing;
- (8) A statement as to the present suitability of the site for the conduct of the proposed activity at the facility and of any additional measures that would be required to make the site suitable for such activity;
- (9) A set of drawings prepared by a licensed engineer depicting the proposed facility, which drawings impart sufficient detail and information for the analysis required under this ordinance;
- (10) A Facility Impact Report ("FIR") in accordance with §10.4 hereof;
- (11) A copy of the public notice of the right to submit comments to the Mason Fiscal Court pursuant to §10.2(D) hereof;
- (12) Evidence of notification to adjoining property owners by certified mail of the intention to submit to the Mason County Fiscal Court an application for a Site Approval Permit for a solid waste management facility;
- (13) A list of the names and addresses of all persons to whom the application for site approval was submitted pursuant to the provisions of §10.2(C); and
- (14) The following certification:

"I certify under the penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons directly responsible for gathering and evaluating the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Which shall be signed:

- (a) If the owner or operator is a corporation, by an authorized executive officer; or
 - (b) If the owner or operator is a partnership, by an authorized general partner; or
 - (c) If the owner or operator is a sole proprietor, by the proprietor; or
 - (d) If the owner or operator is a governmental agency, by the head of that agency.
- (15) Any information submitted to the Mason County Fiscal Court pursuant to this ordinance may be claimed confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, the Mason County Fiscal Court may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures on KRS 224.035, which are adopted herein by reference. Claims that the name and address of any owner or operator is confidential will be denied.
- (16) A true copy of any permit application required by the Natural Resources and Environmental Protection Cabinet, if such application is available. In the discretion of the Mason County Fiscal Court, the approval of such permit may be accepted to satisfy any technical or engineering data considered therein, although the Fiscal Court shall not be required to defer to such permit or permit review on any issue.
- (17) A closure plan for the landfill as required by Title 401 Chapter 47 of the Kentucky Administrative Regulations with estimates of closure costs.

C. SUBMISSION AND DISTRIBUTION

- (1) The application for site approval shall be submitted to the Mason County Judge/Executive. Within forty-five (45) days of the receipt of the application for site approval, the owner/operator shall be notified in writing if such application is administratively complete. For the purposes of this ordinance, "Administratively Complete Application" means an

application for site approval which the Mason County Judge/Executive, or a designated agent thereof, determines contains information addressing each application requirement of this ordinance and all information necessary to initiate technical processing and public review. Additional information may be required after determination that the application is administratively complete.

- (2) Upon receipt of the notification from the County Judge/Executive of administrative completeness, the owner/operator shall forthwith deliver the application for site approval to the following persons:
 - (a) Members of the Mason County Fiscal Court and the Mason County Attorney at those addresses set out in the list to be provided to the owner/operator of the proposed facility by the County Judge/Executive;
 - (b) The Fire Department Chief over the jurisdiction of the site or facility; such fire department shall be within the boundaries of Mason County;
 - (c) The County Disaster and Emergency Services Coordinator ("DES"); and
 - (d) The Director of the Buffalo Trace District Health Department.

D. PUBLIC COMMENT AND PUBLIC HEARING

Each application for site approval shall be subject to a public comment period and a public hearing. After the owner or operator has been notified that the application for a site approval permit is administratively complete and has submitted such application to the persons or agency as required by §10.2(C), the owner or operator shall cause a public notice to be published weekly for six (6) consecutive weeks in the newspaper of the greatest circulation serving Mason County.

The notice shall be in a form that advises the public that an application for a Site Approval Permit has been filed. The beginning date of the public comment period shall commence as of the date of the first public notice and shall end on the date on which the public hearing is concluded. The public hearing shall be held within forty-five (45) days after the date of the publication of the last of the six weekly public notices required herein. Such public hearing shall be held in Mason County at a location readily accessible to the public.

§10.3 Fiscal Court Determination as to Facility Site Approval

- A. Within sixty (60) days after the conclusion of the public hearing, the appropriate Fire Department Chief, the County D.E.S. Coordinator and the Director of the Buffalo Trace District Health Department shall review the application for a Site Approval Permit, together with any comments or information received during the public comment period; and any other information deemed appropriate, and each such agency shall make a recommendation to the Fiscal Court regarding the issuance or denial of the Site Approval Permit for the proposed facility.

Within thirty (30) days following receipt of the agency recommendations, the Fiscal Court of Mason County shall make final determination whether to issue or deny the Site Approval Permit.

- B. Fiscal Court Determination: The Mason County Fiscal Court shall issue the application for site approval if it finds, on the basis of the information available to it that:
- (1) The nature of the solid waste management activity conducted at the facility site will not present an unreasonable risk to public health or safety;
 - (2) The nature and extent of the solid waste activity conducted at the proposed site would not significantly impede or adversely impact the provision of fire, health and other emergency services to the public both in the vicinity of the proposed site and throughout Mason County;
 - (3) The nature of the solid waste activity conducted at the facility site would not result in a significant reduction in the public's use and enjoyment of parks, recreational waters, historic structures, cultural and natural resources located in the vicinity of the proposed site;
 - (4) The facility and the solid waste activity occurring on the site will not have a significant adverse impact on the establishment of businesses, residential developments, churches, schools or other types of activities related to the social, economic, and cultural development of Mason County;
 - (5) The owner operator's prior experience and history in solid waste activities indicates a reasonably satisfactory record of compliance with applicable federal, State, and local laws and regulations, and based upon such prior record, it can be reasonably expected that the owner/operator will, in constructing, expanding, maintaining or operating the facility at the proposed site maintain a corresponding satisfactory record of compliance with applicable laws and regulations;
 - (6) The owner or operator has sufficient financial resources to complete

construction of the new or expanded facility, maintain and operate the facility in compliance with applicable laws and regulations, respond immediately in the event of emergency by reason of accident or upset at the site, and complete closure of the facility in accordance with federal and State laws and regulations;

- (7) The owner or operator has complied with all solid waste management laws and regulations concerning solid waste facility permits, filings and/or notifications required by the State or federal regulatory authority;
- (8) The application is consistent with the goals and objectives of the five county solid waste plan as adopted; and
- (9) The required financial responsibility for closure has been established, by posting a bond or establishing an escrow account in a minimum amount of Ten Thousand (\$10,000.00) Dollars or greater if so determined by an approved closure plan and cost estimate. The approved cost estimate for closure and corresponding bond shall be reviewed and adjusted at least once every five (5) years.

C. NOTIFICATION

The Mason County Fiscal Court shall send written notification of its determination with respect to the Site Approval Permit application to the owner or operator and to all persons who submitted written or oral comments during the public comment period. Such notifications shall include a written summary of the basis for the determination.

D. COORDINATION WITH OTHER LAWS

The Mason County Fiscal Court shall, to the extent possible or as may be required, coordinate its review of applications for site approval under this ordinance with the exercise of authority conferred upon it pursuant to any State or federal laws.

§10.4 Facility Impact Report

A. PROCEDURE

The owner or operator shall file with its application for site approval a facility impact report which shall include the following: An environmental impact report, a socioeconomic report, and a risk assessment.

The owner or operator shall publish notice of the availability of the facility impact report for examination and review at the office of the County Judge/Executive, such notice to be

included in the public notice required in §10.2(D) hereof with respect to the application for site approval.

B. CONTENTS OF FACILITY IMPACT REPORT

- (1) The facility impact report shall contain a socioeconomic report which shall include a comprehensive community inventory which shall identify the following:
 - (a) The historic land use of the facility site;
 - (b) Proximity of the proposed site to residences, schools, churches, public parks, agricultural land, nursing homes, hospitals, cemeteries, historic structures, and infant care facilities;
 - (c) A general profile of the business community located in the vicinity of the facility site including any sites planned for future industrial parks or sites being considered for any business or manufacturing facility;
 - (d) A description of any streets, highways, railroads, or waterways which may be used to transport solid waste to the proposed site, including information on capacity, usage, and routes;
 - (e) Cultural resources;
 - (f) Population data and projected population in the vicinity of the facility site; and
 - (g) A statement as to the impact on the community, including community perception, direct and indirect impact on the local economy and economic growth, and an analysis of the impact on land values in the vicinity of the facility site.
- (2) The facility impact report shall contain an environmental impact report which shall identify existing environmental conditions in the vicinity of the facility site. To the extent that this data may be provided in the permit application required by State regulations, a verified copy of such permit application may be substituted for the environmental impact report required by this section. Nonetheless, such report is to include at a minimum:

- (a) A geological report with a description of the soil types to include soil permeability, stability and drainage, and the geology down through and including the aquifer zones in the area;
 - (b) A hydrological report describing the hydrology and surface and groundwater quality and quantity in the area, including proximity to any aquifers and recharge areas and sensitive areas such as wetlands;
 - (c) Proximity to public and private surface or groundwater supplies, including current and potential future uses;
 - (d) A biological report indicating the presence of significant, threatened or endangered species;
 - (e) An air quality survey, including the characteristics (stability) of the atmosphere which affects the site and the population, present and projected, in relation to the facility and the prevailing wind;
 - (f) Flood plain identification;
 - (g) Historic, archaeological natural sites and landmarks, outstanding resource waters, public forest areas, dedicated or designated open space, public recreational areas, wildlife refuges, gamelands, and fishing waters.
- (3) The facility impact report shall include a risk assessment which shall quantitatively define the public health, safety and environmental risk associated with routine operations and upset conditions at the facility site. The scope and context of the impacts on the community will vary depending upon the nature, size, duration, and extent of the activity to be conducted at the facility site. The risk assessment shall analyze those items as identified by the Mason County Fiscal Court, which shall include the following:
- (a) Risks associated with accidents in transportation, such analysis to include mode of transportation, route, schedule and frequency of deliveries, accident rate of mode and route, and the characteristics of structures and population, residential and nonresidential, within the reasonably predicted impact area;
 - (b) Nature, extent, quantity and impacts of routine releases to air, water, land from all sources at the facility site, including storm water run off.

- (c) Nature, extent, quantity and impacts of releases to air, water, land in upset conditions, including both historical data from comparable facilities and modeling reasonable worst case upset conditions;
- (d) Adequacy of emergency services (police, fire, medical) to protect public health, safety and environment from fire, explosion, flood, chemical release or any natural disaster, including emergency response capability and the owner/operator's emergency implementation plan;
- (e) Projections of possible health effects with particular emphasis on occupational health, public health, chronic and acute exposure for both at the facility site and the surrounding area;
- (f) Adequacy of transportation in the event of an emergency, including an evacuation plan.

§10.5 Fees

The owner or operator shall, by certified check made payable to the Mason County Fiscal Court, submit Fees in accordance with the following schedule:

- A. At the time of submission of the application for site approval the owner or operator shall pay to the Fiscal Court an application fee of Twenty Five Thousand (\$25,000.00) Dollars, which is to be held in escrow for payment of the reasonable expenses of reviewing and evaluating the application. Fees are required for new facilities and also for any modified or expanded existing facilities.
- B. At the conclusion of the review process, the Mason County Judge/Executive shall tender to the owner or operator a statement setting out the actual cost incurred by the Mason County Fiscal Court for the use of qualified consultants for technical, accounting, or legal assistance and any other expenses incurred in the evaluation of the application and the facility impact report, which shall be payable upon receipt;
- C. The Mason County Fiscal Court may not recover costs in excess of the actual cost of consultants and any other necessary and reasonable expenses incurred by the Mason County Fiscal Court.
- D. An additional fee of Five Thousand (\$5,000.00) Dollars per year is due and payable each year on the anniversary of the issuance of the permit. Such fee shall be used to defray the costs of enforcement of this ordinance.

SECTION 11. CIVIL PENALTIES

CHAPTER 7

ATTACHMENTS

- (c) Nature, extent, quantity and impacts of releases to air, water, land in upset conditions, including both historical data from comparable facilities and modeling reasonable worst case upset conditions;
- (d) Adequacy of emergency services (police, fire, medical) to protect public health, safety and environment from fire, explosion, flood, chemical release or any natural disaster, including emergency response capability and the owner/operator's emergency implementation plan;
- (e) Projections of possible health effects with particular emphasis on occupational health, public health, chronic and acute exposure for both at the facility site and the surrounding area;
- (f) Adequacy of transportation in the event of an emergency, including an evacuation plan.

§10.5 Fees

The owner or operator shall, by certified check made payable to the Mason County Fiscal Court, submit Fees in accordance with the following schedule:

- A. At the time of submission of the application for site approval the owner or operator shall pay to the Fiscal Court an application fee of Twenty Five Thousand (\$25,000.00) Dollars, which is to be held in escrow for payment of the reasonable expenses of reviewing and evaluating the application. Fees are required for new facilities and also for any modified or expanded existing facilities.
- B. At the conclusion of the review process, the Mason County Judge/Executive shall tender to the owner or operator a statement setting out the actual cost incurred by the Mason County Fiscal Court for the use of qualified consultants for technical, accounting, or legal assistance and any other expenses incurred in the evaluation of the application and the facility impact report, which shall be payable upon receipt;
- C. The Mason County Fiscal Court may not recover costs in excess of the actual cost of consultants and any other necessary and reasonable expenses incurred by the Mason County Fiscal Court.
- D. An additional fee of Five Thousand (\$5,000.00) Dollars per year is due and payable each year on the anniversary of the issuance of the permit. Such fee shall be used to defray the costs of enforcement of this ordinance.

SECTION 11. CIVIL PENALTIES

Any person who violates this ordinance shall be liable for a civil penalty not to exceed the amount of five hundred (\$500.00) dollars for each day during which such violation continues and in addition, may be concurrently enjoined from any further violations hereof. Should a transporter of solid waste violate the provisions of Section 8 and Section 9 hereof by removing non-exempt solid waste from Mason County for disposal elsewhere, such person shall be subject to a civil penalty equal to three times the estimated tipping fee at the Mason County Landfill for any solid waste improperly transported or disposed of, in addition to the civil penalty provided herein. It shall be the duty of the Mason County Attorney, at the request of the County Judge/Executive, to institute an action for the recovery of penalties and to bring an action for injunctive relief against any person violating or threatening to violate this ordinance. Nothing herein shall preclude any person from recovering actual compensatory damages resulting from violation of this ordinance.

SECTION 12. CRIMINAL PENALTIES

Any person who knowingly violates this ordinance shall be imprisoned for a period not to exceed one year or be subjected to a fine not to exceed Five Hundred (\$500.00) Dollars for each offense. Each occurrence, or, in the case of a violation of permit requirements, each day of violation shall constitute a separate offense.

SECTION 13. COLLECTION OF FEES; CREATION OF LIEN

As provided in Section 7(A)(ii)(b)and(c) above, a mandatory universal collection system has been created, which requires residents to pay periodical billings for the provision of such services. Should any resident fail to timely pay such invoice, the Mason Fiscal Court shall proceed to collect such delinquent amount as follows:

- (1) Cessation of the provision of services and imposition of criminal penalties as provided by Section 12 hereof;
- (2) Filing of a civil action in the Mason District or Circuit Court for the collection of any delinquent amounts, plus the costs of collection, inclusive of a reimbursement to the Mason Fiscal Court for the reasonable attorney fees of the Mason County Attorney, plus the imposition of any civil penalties provided for by Section 11 above; or
- (3) Upon any resident becoming delinquent in payment of collection fees in an amount exceeding the amount of such fees for a three month period, and upon the Mason Fiscal Court providing notice to the landowner of such delinquency by certified United States mail, return receipt requested, or by personal service by the Solid Waste Enforcement Officer, a Certificate of Delinquency may be filed with the office of the Mason County Clerk to secure such delinquent amounts, and such certificate shall create a lien on the real property to which the services were

provided, such lien being inferior to the lien for ad valorem taxes, prior mortgage liens, and other prior perfected liens or encumbrances. The Certificate of Delinquency shall also secure interest at the legal rate of twelve (12.0%) percent from the time of its filing and any filing fees. Should the landowner not be the resident who incurred the collection fees, such landowner shall not be responsible for the payment of any collection fees incurred prior to receipt of notice of such delinquencies, and such amount shall not be included upon the Certificate of Delinquency.

SECTION 14. LIMITATION OF ACTIONS

Actions for recovery of civil penalty or injunctive relief as provided herein, or for criminal violation of this ordinance, shall be commenced within one year after the violation of this ordinance, provided that an action relating to a continuing violation hereof shall not be barred so long as said violation exists.

SECTION 15. PUBLIC HEALTH HAZARD

Nothing in this ordinance or any site approval permit issued hereunder shall confer the right upon the owner/operator of any solid waste management facility to maintain a public health hazard or nuisance.

SECTION 16. SOLID WASTE MANAGEMENT BOARD

In the event that the Mason County Fiscal Court establishes a Solid Waste Management Board as provided by Chapter 109 of the Kentucky Revised Statutes, this ordinance shall be administered and enforced through the Solid Waste Management Board. The Solid Waste Management Board created hereby shall also serve as the "Clean County Committee" required by KRS Chapter 220.43, and shall have all duties and authority thereof as described in such chapter.

SECTION 17. SEVERABILITY

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

SECTION 18. EFFECTIVE DATE

This ordinance shall become effective after adoption and passage on October 9, 2007.

SECTION 19. LEGISLATIVE HISTORY

The Mason County Solid Waste Ordinance was originally codified at Ordinance 90-1,

MASON COUNTY SOLID WASTE

Shane Taylor
Solid Waste Coordinator
221 Stanley Reed Court
Maysville, KY 41056
606-375-7499

Name and Address

October 26, 2021

Your property located at; (Address here) has been found to be in violation of County Ordinance 17-02.

- **Vegetation Growth in excess of 8 inches in Front of the house**
- **Trash and debris scattered throughout the yard**

Notice is hereby given to please abate these nuisance(s) promptly. Therefore, the owner shall have 30 days upon receipt of this notice to comply with correcting the nuisance(s). **Removal of garbage, rubbish, uncut vegetation, removal of inoperable automobiles, maintenance of existing structure(s), and proper disposal of tires; any and all applicable.**

Failure to bring property into compliance will result in the Mason Fiscal Court abating to this nuisance. Estimated cost will be \$5000.00 dollars or more.

Failure to pay the Fiscal Court for its expenses after abatement will result in Fiscal Court filing a lien against the property. **Maintaining a nuisance after notification is a criminal violation with penalties up to 500.00 a day and /or 90 days in jail. Disposal by means of incineration is illegal.**

Failure to respond to this notice within 30 days will result in criminal charges.

Please call me at 606-375-7499 with your plans to bring this property into compliance.

Shane Taylor

Mason County Solid Waste Coordinator

Delinquent Account Form Letters

A) 1st letter - goes to the customer whether it's a tenant or property owner

B) 2nd letter – Late notice

B1) to tenant (customer)

B2) to owner Final Notice(customer)

B3) to Owner makes them responsible (tenant customer)

C) 3rd letter- (Final Notice)

C1) to tenant Final Notice (customer)

C2) to owner Final Notice (tenant)

C3) Repeat issues of collection (tenant)

C4) Repeat issues of collection (Owner)

MASON COUNTY GARBAGE COLLECTIONS

Nicole Storms
Collection Administrator

A

ACCT#

APRIL 07, 2022

MAYSVILLE KY 41056

DEAR ,

This is to notify you that your garbage collection account with Mason County Fiscal Court is delinquent three months or more. According to our records, your current balance is \$51.85. Please note that you have until **APRIL 21ST, 2022** to bring your prior amount due to a zero balance. This includes any additional charges that you may incur during the upcoming months of garbage service. If you wish to pay for several months at a time, you must pay for those months in advance to avoid a delinquent account. If your account shows a prior balance as of **APRIL 21ST**, further action will be taken against you.

You have been receiving monthly bills that reflect a prior balance and your total amount due, so this next course of action should not come unexpectedly. If you have received this letter in error, please contact me immediately so we can correct this mistake. If you need to make other arrangements to pay your bill, that may be possible, but you must call me first.

Also, we are pleased to inform you that the Mason County Garbage Collections office now accepts Master Card and Visa credit and debit cards.

Sincerely,

Nicole Storms

PO BOX 7
MAYSVILLE, KENTUCKY 41056
PHONE: 606-563-0343 FAX: 564-3407

MASON COUNTY GARBAGE COLLECTIONS

Nicole Storms
Collection Administrator

A

ACCT#

APRIL 07, 2022

MAYSVILLE KY 41056

DEAR ,

This is to notify you that your garbage collection account with Mason County Fiscal Court is delinquent three months or more. According to our records, your current balance is \$51.85. Please note that you have until **APRIL 21ST, 2022** to bring your prior amount due to a zero balance. This includes any additional charges that you may incur during the upcoming months of garbage service. If you wish to pay for several months at a time, you must pay for those months in advance to avoid a delinquent account. If your account shows a prior balance as of **APRIL 21ST**, further action will be taken against you.

You have been receiving monthly bills that reflect a prior balance and your total amount due, so this next course of action should not come unexpectedly. If you have received this letter in error, please contact me immediately so we can correct this mistake. If you need to make other arrangements to pay your bill, that may be possible, but you must call me first.

Also, we are pleased to inform you that the Mason County Garbage Collections office now accepts Master Card and Visa credit and debit cards.

Sincerely,

Nicole Storms

PO BOX 7
MAYSVILLE, KENTUCKY 41056
PHONE: 606-563-0343 FAX: 564-3407

MASON COUNTY GARBAGE COLLECTIONS

-DELINQUENT NOTICE-

Nicole Storms
COLLECTION ADMINISTRATOR

MAY 24, 2022

Account #

B 1

GERMANTOWN KY 41044

Dear _____,

According to our records, your account with Mason County Garbage Collections is delinquent with a current balance due in the amount of \$ 59.98, which represents a delinquency of 3 or more months.

You have until JUNE 07, 2022, to bring the balance on your garbage account to \$0, or we will be forced to turn your name over to the Mason County Attorney for further action.

In accordance with Mason Fiscal Court Ordinance No. 07-09, we are required to collect the delinquent amounts, and have several methods available to do so. These include criminal penalties, filing of a civil action in District Court, and filing of liens against the property where you live to secure future bills. The liens may be enforced through foreclosure against the owner of the property.

It is imperative that this matter be resolved immediately to avoid any further action.

Sincerely,

Nicole Storms

PO BOX 7
MAYSVILLE, KENTUCKY 41056
PHONE: 606-563-0343 FAX: 606-564-3407

MASONCOUNTY GARBAGE COLLECTIONS

FINAL NOTICE

Nicole Storms
Collection Administrator

Account # ----

MAY 24, 2022

B 2

GERMANTOWN KY 41044

DEAR _____,

According to our records, your account with Mason County Garbage Collections is delinquent in the amount of \$ 104.81, which represents a delinquency of at least three (3) months.

If the delinquent account is not paid in full before 06/07/2022, a Certificate of Delinquency will be filed with the Mason County Clerk, which will create a lien against your real property. The lien will secure the monthly garbage bill, all future bills, and bears interest at the rate of 12.0% per annum. The liens can be enforced through foreclosure upon your real property. If a lien is placed, all filing fees will be your responsibility.

It is imperative that this matter be resolved immediately to avoid any further action. If you have any questions regarding this matter, do not hesitate to call me at 606-563-0343.

Sincerely,

Nicole Storms

POBOX7
MAYSVILLE, KENTUCKY41056
PHONE: 606-563-0343 FAX: 606-564-3407

FINAL NOTICE

MASONCOUNTY GARBAGE COLLECTIONS
-DELINQUENT NOTICE-

Nicole Storms
Collection Administrator

MAY 24, 2022

B 3

DOVER KY 41034

DEAR ,

According to the records of the Mason County PVA, you own certain real property 41041 KY 596 which is occupied by . and is in arrears. Attempts to collect the delinquent amount from the occupant have been unsuccessful.

In accordance with Mason County Ordinance No. 07-09, all property owners in MasonCounty are ultimately responsible for the payment of garbage collections at properties owned by them, provided that such accounts are at least three (3) months in arrears.

If the delinquent account is not paid in full within fourteen (14) days of the date of this letter, you will be responsible for all FUTURE garbage bills effective 06/07/2022. Should you fail to pay the subsequent bills for the property owned by you, then a Certificate of Delinquency will be filed with the Mason County Clerk, which will create a lien against your real property. The lien will secure the monthly garbage bill, and bears interest at the rate of 12.0% per annum. The liens can be enforced through foreclosure upon your real property.

Please make immediate arrangement for payment of the delinquent accounts by you or the occupant of your property. Regardless, future garbage bills will be assessed to you, and secured by a lien upon your real property, unless we are satisfied that you are making continuous efforts to advise us of the names of occupants of your property, and changes therein. If you have any questions, do not hesitate to call me at 606-563-0343.

Sincerely,

Nicole Storms

POBOX7
MAYSVILLE, KENTUCKY 41056
PHONE: 606-563-0343 FAX: 606-564-3407

MASONCOUNTY GARBAGE COLLECTIONS
-DELINQUENT NOTICE-

FINAL NOTICE

Nicole Storms
Collection Administrator

MARCH 14, 2022

MAYSVILLE KY 41056

C 1

ACCT #:

DEAR

On 10/26/2021 a letter was sent to you and your landlord regarding your garbage collections account which is again seriously delinquent in the amount of \$134.81. Unfortunately, as of that date, you have failed to make at least consistent, minimum monthly payments toward your balance.

I have also mailed your landlord a second notice explaining that you have failed to make the minimum payments toward your delinquent account.

Please be aware that if no payments are received by 03/28/2022, this account will be turned over to the Mason County Attorney for further action.

Sincerely,

Nicole Storms

POBOX7
MAYSVILLE, KENTUCKY41056
PHONE: 606-563-0343 FAX: 606-564-3407

FINAL NOTICE

FINAL NOTICE

Nicole Storms
Collection Administrator

CA

MARCH 14, 2022

MAYSVILLE KY 41056

DEAR _____

On 10/26/2021 a letter was sent to you regarding your tenant _____, who is the occupant of your real property located 6014 EASTERN HILLS. That letter explained that as of 10/01/2021, you would be responsible for all garbage collections bills accrued. Your tenant receives monthly bills stating his/her balance and was also sent a delinquent notice on the same date as the letter mailed to you.

Unfortunately, your tenant has failed to make consistent monthly payments and, as of 10/01/2021 the garbage collections account has accrued more charges which you will be held responsible for.

Please contact my office no later than 03/28/2022 so that we can discuss this matter. Also, please be aware that if no payments have been received from either you or your tenant 03/28/2022, this account will be turned over to the Mason County Attorney for further action, and we will proceed with filing a lien against your real property. Any filing fees incurred will be your responsibility as well.

Sincerely,

Nicole Storms

PO BOX 7
MAYSVILLE, KENTUCKY 41056
PHONE: 606-563-0343 FAX: 606-564-3407

FINAL NOTICE

FINAL NOTICE

Nicole Storms
Collection Administrator

MAY 25, 2022

C 3

MAYSVILLE KY 41056

ACCT #

DEAR

On 01/25/2022 a letter was sent to you and your landlord regarding your garbage collections account which was delinquent. Unfortunately, as of that date, you have failed to make at least consistent, minimum monthly payments and your account is delinquent more than three months, with a balance due in the amount of \$52.31.

I have also mailed your landlord a notice explaining that minimum payments have not been made and your account is again delinquent.

Please be aware that if no payments are received by 06/08/2022, this account will be turned over to the Mason County Attorney for further action.

Sincerely,

Nicole Storms

POBOX7
MAYSVILLE, KENTUCKY41056
PHONE: 606-563-0343 FAX: 606-564-3407

FINAL NOTICE

MASON COUNTY GARBAGE COLLECTIONS FINAL NOTICE

Nicole Storms
Collection Administrator

MAY 25, 2022

CH

TOLLESBORO KY 41189

DEAR _____

In previous collection process, a letter was sent to you on 01/25/2022 regarding your tenant, _____, who is the occupant of your real property located _____ . That letter explained that as of 01/01/2022, you would be responsible for all garbage collections bills accrued. Your tenant receives monthly bills stating his/her balance and was also sent a delinquent notice on the same date as the letter mailed to you.

Unfortunately, your tenant has not made consistent monthly payments and now has a delinquent balance of more than three months on his/her garbage collections account. You will be held responsible for the accrued charges.

Please contact my office no later than 06/08/2022 so that we can discuss this matter. Also, please be aware that if no payments have been received from either you or your tenant 06/08/2022, this account will be turned over to the Mason County Attorney for further action, and we will proceed with filing a lien against your real property. Any filing fees incurred will be your responsibility as well.

Sincerely,

Nicole Storms

PO BOX 7
MAYSVILLE, KENTUCKY 41056
PHONE: 606-563-0343 FAX: 606-564-3407

FINAL NOTICE