

CHAPTER 364

HAZARDOUS WASTE FACILITY

364-1. Definitions

"Hazardous Waste" means the same as "hazardous substance" as defined in 42 USC 9601 (Federal Superfund Law).

"Hazardous Waste Facility" means any facility which disposes of hazardous waste through incineration, land filling or other method. However, the term does not apply to facilities which: (1) collect household hazardous waste as part of a governmental household hazardous waste collection program; or (2) dispose of medical waste on-site in a permitted facility.

364-2. Construction Permit

- (A) No person shall commence construction of a hazardous waste facility without a construction permit from the Health Department.
- (B) An applicant for a construction permit shall submit the following to the Health Department:
 - (1) copies of all applications and information provided to the state and federal governments in order to obtain state and federal hazardous waste permits for the facility;
 - (2) any other relevant information which is requested by the Health Department; and
 - (3) the fee required by Section 364-5.
- (C) The Health Department may impose additional, more stringent requirements than contained in the plans if the Health Department determines that they are necessary to protect, preserve and/or promote the public health and safety, or the environment. Any such additional requirements may not conflict with state or federal law or permit requirements.
- (D) The Health Department shall prepare and mail to the applicant a draft construction permit no later than sixty (60) days after the published proposal of the last federal or state hazardous waste permit that the applicant is required to obtain in order to commence construction.
- (E) The Health Department shall publish a notice in one (1) newspaper that the draft permit has been prepared and that the public has forty-five (45) days to examine the draft permit and to file objections. The forty-five (45) day period for the public and the applicant to review the draft permit shall commence with publication of the notice in the newspaper. Prior to the expiration of the review period, the applicant, or any citizen of Monroe County, may file its written objection to the draft permit with the Monroe County Board of Health. Whereupon, the Health Board shall conduct a public hearing within thirty (30) days of the expiration of the review period. The Health Board may approve or

modify the draft permit, or may direct the Health Department staff or the applicant to submit additional information. The Health Board shall render its decision within forty-five (45) days of the public hearing.

- (F) The Health Department shall then immediately issue a final construction permit if there are no objections or upon a final decision by the Health Board.

364-3. Operating Permit

- (A) No person shall operate a hazardous waste facility without an operating permit from the Health Department.
- (B) An applicant for an operating permit shall submit the following to the Health Department:
 - (1) copies of all "as-built" drawings;
 - (2) test burn results (incinerators only);
 - (3) certification that no part of the facility is located in a flood plain or Karst topography;
 - (4) any other relevant information which is requested by the Health Department; and
 - (5) the fee required by Section 364-5 of this Chapter.
- (C) The Health Department shall inspect the facility to insure that it was constructed in accordance with:
 - (1) the approved plans and specifications;
 - (2) all health, safety and environmental laws and regulations; and
 - (3) the additional requirements, if any.
- (D) The Health Department may impose additional, more stringent operating requirements than contained in the plans if the Health Department determines that they are necessary to protect, preserve and/or promote the public health and safety, or the environment. Any such additional requirements may not conflict with state or federal law or permit requirements.
- (E) The Health Department shall prepare and issue its draft operating permit within sixty (60) days after the published proposal of the last federal or state hazardous waste permit that the applicant is required to obtain in order to operate the facility.
- (F) The Health Department shall then follow the procedure described in Section 2(E) of this Chapter.
- (G) The Health Department shall issue an operating permit if there are no objections within the forty-five (45) day period or upon a final decision by the Health Board. Any operating permit issued under this section shall be valid for

a period not to exceed ten (10) years. Nothing in this subsection shall preclude the Health Department from reviewing and modifying a permit at any time during its term to consider improvements in the state of control and measurement technology.

364-4. Inspections and Right of Entry

- (A) The Health Department is authorized to enter, at reasonable times, any hazardous waste facility, to make inspections, take samples and perform its duties under this chapter.
- (B) For purposes of enforcing this chapter, any person who owns, manages or operates a hazardous waste facility shall, upon request, furnish to the Health Department, information relating to such facility and the waste it processes and permit representatives of the Health Department at all reasonable times to have access to, and to copy all records relating to the facility and such wastes.

364-5. Fees

The fees for hazardous waste facility permits shall be as follows:

- (A) Construction Permit Fee: \$90,000; and
- (B) Annual operating permit fee: \$37,000.

Any facility operator may file a written request for a hearing before the Health Board if the operator believes that such fees exceed the County's true cost of regulating such facility.

364-6. Violations

- (A) Any person who owns, constructs or operates a hazardous waste facility in Monroe County without a permit commits a Class A Ordinance Violation.
- (B) Any person who violates any other provision of this Chapter commits a Class B Ordinance Violation.
- (C) Each day a violation continues constitutes a separate violation.
- (D) The Health Department may request the Monroe County Legal Department to institute an action to exert such penalty and/or to proceed at law or in equity against any violator. Such person shall also be liable for all costs and expenses, including attorney fees, paid or incurred by Monroe County or its Health Department.

[end of chapter]