

MCCREARY COUNTY FISCAL COURT

ORDINANCE NUMBER 830.4

AN ORDINANCE REGULATING THE SITING OF SOLID WASTE MANAGEMENT FACILITIES.

WHEREAS; It is necessary and proper pursuant to KRS 67.083 for the County of McCreary to regulate the storage, siting and disposal of solid waste and solid management facilities within McCreary County for the protection of the residents thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF MCCREARY, COMMONWEALTH OF KENTUCKY, THAT:

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 McCreary County;
- D. To encourage the social and economic development of McCreary 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 pick-up 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 begin 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. "Owner or Operator" means the owner of any solid waste management facility and any other person who has ultimate decision-making authority over the facility or other person involved in the operation of a solid waste management facility.

E. "Person" means any individual, trust, firm, corporation, joint stock company, partnership, association, federal agency, state agency, city, commission, or political subdivision of the Commonwealth.

F. "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.

G. "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.

H. "Solid Waste Management" means the administration of solid waste activities, which includes source separation, transfer, processing, treatment, and disposal of solid waste.

I. "Solid Waste Management Facility" means any facility for source separation, transfer, processing, treatment or disposal of solid waste.

J. "Special Wastes" mean those wastes of high volume and low hazard which include, but 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.

K. "Storage" means keeping, maintaining or storing solid waste from the time it is generated until the time it is collected and disposed of.

L. "Transfer" means holding or transferring any solid waste 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.

M. "Transportation" means any off-site movement of waste by any mode, and any loading, or storage incidental thereto.

SECTION 3. APPLICATION

A. This ordinance shall apply to the storage, transfer, and disposal of solid waste in McCreary 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 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 facilities 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 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 §8 of this ordinance.

F. The provisions of §8 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 4. 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. {With respect to commercial containers, i.e. "greenboxes", or roll-off containers, this section (§4(B)) shall not take effect until six months from the effective date of this ordinance.}

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 agriculture waste on the property owned or leased by the generator of the waste is permissible, provided that open dumping laws are not violated.

SECTION 5. DISPOSAL OF SOLID WASTE

No solid waste shall be disposed of in McCreary County other than at an approved and permitted solid waste management facility meeting all requirements of this ordinance, and applicable state statutes and regulations.

SECTION 6. SITING OF SOLID WASTE MANAGEMENT FACILITIES

§8.1 Prohibition

A. No person shall construct or operate a solid waste management facility prior to the issuance of a Site Approval Permit by the McCreary County Fiscal Court as provided in this ordinance.

B. The McCreary 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 McCreary 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 §8 of this ordinance, as those criteria apply to areas in general and not to specific facilities.

C. The Site Approval Permit required by §8.1(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 McCreary County other than the small quantities allowed pursuant to 401 KAR Chapter 47.

§8.2 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 McCreary 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 if 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 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 §8.2(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 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 contest 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 §0.4 hereof;

(11) A copy of the public notice of the right to submit comments to the McCreary County Fiscal Court pursuant to §8.2(D) hereof;

(12) Evidence of notification to adjoining property owners by certified mail of the intention to submit to the McCreary County Fiscal Court an application for a Site Approval Permit for a solid waste 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 §8.2(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 violation."

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 McCreary 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 McCreary 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 in 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.

(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 McCreary 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 McCreary 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 McCreary County Fiscal Court and the McCreary 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 McCreary County;

(c) The County Disaster and Emergency Services

Coordinator ("DES"); and

(d) The Director of the Lake Cumberland 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 been submitted such application to the persons or agency as required by §8.2(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 McCreary 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 McCreary County at a location readily accessible to the public.

§8.3 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 DES Coordinator and the Director of the Lake Cumberland Area 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 of denial of the Site Approval Permit for the proposed facility.

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

B. Fiscal Court Determination: The McCreary 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 McCreary 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 McCreary County;

(5) The owner operator's prior experience and history in solid waste activities indicates a reasonable 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 accounting a minimum amount of Ten Thousand (\$10,000.00) Dollars or greater if so determined be 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 McCreary 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 McCreary County Fiscal Court shall, to the next extent possible or as may be required, coordinate its review of application for site approval under this ordinance with the exercise of authority conferred upon it pursuant to any state or federal laws.

§8.4 FACILITY IMPACT REPORT

A. PROCEDURE

The owner or operator shall file with it's 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 §8.2(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 submitted 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 underground 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 plan identification;

(g) Historic, archaeological and 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 McCreary 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 surrounding area;

(f) Adequacy of transportation system in the event of emergency, including an evacuation plan.

§8.5 FEES

The owner or operator shall, be certified check made payable to the McCreary 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 McCreary County Judge/Executive shall tender to the owner or operator a statement setting out the actual cost incurred by the McCreary 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 McCreary 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 McCreary 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 7. PENALTIES

Any person who 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 8. 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 9. SOLID WASTE MANAGEMENT BOARD

This ordinance shall be administered and enforced through the McCreary County Solid Waste Management Board pursuant to Chapter 109 of the Kentucky Revised Statutes.

SECTION 10. SEVERABILITY

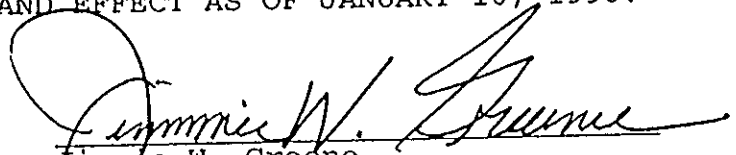
The provisions of this ordinance are severable and if any provisions, sections, paragraph phrase, sentence or clause or the application thereof is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining provisions of this ordinance.

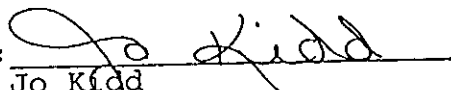
SECTION 11. EFFECTIVE DATE

This ordinance shall become of full force and effect upon its publication and passage, except as provided otherwise herein.

INTRODUCED, SECONDED AND GIVEN FIRST READING ON THE 14TH DAY OF
NOVEMBER 1995.

ADOPTED BY THE FISCAL COURT OF MCCREARY COUNTY, KENTUCKY, ON
THE 11TH DAY OF JANUARY, 1996, AND ON SAME OCCASION SIGNED IN
OPEN SESSION BY THE COUNTY JUDGE/EXECUTIVE AS EVIDENCE OF HIS
APPROVAL, ATTESTED UNDER SEAL BY THE FISCAL COURT CLERK AND
DECLARED TO BE IN FULL FORCE AND EFFECT AS OF JANUARY 16, 1996.


Jimmie W. Greene
McCreary County Judge/Executive

ATTEST: 
Jo Kidd
McCreary Co. Court Clerk

Date 1/11/96

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