

ORDINANCE NO. 99-18

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A, ZONING ORDINANCE; REPEALING ARTICLE IV, SECTION 11 B (5)(b) and (c) OF SPECIAL REGULATIONS FOR THE OPERATION OF CONSTRUCTION AND DEMOLITION DEBRIS LANDFILLS; AMENDING APPENDIX A, ARTICLE IV, SECTION 11 B, THROUGH ADDITION; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SHORT TITLE; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDE FOR AN EFFECTIVE DATE.

THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS FINDS THAT:

WHEREAS, Hernando County desires to protect its natural resources, particularly the Floridan aquifer, from potential contamination;

WHEREAS, Chapter 125.01(1)(K)(1), Florida Statutes authorizes counties to provide and regulate waste and sewage collection and disposal, water supply, and conservation programs;

WHEREAS, Hernando County is concerned of the risk of groundwater contamination, which could result from the improper operation of construction and demolition debris disposal facilities;

WHEREAS, the Hernando County Comprehensive Plan mandates the management of solid waste;

WHEREAS, the Hernando County Board of County Commissioners has a responsibility to protect the public's health, safety, and welfare; and,

WHEREAS, the Hernando County Board of County Commissioners has the authority to regulate the operation of construction and demolition debris disposal facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, that the following provisions are hereby enacted.

SECTION 1: BY REPEALING

Article IV, Section 11 B (5)(b) and (c) requiring a county employed spotter to be on duty at all times during operating hours, and the owner/operator to reimburse the County for the total cost of employing a spotter is hereby repealed.

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DEPARTMENT OF
SOLID WASTE
HERNANDO COUNTY
FLORIDA
FILED

SECTION 2: BY AMENDING APPENDIX A, ARTICLE IV, SECTION 11 B. (5), REPEALING (b) AND (c); RENUMBERING (d) AND (e); AND ADDING SPECIAL REGULATIONS (d) THROUGH (o), AS FOLLOWS:

B. Special Regulations

- (5) A construction and demolition (C&D) debris disposal facility shall meet the following operational standards:
- (d) All facilities receiving more than 100 tons per day, shall install scales to weigh incoming C&D debris. Facilities receiving less than 100 tons per day shall submit an alternate procedure for calculating daily waste, subject to approval by the County.
 - (e) Initial cover of six inches of soils shall be applied and maintained in order to minimize adverse environmental, safety or health effects such as those resulting from birds, blowing litter, disease vectors, odors, or fires. The minimum frequency for applying cover is every two weeks.
 - (f) A minimum of one C&D spotter (per FDEP standards) shall be present on site for each 100 tons, or part thereof, of C&D debris disposed per day.
 - (g) The Hernando County Waste Management Division will perform inspections at each privately owned C&D disposal facility no less than once per week. The purpose of these inspections will be to assess compliance with this Ordinance and the Florida Department of Environmental Protection's rules and regulations, and to enforce the Hernando County Zoning Regulations.
 - (h) Inspection frequency by county employees shall be as follows:

<u>Facility</u>	<u>Frequency</u>
Accept less than 50 tons per day	Once a week
Accept 50 - 100 tons per day	Three times per week
Accept 100 tons or more per day	Five times per week

- (i) Owners/operators shall provide unrestricted access to their C&D disposal facilities for other county departments and personnel (Code Enforcement, Sheriff's Department, Fire Department) for compliance inspections.
- (j) Owner/operators shall maintain all records on-site for a minimum of three (3) years from the date of waste receipt. The following records shall be required:

Daily tons of C&D debris received.
Daily tons of C&D debris recycled and type (i.e., cardboard,

concrete, wood, ferrous metal, etc.)

Name and address of the recycler or receiver of the recycled materials.

Daily tons of C&D debris disposed at the site.

Daily tons of rejected waste, type of waste, and the disposal location of the rejected waste.

- (k) Owner/operators shall submit a quarterly report summarizing the above information to the Hernando County Waste Management Division on the 15th of the next month following each quarter (April 15th, July 15th, October 15th, and January 15th).
- (l) Owner/operators shall submit a copy of the FDEP-required ground water monitoring well analyses to the Hernando County Waste Management Division after each sampling event.
- (m) Owners/operators shall pay a regulatory fee to the County for each ton of C&D debris received, except for tons that are recycled and rejected. The fee shall be deposited into the Construction and Demolition Debris Revenue Account. The revenue generated by this regulatory fee will fund the cost of county inspections, and the remainder will help pay for any future cleanup costs resulting from C&D disposal facilities or illegal dumping sites.
- (n) C&D disposal facility owners/operators shall pay the total regulatory fee due each month to the County no later than 30 days following the end of each calendar month.
- (o) The amount of the regulatory fee shall be established by resolution of the Board.

SECTION 3: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION 4: INCLUSION INTO THE CODE

The provision of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County (Land Development Regulations) as an addition or amendment thereto, and shall be appropriately renumbered to conform with the uniform numbering system of the Code.

SECTION 5: EFFECTIVE DATE

This Ordinance shall be effective upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR
SESSION THIS 10 DAY OF AUGUST, 1999.



(SEAL)

Attest:

Karen Nicolai
KAREN NICOLAI, Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By:

Patricia Novy
PATRICIA NOVY, Chairman