

ORDINANCE 92 - 14

AN ORDINANCE RELATING TO THE SITING AND CONSTRUCTION OF HAZARDOUS WASTE FACILITIES; PROVIDING FOR A MORATORIUM UPON CERTAIN CONDITIONS; ESTABLISHING AN EFFECTIVE DATE

RECEIVED
COUNTY CLERK
MAY 20 11 01 AM '93

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA

SECTION I. TITLE

This Ordinance shall be known and cited as the "Hernando County Hazardous Waste Facility Moratorium."

SECTION II. AUTHORITY

This Ordinance is adopted pursuant to the general laws of the State of Florida, and the provisions hereof and all sections contained herein shall be construed as having been adopted in the interests of the public's health, safety and general welfare of the people of Hernando County, Florida.

SECTION III. LEGISLATIVE FINDINGS AND INTENT

The Board of County Commissioners of Hernando County, Florida, finds and declares that the Floridan Aquifer constitutes a natural resource of the highest magnitude and importance to the residents of Hernando County, Florida.

The Board further finds and declares that it has undertaken a County-wide groundwater study which is a necessary precondition to the enactment of appropriate zoning regulations specifying where hazardous waste storage, treatment, or disposal facilities may be constructed within the County.

The Board further finds and declares that because the groundwater study referenced herein has not yet been concluded, it is essential that a moratorium be immediately placed upon the construction of hazardous waste storage, treatment, or disposal facilities in the County, including such facilities which are ancillary to recycling or resource recovery facilities, and also upon the issuance of permits by Hernando County to construct or operate such facilities, prior to the conclusion of the groundwater study and the enactment of appropriate zoning regulations. The Board recognizes that allowing the construction or operation of such facilities prior to the conclusion of the groundwater study and the enactment of appropriate zoning regulations would defeat the purpose of such measures.

SECTION IV. MORATORIUM

Subsequent to the effective date of this Ordinance, the siting or construction of Hazardous Waste storage, treatment, or disposal facilities in Hernando County is prohibited, until such time as the County concludes its groundwater study and enacts appropriate zoning regulations regarding such facilities or until December 31, 1993, whichever event shall occur first.

SECTION V. DEFINITIONS

The following words as used in this Ordinance shall have the following meaning:

- a. "Hazardous Waste" shall mean hazardous waste as identified and

defined at Section 403.703(23), Florida Statutes, or at Florida Administrative Code Rule 17-730.030, but shall exclude household waste prior to collection. For the purposes of this ordinance "hazardous waste" shall include all fuels or blended fuels consisting in whole or in part of hazardous waste, mixtures which include hazardous waste, or mixtures which include any solid waste generated from the treatment, storage, or disposal of hazardous waste.

- b. "Facilities" shall mean hazardous waste facilities as defined at Section 403.703(24), Florida Statutes, or 40 Code of Federal Regulations §260.10, including such facilities ancillary to recycling facilities, that are not in existence with all necessary federal, state and local permits or authorizations on the effective date of this Ordinance. The term "facilities" shall not include storage facilities associated with publicly owned solid waste management facilities which store only household waste as defined by 40 Code of Federal Regulations §261.4(b)(1), and shall not include small quantity generators, as described in 40 CFR §261.5, or generators of hazardous waste who store such waste subject to the accumulation time restrictions set forth at 40 CFR §262.34.

SECTION VI. SEVERABILITY

It is the declared intent of the Board that, if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION VII. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgement from the Secretary of State that this Ordinance has been filed with that office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION
THIS 10TH DAY OF NOVEMBER, 1992.**

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

BY



JOHN RICHARDSON, CHAIRMAN

ATTEST



KAREN NICOLAI, CLERK

