

APPANOOSE COUNTY ORDINANCE ON GROUNDWATER PROTECTION AND
SOLID WASTE DISPOSAL FACILITIES/PERMITS.

ORDINANCE # 9

AN ORDINANCE establishing requirements for the operation of solid waste disposal facilities within the County and providing enforcement mechanisms.

SECTION #1: PURPOSE

This Ordinance implements the County's responsibility to consider groundwater protection policies in its programs as mandated by Iowa Code Section 455E.10(1); adopts regulatory, policies for groundwater protection as authorized by Iowa Code Section 455E.10(2); to apply for and acquire a Solid Waste Disposal Permit from the County upon a proper showing of need, public hearing within the County on environmental impact, and payment of permit fees; requires all operators to post reasonable financial assurance for the lawful, conscientious and reliable operation of a disposal facility; and provides for revocation of permits and other civil penalties consistent with the home rule authority and police power of the County and Iowa Code Section 331.302(15).

SECTION #2: DEFINITIONS

- A. "County" means Appanoose County, Iowa.
- B. "Law" means all Federal, State, and Local statutes, administrative rules, ordinances, Court rulings, and agency rulings which apply to a given situation.
- C. "Operator" means a person or corporation operating a disposal facility.
- D. "Disposal facility" means a sanitary landfill where solid waste is buried between layers of earth or otherwise disposed of or deposited in a manner in which the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
- E. "Groundwater" means any water defined in Iowa Code Section 455D.171, which occurs beneath the surface of the earth on a saturated geological formation of rocks or soil.
- F. "Nuisance" means those activities defined in Iowa Code Sections 657.2(1), (2), and/or (4).
- G. "Solid Waste" means those substances described and defined in Iowa Code Section 455B.301(5).

SECTION #3: POLICY

The protection of the health, safety, and welfare of citizens in Appanoose County and the protection of the environment require the safe, sanitary, and reasonable disposal of solid wastes. An effective and efficient solid waste disposal program protects the environment and the public, and provides the most practical and beneficial use of the material and energy values of solid waste. While the continuing necessity for the existence of landfills to meet the needs of the people is apparent, alternative methods of managing solid waste for all persons are needed and methods of managing the solid waste of all persons is the responsibility of all persons and their elected representatives, including representatives of Appanoose County.

Persons in Appanoose County have a right to be protected from unnecessary, unsafe, and/or unreasonable disposal of solid waste which affects them and their environment, and the right to be free from nuisance created by solid waste and/or its disposal. To the end that solid waste and its disposal is everyone's

problem, persons in Appanoose County have a right to address the relevant issues in a local, public forum and through their representatives and through the County's inherent police power, the right to require, implement, and enforce reasonable regulations of solid waste and its disposal.

SECTION #4: REQUIREMENTS FOR SOLID WASTE DISPOSAL FACILITY

- A. It shall be unlawful for any private or public person, corporation, or agency to dump or deposit or permit the dumping or depositing of any solid waste at any place in the County other than a disposal facility holding a permit issued by the County's Board of Supervisors. (However, this section shall not prohibit a private person or a public body from dumping or depositing solid waste resulting from its own residential, farming, manufacturing, mining, or commercial activities on land owned or leased by it, if the action does not violate any other law. This Section specifically prohibits the dumping or depositing of solid waste at any landfill which does not hold the requisite County permit.)
- B. An operator of a proposed or existing disposal facility may apply for a permit by completing all of the following:
 1. A written request for a permit must be filed with the County Board of Supervisors and the application must include:
 - a. The names, addresses, and telephone numbers of the operator (if a corporation, the information must include the names of its officers), and all persons assisting in the preparation of the application (engineers, geologists, etc.).
 - b. The exact legal description of the proposed location of the disposal facility.
 - c. The detailed plans for transportation, transfer, loading and unloading, processing, disposal, storage and burial of solid waste (including plans for use of public and private rights-of-way; traffic control; dust control; disease control; and visibility control.
 - d. A detailed study and detailed projections regarding the impact of the facility and its operation on groundwater resources.
 - e. Detailed projections concerning the daily volume in tons of solid waste; daily traffic count; and duration of facility use.
 - f. Detailed plans for maintenance and monitoring of the facility, including monitoring through ground wells for presence of *Leachate*
 - g. Detailed plans for closure and postclosure maintenance and monitoring.
 2. Appearance at a public hearing scheduled and conducted by the County to receive input from and address questions from, persons and agencies regarding the application for permits.
 3. Posting of a \$1,000,000.00 irrevocable, non-dischargeable bond for 30 years duration to assure the performance by the operator of proper operation, maintenance, monitoring, closure and postclosure maintenance and monitoring responsibilities for the period of operation and for 30 years after closure.

4. Payment to the County of a permit fee of \$100.00
 - a. Permit fees unpaid when due shall draw interest and penalty at one and one-half percent per month until paid.
 - b. Permit fees unpaid when due shall result in immediate revocation of the permit.
5. The County Board of Supervisors shall schedule a public hearing before a joint meeting of the Board, the County Board of Health, and the County Conservation Board, on each permit application.
 - a. Notice of the hearing shall be published as required in Iowa Code Section 331.305.
 - b. At the hearing, the Chairman of the Board of Supervisors shall preside.
 - c. The applicant for the permit shall address the hearing and set forth the proposal for a Solid Waste Disposal Permit.
 - d. The County Board of Health shall make a presentation regarding its findings from any study conducted, investigation undertaken, or other relevant matters, concerning the proposed operation of a disposal facility.
 - e. The County Conservation Board shall present its findings from any study conducted, or investigation undertaken and any other relevant finding or information concerning the proposed operation of a disposal facility.
 - f. Input, if any, shall be received from the public.
 - g. At the conclusion of the hearing or at a future meeting, the Board of Supervisors shall consider the application and shall make specific findings as to the need for the facility; the impact of the operation of the facility on the County's infrastructure and environment, groundwater resources, and the public; the information submitted by the County Health Board and Conservation Board; and the general qualifications of the specific proposal presented and the specific operator nominated. The Board shall make a decision whether to grant the permit requested, deny the application, or grant the permit on specified conditions.
 - h. The County Board of Supervisors shall notify the applicant in writing of its decision and the basis therefor.

SECTION #5: OPERATION OF FACILITY

- A. All trucks, railcars, or other transportation vehicles transporting solid waste to the facility and traveling within the County must be tarped or fully enclosed at all times, except for the specific loading and unloading of the transportation vehicle at a transfer station or at the disposal facility; and any such loading and unloading activity shall not result in the exposure of solid waste for more than a 12-hour period.
- B. It shall be unlawful for any person who is not specifically vested with the responsibility of loading, unloading, or monitoring of solid waste within the County to rummage through, pilfer, salvage, or otherwise invade, tamper with, or have voluntary contact with, solid waste being

transported to, being dumped or deposited in a disposal facility, or located within such facility. However, it shall not be unlawful for persons to come in contact with solid waste when cleaning a transfer station, disposal facility, or right-of-way of litter.

- C. All transfer stations within the County used for the transfer of solid waste from its source to a transportation vehicle or from a transportation vehicle to another transportation vehicle, shall be fully enclosed facilities, with concrete flooring, with drainage facilities to a sanitary sewer, and shall be hosed down with water and disinfectant at least once every 12 hours during use or after each use, whichever is less frequent.
- D. Each operator of a solid waste facility in the County must at all times maintain a current listing of solid waste contributors including the names, addresses, and telephone numbers of persons under contractual agreement to deposit solid waste in the facility; persons dumping or depositing waste in the facility on a call basis; persons transporting waste to the facility both from outside of the County and from within the County; and any indirect contributors of waste amounting to more than one ton per dumped or deposited load of waste. Said information shall be available to the County upon request by its Board of Supervisors or its designee, including the County Board of Health.
- E. The operator of a disposal facility shall be directly responsible for requiring compliance by all transporters and transferors of solid waste of the provisions of this Section #5; and the operator shall be jointly and severally responsible for any violations of this Section.

SECTION #6: HAZARDOUS WASTE

- A. "Hazardous Substance" means a hazardous substance as defined in Iowa Code Section 455B.411(3).
- B. "Hazardous Waste" means a waste or combination of wastes as defined in Iowa Code Section 455B.411(4).
- C. It shall be unlawful for any hazardous substance or hazardous waste to be transported to a disposal facility or dumped or deposited in such a facility in the County except as provided below in sub-section G. The operator of a disposal facility and any person transporting any hazardous substance or hazardous waste as hereinabove prohibited shall be jointly and severally responsible for the violation of this provision.
- D. The operator of a disposal facility shall have an affirmative duty and responsibility to monitor through its contracts and other forms of acceptance of solid waste and through routine physical checking of each load of waste, for the transportation and/or dumping and depositing of hazardous substances and hazardous wastes.
- E. Upon the reasonable suspicion or discovery of the transportation or dumping and depositing of hazardous substances or hazardous wastes by any person working in the transportation, dumping and depositing, or other operation of a transfer station or disposal facility, the person acquiring the reasonable suspicion or discovery of violation of this Section #6 shall immediately notify in writing the County Board of Supervisors specifying the nature of the reasonable suspicion; the identity of other persons with knowledge of the situation; the identity of the hazardous substance or

hazardous waste, if knows; the exact date and location of the violation and the present location of the suspected or discovered hazardous substance or hazardous waste.

- F. The County Board of Supervisors or its designee, including the County Board of Health shall have authority to immediately impound or otherwise secure and seize any transportation vehicle or other containing conveyance or facility which, through reasonable investigation, is reasonably suspected to or does contain a hazardous substance or hazardous waste.
- G. The disposal of hazardous wastes or hazardous substances at a disposal facility in the County and the transportation of hazardous wastes and substances to such disposal facility shall require a special hazardous waste disposal site permit. The operator of a proposed or existing disposal facility shall apply for a special hazardous waste disposal site permit in the same manner as for a solid waste disposal facility permit application, but with the following additional requirements:
1. The application must be identified as an application for a hazardous waste disposal site permit.
 2. The application must identify the source and nature of the hazardous wastes and substances to be disposed of at the proposed disposal facility.
 3. The application must include a detailed description of the possible health dangers from exposure to or contamination by the hazardous wastes and substances to be disposed of at the proposed facility.
 4. The permit fee shall be \$ 100,000 and the required bond shall be \$ 2,000,000 for 30 years.

The permit application shall be subject to the same procedures and standards as for a solid waste disposal facility permit application. If the permit application is granted, all of the provisions of this ordinance relating to the operation of solid waste disposal facilities and enforcement of violations shall apply to the hazardous waste disposal facility.

SECTION #7: VIOLATIONS BY OPERATORS

- A. A violation by a disposal facility operator of any Law including this Ordinance relating to creation, use, operation, maintenance, monitoring, closure, or post closure maintenance and monitoring of a disposal facility, including responsibilities for transfer and transportation of solid waste, shall result in immediate revocation of the permit which may be issued pursuant to Section #4 hereof.
- B. In addition to any other penalty provided herein or by Law, a violation by the operator of any provision of this Ordinance shall be a County Infraction and subject to a civil penalty not to exceed \$100.00 per violation, or if the infraction is a repeat offense, a civil penalty not to exceed \$200.00 for each repeat offense.

SECTION #8: VIOLATIONS BY OTHER PERSONS

Any person, including but not limited to, persons employed in the transfer and transportation of solid waste within the County who violate any provision of this ordinance shall commit a County Infraction and shall be subject to a civil penalty not to exceed \$100.00 for each violation, and if the infraction is a repeat offense, a civil penalty not to exceed \$200.00 for each repeat offense.

SECTION #9: EFFECTIVE DATE

This Ordinance becomes effective on the date published as provided in Iowa Code Section 331.302(7); however, any disposal facility which has accepted the dumping and depositing of solid waste at its location of operation prior to the date this ordinance becomes effective, is expressly exempted from the requirements established herein.

SECTION #10: ESTABLISHMENT OF LANDFILL PROTECTION FUND

The County shall use all permit fees and civil penalty fees collected under this Ordinance to create and maintain a Landfill Protection Fund, held separate from all other County funds, which shall be used by the County Board of Supervisors to provide such services, improvements, or other reasonable and necessary benefits to persons in the County as are reasonably necessary to protect persons in the County from adverse effects of landfill operations within the County.

SECTION #11: UNPERMITTED LANDFILLS

Any disposal facility which is operating in the County without a County permit as required by this Ordinance is a nuisance and shall be abated according to law.

SECTION #12: SEVERABILITY

If any provision of this Ordinance becomes ineffective, void, or voidable by operation of statute, rule, Court order, or otherwise, all other provisions and Sections shall remain in full force and effect and shall be unaffected thereby.

THE FOREGOING ORDINANCE # 9 IS DULY ADOPTED AND PASSED. AS FOLLOWS:

Read first time and passed: August 7, 1989
Read second time and passed: unanimous August 21, 1989
Final reading and passage: unanimous August 21, 1989
Date of Publication: _____

THE FOREGOING ORDINANCE # 9 IS ADOPTED PURSUANT TO IOWA CODE SECTION 331.302 THIS 21 DAY OF August, 1989.

APPANOOSE COUNTY, IOWA

ATTEST:

BY: Cheryl Pettit
Cheryl Pettit, Chairman
Board of Supervisors

Linda Demry
Linda Demry, Auditor
Appanoose County

Beverly Baldwin
Beverly Baldwin, Member
Board of Supervisors

Rodger Kaster
Rodger Kaster, Member
Board of Supervisors

filed with the County Board of Supervisors and the application must include:

a. The names, addresses, and telephone numbers of the operator (if a corporation, the information must include the names of its officers), and all persons assisting in the preparation of the application (engineers, geologists, etc.).

b. The exact legal description of the proposed location of the disposal facility.

c. The detailed plans for transportation, transfer, loading and unloading, processing, disposal, storage and burial of solid waste (including plans for use of public and private rights-of-way; traffic control; dust control; disease control; and visibility control).

d. A detailed study and detailed projections regarding the impact of the facility and its operation on groundwater resources.

e. Detailed projections concerning the daily volume in tons of solid waste; daily traffic count; and duration of facility use.

f. Detailed plans for maintenance and monitoring of the facility, including monitoring through ground wells for presence of Leache.

g. Detailed plans for closure and postclosure maintenance and monitoring.

2. Appearance at a public hearing scheduled and conducted by the County to receive input from and address questions from, persons and agencies regarding the application for permits.

3. Posting of a \$1,000,000.00 irrevocable, non-dischargeable bond for 30 years duration to assure the performance by the operator of proper operation, maintenance, monitoring, closure and postclosure maintenance and monitoring responsibilities for the period of operation and for 30 years after closure.

4. Payment to the County of a permit fee of \$100.00

a. Permit fees unpaid when due shall draw interest and penalty at one and one-half percent per month until paid.

b. Permit fees unpaid when due shall result in immediate revocation of the permit.

5. The County Board of Supervisors shall schedule a public hearing before a joint meeting of the Board, the County Board of Health, and the County Conservation Board, on each permit application.

a. Notice of the hearing shall be published as required in Iowa Code Section 331.305.

b. At the hearing, the Chairman of the Board of Supervisors shall preside.

c. The applicant for the permit shall address the hearing and set forth the proposal for a Solid Waste Disposal Permit.

d. The County Board of Health shall make a presentation regarding its findings from any study conducted, investigation undertaken, or other relevant matters, concerning the proposed operation of a disposal facility.

e. The County Conservation Board shall present its findings from any study conducted, or investigation undertaken and any other relevant finding or information concerning the proposed operation of a disposal facility.

f. Input, if any, shall be received from the public.

g. At the conclusion of the hearing or at a future meeting, the Board of Supervisors shall consider the application and shall make specific findings as to the need for the facility; the impact of the operation of the facility on the County's infrastructure and environment, groundwater resources, and the public; the information submitted by the County Health Board and Conservation Board; and the general qualifications of the specific proposal presented and the specific operator nominated. The Board shall make a decision whether to grant the permit requested, deny the application, or grant the permit on specified conditions.

h. The County Board of Supervisors shall notify the applicant in writing of its decision and the basis therefor.

SECTION #5 OPERATION OF FACILITY

A. All trucks, railcars, or other transportation vehicles transporting solid waste to the facility and traveling within the County must be tarped or fully enclosed at all times, except for the specific loading and unloading of the transportation vehicle at a transfer station or at the disposal facility; and any such loading and unloading activity shall not result in the exposure of solid waste for more than a 12-hour period.

B. It shall be unlawful for any person who is not specifically vested with the responsibility of loading, unloading, or monitoring of solid waste within the County to rummage through, pilfer, salvage, or otherwise invade, tamper with, or have voluntary contact with solid waste being transported to, being dumped or deposited in a disposal facility, or located within such facility. However, it shall not be unlawful for persons to come in contact with solid waste when cleaning a transfer station, disposal facility, or right-of-way of litter.

C. All transfer stations within the County used for the transfer of solid waste from its source to a transportation vehicle or from a transportation vehicle to another transportation vehicle, shall be fully enclosed facilities, with concrete flooring, with drainage facilities to a sanitary sewer, and shall be hosed down with water and disinfectant at least once every 12 hours during use or after each use, whichever is less frequent.

D. Each operator of a solid waste facility in the County must at all times maintain a current listing of solid waste contributors including the names, addresses, and telephone numbers of persons under contractual agreement to deposit solid waste in the facility; persons dumping or depositing waste in the facility on a call basis;

CERTIFICATE

On this 1st day of September, 1989

personally appeared before the undersigned, within and for said County and State _____

William A. Hayes
Post
Publisher of the

AD-EXPRESS AND DAILY IOWEGIAN AND CITIZEN

a daily newspaper published in Centerville, County

of Appanoose, State of Iowa, who being duly

sworn states on oath that the _____

Ordinance #9

_____ a true copy of which

is hereto attached was published in said paper in

the issue of Friday, September

1, 1989

William A. Hayes Post
Publisher.

Subscribed and sworn to before me this 1st day

of September, 1989

W. H. M. R.

STATE OF IOWA Appanoose County

Appanoose County Ordinance On Groundwater Protection and Solid Waste Disposal Facilities/Permits Ordinance #9

AN ORDINANCE establishing requirements for the operation of solid waste disposal facilities within the County and providing enforcement mechanisms.

SECTION #1: PURPOSE. This Ordinance implements the County's responsibility to consider groundwater protection policies in its programs as mandated by Iowa Code Section 455E.10 (1); adopts regulatory policies for groundwater protection as authorized by Iowa Code Section 455E.10(2); to apply for and acquire a Solid Waste Disposal Permit from the County upon a proper showing of need, public hearing within the County on environmental impact, and payment of permit fees; requires all operators to post reasonable financial assurance for the lawful, conscientious and reliable operation of a disposal facility; and provides for revocation of permits and other civil penalties consistent with the home rule authority and police power of the County and Iowa Code Section 331.302 (15).

SECTION #2: DEFINITIONS.

A. "County" means Appanoose County, Iowa.
B. "Law" means all Federal, State, and Local statutes; administrative rules, ordinances, Court rulings, and agency rulings which apply to a given situation.

C. "Operator" means a person or corporation operating a disposal facility.

D. "Disposal facility" means a sanitary landfill where solid waste is buried between layers of earth or otherwise disposed of or deposited in a manner in which the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

E. "Groundwater" means any water defined in Iowa Code Section 455D.171, which occurs beneath the surface of the earth on a saturated geological formation of rocks or soil.

F. "Nuisance" means those activities defined in Iowa Code Sections 657.2 (1), (2), and/or (4).

G. "Solid Waste" means those substances described and defined in Iowa Code Section 455B.301(5).

SECTION #3: POLICY.

The protection of the health, safety, and welfare of citizens in Appanoose County and the

...the protection of the health, safety, and welfare of citizens in Appanoose County and the protection of the environment require the safe, sanitary, and reasonable disposal of solid wastes. In effective and efficient solid waste disposal program protects the environment and the public, and provides the most practical and beneficial use of the material and energy values of solid waste. While the continuing necessity for the existence of landfills to meet the needs of the people is apparent, alternative methods of managing solid waste for all persons are needed and methods of managing the solid waste of all persons is the responsibility of all persons and their elected representatives, including representatives of Appanoose County.

Persons in Appanoose County have a right to be protected from unnecessary, unsafe, and/or unreasonable disposal of solid waste which affects them and their environment, and the right to be free from nuisance created by solid waste and/or its disposal. To the end that solid waste and its disposal is everyone's problem, persons in Appanoose County have a right to address the relevant issues in a local, public forum and through their representatives and through the county's inherent police power, the right to inquire, implement, and enforce reasonable regulations of solid waste and its disposal.

SECTION #4: REQUIREMENTS FOR SOLID WASTE DISPOSAL FACILITY
A. It shall be unlawful for any private or public person, corporation, or agency to dump or deposit or permit the dumping or depositing of solid waste at any place in the County other than a disposal facility holding a permit issued by the County's Board of Supervisors. (However, this section shall not prohibit a private person or public body from dumping or depositing solid waste resulting from its own residential, farming, manufacturing, mining, or commercial activities on land owned or leased by it, if the action does not violate any other law. This Section specifically prohibits the dumping or depositing of solid waste at any landfill which does not hold the Appanoose County permit.)
B. An operator of a proposed or existing disposal facility may apply for a permit by completing all of the following:

SECTION #2: DEFINITIONS.
A. "County" means Appanoose County, Iowa.
B. "Law" means all Federal, State, and Local statutes, administrative rules, ordinances, Court rulings, and agency rulings which apply to a given situation.
C. "Operator" means a person or corporation operating a disposal facility.
D. "Disposal facility" means a sanitary landfill where solid waste is buried between layers of earth or otherwise disposed of or deposited in a manner in which the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
E. "Groundwater" means any water defined in Iowa Code Section 455D.171, which occurs beneath the surface of the earth on a saturated geological formation of rocks or soil.
F. "Nuisance" means those activities defined in Iowa Code Sections 657.2 (1), (2), and/or (4).
G. "Solid Waste" means those substances described and defined in Iowa Code Section 455B.301(5).

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SECTION #5 OPERATION OF FACILITY
A. All trucks, railcars, or other transportation vehicles transporting solid waste to the facility and traveling within the County must be tarped or fully enclosed at all times, except for the specific loading and unloading of the transportation vehicle at a transfer station or at the disposal facility; and any such loading and unloading activity shall not result in the exposure of solid waste for more than a 12-hour period.
B. It shall be unlawful for any person who is not specifically vested with the responsibility of loading, unloading, or monitoring of solid waste within the County to rummage through, pilfer, salvage, or otherwise invade, tamper with, or have voluntary contact with solid waste being transported to, being dumped or deposited in a disposal facility, or located within such facility. However, it shall not be unlawful for persons to come in contact with solid waste when cleaning a transfer station, disposal facility, or right-of-way of litter.
C. All transfer stations within the County used for the transfer of solid waste from its source to a transportation vehicle or from a transportation vehicle to another transportation vehicle, shall be fully enclosed facilities, with concrete flooring, with drainage facilities to a sanitary sewer, and shall be hosed down with water and disinfectant at least once every 12 hours during use or after each use, whichever is less frequent.
D. Each operator of a solid waste facility in the County must at all times maintain a current listing of solid waste contributors including the names, addresses, and telephone numbers of persons under contractual agreement to deposit solid waste in the facility; persons dumping or depositing waste in the facility on a call basis; persons transporting waste to the facility both from outside of the County and from within the County; and any indirect contributors of waste amounting to more than one ton per dumped or deposited load of waste. Said information shall be available to the County upon request by its Board of Supervisors or its designee, including the County Board of Health.

E. The operator of a disposal facility shall be directly responsible for requiring compliance by all transporters and transferors of solid waste of the provisions of this Section #5; and the operator shall be jointly and severally responsible for any violations of this Section.
SECTION #6 HAZARDOUS WASTE
A. "Hazardous Substance" means a hazardous substance as defined in Iowa Code Section 455B.411 (3).
B. "Hazardous Waste" means a waste or combination of wastes as defined in Iowa Code Section 455.411 (4).
C. It shall be unlawful for any hazardous substance or hazardous waste to be transported to a disposal facility or dumped or deposited in such a facility in the County except as provided below in sub-section G. The operator of a disposal facility and any person transporting any hazardous substance or hazardous waste as hereinabove prohibited shall be jointly and severally responsible for the violation of this provision.
D. The operator of a disposal facility shall have an affirmative duty and responsibility to monitor through its contracts and other forms of acceptance of solid waste and through routine physical checking of each load of waste, for the transportation and/or dumping and depositing of hazardous substances and hazardous wastes.
E. Upon the reasonable suspicion or discovery of the transportation or dumping and depositing of hazardous substances or hazardous wastes by any person working in the transportation, dumping and depositing, or other operation of a transfer station or disposal facility, the person

shall have the reasonable suspicion or discovery of if this Section #6 shall immediately writing the County Board of Supervisors specifying the nature of the suspicion; the identity of other persons with knowledge of the situation; the hazardous substance or hazardous wastes; the exact date and location of the hazardous substance or hazardous waste; and the present location of the hazardous substance or hazardous waste.
The County Board of Supervisors or its designee, including the County Board of Health, shall have the authority to immediately impound or secure and seize any transportation vehicle or facility through reasonable investigation, if it is suspected to or does contain a hazardous substance or hazardous waste.
A disposal of hazardous wastes or substances at a disposal facility in the County and the transportation of hazardous wastes or substances to such disposal facility require a special hazardous waste disposal permit. The operator of a proposed or existing disposal facility shall apply for a special hazardous waste disposal permit in the same manner as for a solid waste disposal facility permit, but with the following requirements:
The application must be identified as an application for a hazardous waste disposal site permit.

2. The application must identify the source and nature of the hazardous wastes and substances to be disposed of at the proposed disposal facility.
3. The application must include a detailed description of the possible health dangers from exposure to or contamination by the hazardous wastes and substances to be disposed of at the proposed facility.

DAILY IOWEGIAN AND CITIZEN

a daily newspaper published in Centerville, County of Appanoose, State of Iowa, who being duly sworn states on oath that the

Ordinance #9

a true copy of which is hereto attached was published in said paper in the issue of Friday, September 1, 1989

William R. Hayes Asst. Publisher.

Subscribed and sworn to before me this 1st day

of September, 1989
Ernest M. Berger Notary Public

Notary Expiration Date 1-26-92

Printer's Fee \$120.59

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4. The permit fee shall be \$100,000 and the required bond shall be \$2,000,000 for 30 years.

The permit application shall be subject to the same procedures and standards as for a solid waste disposal facility permit application. If the permit application is granted, all of the provisions of this ordinance relating to the operation of solid waste disposal facilities and enforcement of violations shall apply to the hazardous waste disposal facility.

SECTION #7: VIOLATIONS BY OPERATORS

A. A violation by a disposal facility operator of any Law including this Ordinance relating to creation, use, operation, maintenance, monitoring, closure, or post closure maintenance and monitoring of a disposal facility, including responsibilities for transfer and transportation of solid waste, shall result in immediate revocation of the permit which may be issued pursuant to Section #4 hereof.

B. In addition to any other penalty provided herein or by Law, a violation by the operator of any provision of this Ordinance shall be a County Infraction and subject to a civil penalty not to exceed \$100.00 per violation, or if the infraction is a repeat offense, a civil penalty not to exceed \$200.00 for each repeat offense.

SECTION #8: VIOLATIONS BY OTHER PERSONS

Any person, including but not limited to, persons employed in the transfer and transportation of solid waste within the County who violate any provision of this ordinance shall commit a County Infraction and shall be subject to a civil penalty not to exceed \$100.00 for each violation, and if the infraction is a repeat offense, a civil penalty not to exceed \$200.00 for each repeat offense.

SECTION #9: EFFECTIVE DATE

This Ordinance becomes effective on the date published as provided in Iowa Code Section 331.302 (7); however, any disposal facility which has accepted the dumping and depositing of solid waste at its location of operation prior to the date this ordinance becomes effective, is expressly exempted from the requirements set forth herein.

Expiration Date

1-26-92

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SECTION #9: EFFECTIVE DATE

This Ordinance becomes effective on the date published as provided in Iowa Code Section 331.302 (7); however, any disposal facility which has accepted the dumping and depositing of solid waste at its location of operation prior to the date this ordinance becomes effective, is expressly exempted from the requirements established herein.

SECTION #10: ESTABLISHMENT OF LANDFILL PROTECTION FUND

The County shall use all permit fees and civil penalty fees collected under this Ordinance to create and maintain a Landfill Protection Fund, held separate from all other County funds, which shall be used by the County Board of Supervisors to provide such services, improvements, or other reasonable and necessary benefits to persons in the County as are reasonably necessary to protect persons in the County from adverse effects of landfill operations within the County.

SECTION #11: UNPERMITTED LANDFILLS

Any disposal facility which is operating in the County without a County permit as required by this Ordinance is a nuisance and shall be abated according to law.

SECTION #12: SEVERABILITY

If any provision of this Ordinance becomes ineffective, void, or voidable by operation of statute, rule, Court order, or otherwise, all other provisions and Sections shall remain in full force and effect and shall be unaffected thereby.

THE FOREGOING ORDINANCE #9 IS DULY ADOPTED AND PASSED. AS FOLLOWS:

Read first time and passed: August 7, 1989

Read second time and passed: Waived August 21, 1989

Final reading and passage: Waived August 21, 1989

Date of Publication: Fri., Sept. 1, 1989

THE FOREGOING ORDINANCE #9 IS ADOPTED PURSUANT TO IOWA CODE SECTION 331.302 THIS 21 DAY OF AUGUST, 1989.

APPANOOSE COUNTY, IOWA

ATTEST:

/s/ Linda Demry, Auditor

Appanoose County

BY: /s/ Cheryl Pettit, Chairman

Board of Supervisors

/s/ Beverly Baldwin, Member

Board of Supervisors

/s/ Rodger Kaster, Member

Board of Supervisors

Runs 1x, Fri., Sept. 1, 1989

Pastor Roger T. Goodson
First Baptist Church

Story of
Yuppie at

hazardous waste means a waste or
ation of wastes as defined in Iowa Code
n 455.411 (4).

It shall be unlawful for any hazardous
nce or hazardous waste to be transported
posal facility or dumped or deposited in
a facility in the County except as provided
in sub - section G. The operator of a
al facility and any person transporting any
ous substance or hazardous waste as
above prohibited shall be jointly and
ly responsible for the violation of this
on.

The operator of a disposal facility shall have
mative duty and responsibility to monitor
its contracts and other forms of
nce of solid waste and through routine
l checking of each load of waste, for the
tation and/or dumping and depositing of
us substances and hazardous wastes.

on the reasonable suspicion or discovery
ansportation or dumping and depositing
ous substances or hazardous wastes by
son working in the transportation,
and depositing, or other operation of a
station or disposal facility, the person

gals Cont. on Page 12

permit.

2. The application must identify the source
and nature of the hazardous wastes and
substances to be disposed of at the proposed
disposal facility.

3. The application must include a detailed
description of the possible health dangers from
exposure to or contamination by the hazardous
wastes and substances to be disposed of at the
proposed facility.

writing the County Board of
rs specifying the nature of the
e suspicion; the identity of other
with knowledge of the situation; the
the hazardous substance or hazardous
ows; the exact date and location of the
and the present location of the
or discovered hazardous substance or
waste.

County Board of Supervisors or its
including the County Board of Health
a authority to immediately impound or
secure and seize any transportation
other containing conveyance or facility
through reasonable investigation, is
ly suspected to or does contain a
s substance or hazardous waste.

le disposal of hazardous wastes or
s substances at a disposal facility in the
and the transportation of hazardous
nd substances to such disposal facility
ire a special hazardous waste disposal
hit. The operator of a proposed or
disposal facility shall apply for a special
s waste disposal site permit in the same
as for a solid waste disposal facility
application, but with the following
il requirements:

e application must be identified as an
on for a hazardous waste disposal site

He's Rich - Young - Powerful,
high achiever. He had it all.
Pastor Roger T. Goodson
First Baptist Church