

ORIGINAL
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MADISON COUNTY ORDINANCE NO. 93-02 FOR SITING SOLID WASTE
MANAGEMENT FACILITIES

AN ORDINANCE RELATING TO THE STORAGE, COLLECTION,
TRANSPORTATION AND DISPOSAL OF SOLID WASTE AND THE
SITING OF SOLID WASTE MANAGEMENT FACILITIES

SUMMARY

AN ORDINANCE ESTABLISHING CRITERIA FOR THE SITING OF ALL SOLID
WASTE MANAGEMENT FACILITIES TO PREVENT ANY SIGNIFICANT THREAT TO
HUMAN HEALTH OR THE ENVIRONMENT OF MADISON COUNTY, KENTUCKY.

PREAMBLE

THE FISCAL COURT OF MADISON COUNTY, BY THE PASSAGE OF THIS
ORDINANCE HAS DETERMINED THAT THIS ORDINANCE IS REQUIRED TO ABATE
A POTENTIAL PUBLIC NUISANCE; TO ENHANCE AND PROTECT THE PUBLIC
HEALTH; TO CONSERVE, ENHANCE AND PRESERVE THE NATURAL RESOURCES
OF THE COUNTY; TO REGULATE COMMERCE FOR THE PROTECTION AND
CONVENIENCE OF THE PUBLIC; TO ASSURE ADEQUATE CAPACITY FOR PROPER
MANAGEMENT OF SOLID WASTE CONSISTENT WITH PROTECTION OF THE
PUBLIC HEALTH, SAFETY AND GENERAL WELFARE; TO ENCOURAGE WASTE
REDUCTION; AND TO PROTECT AND ENHANCE THE SOCIAL AND ECONOMIC
DEVELOPMENT OF MADISON COUNTY.

ADDITIONALLY THE FISCAL COURT OF MADISON COUNTY, BY THE PASSAGE
OF THIS ORDINANCE, HAS DETERMINED THAT THE REGULATION OF SOLID
WASTE MANAGEMENT FACILITIES IN THIS COUNTY IS REQUIRED FOR THE

PROTECTION OF THE HEALTH, WELFARE AND SAFETY OF THE CITIZENS OF MADISON COUNTY, AND THAT THIS ORDINANCE IS CONSISTENT WITH STATE STATUTES. IF ANY STANDARDS SET FORTH IN THIS ORDINANCE OR REGULATIONS ARE FOR ANY REASON DEEMED MORE STRINGENT THAN ANY EXISTING STATE STANDARD, THE FISCAL COURT OF MADISON COUNTY HAS DETERMINED THAT SUCH STRINGENCY IS REQUIRED BECAUSE OF THE RURAL AND AGRICULTURAL ENVIRONMENT OF MADISON COUNTY AND THE SERIOUS CONCERNS RAISED BY THE NATURE AND POTENTIAL EFFECT OF SOLID WASTE MANAGEMENT FACILITIES.

FURTHER, THE PURPOSE OF THIS ORDINANCE IS TO ESTABLISH CRITERIA AND STANDARDS FOR THE ASSESSMENT OF THE SOCIAL, ECONOMIC, HUMAN HEALTH, PUBLIC SAFETY AND ENVIRONMENTAL EFFECTS OF THE SITING OF SOLID WASTE MANAGEMENT FACILITIES AT A PARTICULAR LOCATION WITHIN MADISON COUNTY, AND FURTHER TO ESTABLISH CRITERIA AND PROCEDURES FOR OBTAINING FISCAL COURT APPROVAL OF A SOLID WASTE MANAGEMENT FACILITY SITE PRIOR TO THE COMMENCEMENT OF THE OPERATION OF THE FACILITY.

BE IT ORDAINED BY THE FISCAL COURT OF MADISON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1. APPLICABILITY

A. THIS ORDINANCE SHALL APPLY TO THE SITING OF SOLID WASTE MANAGEMENT FACILITIES IN MADISON COUNTY AND TO ANY PERSON WHO IS AN OWNER/OPERATOR OF A SOLID WASTE MANAGEMENT FACILITY OR SITE AS

AN OWNER/OPERATOR OF A SOLID WASTE MANAGEMENT FACILITY OR SITE AS
HEREINAFTER DEFINED.

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 AS OF THE DATE OF THE ENACTMENT OF THIS ORDINANCE;
PROVIDED, HOWEVER, ANY OWNER/OPERATOR OF A SOLID WASTE MANAGEMENT
FACILITY OR SITE SHALL BE REQUIRED TO OBTAIN FISCAL COURT
FACILITY SITE APPROVAL AS REQUIRED BY THIS ORDINANCE SHOULD THE
OWNER/OPERATOR PROPOSE TO ALTER THE ACTIVITY CONDUCTED TO:

1. INCLUDE A NEW SOLID WASTE MANAGEMENT FACILITY OR
SITE;

2. MODIFY OR EXPAND AN EXISTING SOLID WASTE MANAGEMENT
FACILITY OR SITE RESULTING IN AN INCREASE IN THE FACILITY'S
DISPOSAL CAPACITY;

3. INCLUDE A TYPE OF WASTE RECEIVED FROM A DIFFERENT
SOURCE; OR

4. INCREASE THE AMOUNT OF WASTE RECEIVED BY 10% OR
GREATER.

C. IN THE EVENT THAT THE MADISON COUNTY FISCAL COURT
ESTABLISHES AND GRANTS SOLID WASTE MANAGEMENT AUTHORITY TO A 109

BOARD, THIS ORDINANCE SHALL BE ADMINISTERED AND ENFORCED THROUGH THE 109 BOARD.

SECTION 2. DEFINITIONS

DEFINITIONS IN THIS SECTION AS HEREIN GIVEN WILL BE USED EXCEPT IN THOSE INSTANCES WHERE KENTUCKY REVISED STATUTES ARE MORE INCLUSIVE. IN THOSE CASES, THE STATUTES WILL CONTROL AND APPLY. WHEN AMENDMENTS ARE MADE, THE AMENDMENTS SHALL APPLY.

A. "CABINET" MEANS THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET.

B. "COLLECTION" MEANS REMOVAL OF SOLID WASTE FROM THE DESIGNATED PICKUP LOCATION TO THE TRANSPORTATION VEHICLE.

C. "EXISTENCE" MEANS A SOLID WASTE MANAGEMENT SITE OR FACILITY IN OPERATION, OR FOR WHICH CONTINUOUS CONSTRUCTION HAS COMMENCED AT THE TIME OF ENACTMENT OF THE ORDINANCE. A FACILITY HAS COMMENCED CONTINUOUS CONSTRUCTION IF:

1. THE OWNER OR OPERATOR HAS OBTAINED THE FEDERAL, STATE AND LOCAL APPROVALS OR PERMITS NECESSARY TO BEGIN PHYSICAL CONSTRUCTION; AND

a. A CONTINUOUS ON-SITE PHYSICAL CONSTRUCTION PROGRAM HAS BEGUN; OR

b. THE OWNER OR OPERATOR HAS ENTERED INTO

CONTRACTUAL OBLIGATIONS, WHICH WOULD NOT BE CANCELLED OR MODIFIED WITHOUT SUBSTANTIAL LOSS, FOR PHYSICAL CONSTRUCTION OF THE FACILITY TO BE COMPLETED WITHIN A REASONABLE TIME.

D. "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.

E. "OWNER/OPERATOR" MEANS THE OWNER OF ANY SOLID WASTE MANAGEMENT FACILITY, AS WELL AS ANY PERSON WHO HAS ULTIMATE DECISION-MAKING AUTHORITY OVER THE FACILITY.

F. "PERSON" MEANS AN INDIVIDUAL, TRUST, FIRM, CORPORATION (INCLUDING A GOVERNMENT CORPORATION), JOINT STOCK COMPANY, PARTNERSHIP, ASSOCIATION, FEDERAL AGENCY, STATE AGENCY, CITY, COMMISSION, OR ANY POLITICAL SUBDIVISION OF THE COMMONWEALTH.

G. "RESOURCE RECOVERY" MEANS ANY RECLAMATION OF MATERIAL OR

ENERGY FROM WASTE.

H. "SANITARY LANDFILL" MEANS A FACILITY FOR THE DISPOSAL OF SOLID WASTE CONSISTENT WITH AND PURSUANT TO CRITERIA PUBLISHED UNDER SECTION 4004 OF THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, AS AMENDED (P.L.-580).

I. "SOLID WASTE" MEANS ANY GARBAGE, REFUSE, SLUDGE AND OTHER DISCARDED MATERIAL, INCLUDING SOLID, LIQUID, SEMI-SOLID, OR CONTAINED GASEOUS MATERIAL RESULTING FROM INDUSTRIAL, COMMERCIAL, MINING (EXCLUDING COAL MINING WASTE, COAL MINING BY-PRODUCTS, REFUSE AND OVERBURDEN), AND AGRICULTURAL OPERATIONS, AND FROM COMMUNITY ACTIVITIES INCLUDING PACKAGE TREATMENT PLANTS BUT DOES NOT INCLUDE SOLID OR DISSOLVED MATERIALS IN IRRIGATION RETURN FLOWS OR INDUSTRIAL DISCHARGES WHICH ARE POINT SOURCES SUBJECT TO PERMITS UNDER SECTION 402 OF THE FEDERAL WATERPOLLUTION CONTROL ACT, AS AMENDED (86 STATE. 880) OR SOURCE, SPECIAL NUCLEAR, OR BY PRODUCT MATERIAL AS DEFINED BY THE ATOMIC ENERGY ACT OF 1954, AS AMENDED (68 STATE. 923).

J. "SOLID WASTE MANAGEMENT" MEANS THE ADMINISTRATION OF SOLID WASTE ACTIVITIES: COLLECTION, SOURCE SEPARATION, STORAGE, TRANSPORTATION, TRANSFER, PROCESSING, TREATMENT AND DISPOSAL WHICH SHALL BE IN ACCORDANCE WITH A CABINET APPROVED COUNTY OR MULTI-COUNTY SOLID WASTE MANAGEMENT PLAN OF THE CABINET.

K. "SOLID WASTE MANAGEMENT AREA" OR "AREA" MEANS ANY COUNTY OR GROUP OF COUNTIES SO DESIGNATED BY THE CABINET BY APPROVAL OF THE LOCAL SOLID WASTE MANAGEMENT PLAN.

L. "SOLID WASTE MANAGEMENT FACILITY/SITE" MEANS ANY RESOURCE RECOVERY SYSTEM OR COMPONENT THEREOF, ANY SYSTEM, PROGRAM OR FACILITY FOR RESOURCE CONSERVATION, AND ANY FACILITY FOR COLLECTION, SOURCE SEPARATION, STORAGE, TRANSPORTATION, TRANSFER, PROCESSING, TREATMENT, INCINERATION, OR DISPOSAL OF SOLID WASTE, WHETHER SUCH FACILITY IS ASSOCIATED WITH FACILITIES GENERATING SUCH WASTE OR OTHERWISE.

M. "STORAGE" MEANS KEEPING, MAINTAINING OR STORING SOLID WASTE FROM THE TIME OF ITS PRODUCTION UNTIL THE TIME OF ITS COLLECTION AND DISPOSAL.

N. "TRANSPORTATION" MEANS THE TRANSPORTING OF SOLID WASTE FROM THE PLACE OF COLLECTION OR PROCESSING TO A SOLID WASTE PROCESSING FACILITY OR SOLID WASTE DISPOSAL AREA.

SECTION 3. SITING OF SOLID WASTE MANAGEMENT FACILITIES

SECTION 3.1 PROHIBITION

A. NO PERSON SHALL CONSTRUCT OR OPERATE A SOLID WASTE MANAGEMENT FACILITY OR SITE UNTIL FACILITY SITE APPROVAL HAS BEEN OBTAINED FROM THE MADISON COUNTY FISCAL COURT PURSUANT TO THIS ORDINANCE.

B. FURTHER NO PERSON SHALL ENGAGE IN THE DISPOSAL OF SOLID WASTE WITHOUT HAVING FIRST OBTAINED ALL NECESSARY PERMITS FROM THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET.

C. NO PERSON SHALL DISPOSE OF HAZARDOUS WASTES IN MADISON COUNTY OTHER THAN SMALL QUANTITIES AS ALLOWED PURSUANT TO TITLE 401 KAR CHAPTER 47.

SECTION 3.2 SITE APPROVAL PROCESS

A. THE OWNER/OPERATOR OF THE FACILITY OF PROPOSED FACILITY SHALL FILE A PETITION FOR SITE APPROVAL WITH THE MADISON COUNTY FISCAL COURT AT THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE.

B. THE PETITION FOR SITE APPROVAL SHALL INCLUDE:

1. THE NAME AND ADDRESS OF THE OWNER/OPERATOR AND THE STREET ADDRESS, IF ANY, 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/OPERATOR IN THE PROPOSED SITE OF THE FACILITY;

3. A CURRENT USAGE 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 PROPOSED TO UTILIZE IN ITS SOLID WASTE MANAGEMENT ACTIVITIES AT THE SITE;

5. A COMPLETE HISTORY OF THE OWNER/OPERATOR'S PRIOR EXPERIENCE IN THE OWNERSHIP AND/OR OPERATION OF ANY AND ALL SOLID WASTE SITES OR FACILITIES, WHEREVER SITUATED. THE DESCRIPTION SHALL INCLUDE A RECORD OF COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS APPLICABLE TO THE OPERATION OF SOLID WASTE MANAGEMENT FACILITIES; AND WITH RESPECT TO THE OWNER/OPERATOR, SUCH DESCRIPTION SHALL DISCLOSE;

a. ANY ADMINISTRATIVE, CRIMINAL OR CIVIL ACTION PENDING AGAINST IT, HIM OR HER, ALLEGING A VIOLATION OF ANY FEDERAL, STATE OR LOCAL LAW OR REGULATION CONCERNING WASTE, THE PROTECTION OF PUBLIC HEALTH AND SAFETY, OR THE ENVIRONMENT;

b. FOR THE FIVE (5) YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF FILING OF THE PETITION FOR SITE APPROVAL, WHETHER THE OWNER/OPERATOR HAS BEEN CONVICTED OF A CRIME, ENTERED A PLEA OF GUILTY, A PLEA OF NOLO CONTENDRE OR SUCH OTHER PLEA OR NO CONTEST TO A FELONY OR MISDEMEANOR CHARGE, BEEN HELD LIABLE IN

A CIVIL OR ADMINISTRATIVE ACTION, OR AGREED TO THE PAYMENT OF 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 SUBSECTION (B)(5) OF THIS SECTION FOR EACH PERSON OR ENTITY IDENTIFIED AS:

a. THE OWNER/OPERATOR APPLYING FOR SITE APPROVAL;

b. IF THE OWNER/OPERATOR IS A PROPRIETORSHIP, EACH PROPRIETOR AND THE INTEREST HELD;

c. IF THE OWNER/OPERATOR IS A PARTNERSHIP, EACH OF THE PARTNERS AND THEIR RESPECTIVE INTEREST, AND ANY CORPORATION, JOINT VENTURE, PARTNERSHIP IN WHICH ANY OF THE PARTNERS OF THE APPLICANT OWNER/OPERATOR HOLD TWENTY-FIVE (25) PERCENT OR GREATER INTEREST IN ANY OF THE PARTNER COMPRISING THE APPLICANT;

d. IF THE OWNER/OPERATOR IS A CORPORATION, A DETAILED LISTING OF THE OFFICERS, DIRECTORS AND STOCKHOLDERS; ANY CORPORATION OF WHICH THE APPLICANT OWNER/OPERATOR 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 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 STOCK, 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 AND OPERATOR FOR EACH OF THE THREE (3) YEARS IMMEDIATELY PRECEDING THE YEAR IN WHICH THE PETITION FOR SITE APPROVAL 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/OPERATOR SHALL SUBMIT, IN ADDITION TO THE FOREGOING, A DESCRIPTION OF THE RELATIONSHIP 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 THE OWNER/OPERATOR HAS BEEN DESIGNATED AS A POTENTIAL RESPONSIBLE PARTY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED; AND, IF SO, THE LOCATION OF THE SITE OR SITES INVOLVED, AN ESTIMATE OF THE OWNER/OPERATOR'S SHARE, IF ANY, OF THE COST TO CLEAN UP THE SITE AND DESCRIPTION OF SITE AND SUPER FUND LISTING;

f. A BOND OF \$10,000 TO COVER COSTS OF CLOSURE OR ENVIRONMENTAL DAMAGE.

8. A STATEMENT AS TO THE PRESENT SUITABILITY OF THE SITE FOR THE CONDUCT 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 CONDUCTED BY A LICENSED ENGINEER

DEPICTING THE PROPOSED FACILITY, WHICH DRAWINGS IMPART SUFFICIENT
DETAIL AND INFORMATION FOR THE CONDUCT OF THE PETITION UNDER THIS
ORDINANCE;

10. A COPY OF THE PUBLIC NOTICE OF THE RIGHT TO SUBMIT
COMMENTS TO THE MADISON COUNTY FISCAL COURT PURSUANT TO
SUBSECTION 5(d) HEREOF;

11. EVIDENCE OF NOTIFICATION TO ADJOINING PROPERTY
OWNERS BY CERTIFIED MAIL OF THE INTENTION TO SUBMIT TO THE
MADISON COUNTY FISCAL COURT A PETITION OR SITE APPROVAL OF A
SOLID WASTE MANAGEMENT FACILITY;

12. A LIST OF THE NAMES AND ADDRESSES OF ALL PERSONS TO
WHOM THE PETITION FOR SITE APPROVAL WAS SUBMITTED PURSUANT TO THE
PROVISIONS OF SUBSECTION 5(c) ; AND

13. 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 AND IMPRISONMENT FOR KNOWING VIOLATIONS." WHICH SHALL BE SIGNED:

a. IF THE OWNER/OPERATOR IN A CORPORATION, BY AN AUTHORIZED EXECUTIVE OFFICER; OR

b. IF THE OWNER/OPERATOR IS A PARTNERSHIP, BY AN AUTHORIZED GENERAL PARTNER; OR

c. IF THE OWNER/OPERATOR IS A SOLE PROPRIETOR, BY THE PROPRIETOR; OR

d. IF THE OWNER/OPERATOR IS A GOVERNMENTAL AGENCY, BY THE HEAD OF THAT AGENCY.

14. THE OWNER/OPERATOR SITING FEE OR FEES OF \$100.00

15. ANY INFORMATION SUBMITTED TO THE MADISON 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 IN THE MATTER PRESCRIBED ON THE APPLICATION FORM OR INSTRUCTIONS OR, IN THE CASE OF OTHER SUBMISSIONS, BY STAMPING THE WORDS "CONFIDENTIAL BUSINESS INFORMATION" ON EACH PAGE CONTAINING SUCH INFORMATION. IF NO CLAIM IS MADE AT THE TIME OF SUBMISSION, THE MADISON 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/OPERATOR IS CONFIDENTIAL WILL BE DENIED.

16. THE OWNER/OPERATOR SHALL INCLUDE ALL INFORMATION REQUIRED BY TITLE 401 KAR CHAPTER 47 AND A TRUE COPY OF THE PERMIT APPLICATION SUBMITTED TO THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET.

17. A CLOSURE PLAN FOR THE LANDFILL AS REQUIRED BY TITLE 401 CHAPTER 47 OF THE KENTUCKY ADMINISTRATIVE REGULATION WITH ESTIMATES OF CLOSURE COSTS.

a. SUBMISSION AND DISTRIBUTION

(1). THE PETITION FOR SITE APPROVAL SHALL BE SUBMITTED TO THE MADISON COUNTY JUDGE/EXECUTIVE. WITHIN FORTY FIVE (45) DAYS OF THE RECEIPT OF THE PETITION OR SITE APPROVAL, THE OWNER/OPERATOR SHALL BE NOTIFIED IN WRITING IF THE PETITION FOR SITE APPROVAL IS ADMINISTRATIVELY COMPLETE. FOR THE PURPOSES OF THIS ORDINANCE, "ADMINISTRATIVELY COMPLETE PETITION" MEANS A PETITION FOR SITE APPROVAL WHICH THE MADISON COUNTY JUDGE/EXECUTIVE DETERMINES TO CONTAIN INFORMATION ADDRESSING EACH PETITION REQUIREMENT OF THIS ORDINANCE AND TO CONTAIN ALL INFORMATION ADDRESSING EACH PETITION REQUIREMENT OF THIS ORDINANCE AND TO CONTAIN ALL INFORMATION ADDRESSING EACH PETITION REQUIREMENT OF THIS ORDINANCE AND TO CONTAIN ALL INFORMATION

NECESSARY TO INITIATE TECHNICAL PROCESSING AND PUBLIC REVIEW.
ADDITIONAL INFORMATION MAY BE REQUIRED AFTER DETERMINATION THAT
APPLICATION IS ADMINISTRATIVELY COMPLETE.

First Reading February 16, 1993

Second Reading March 2, 1993

SIGNED George W. Robbins

George William Robbins, Madison County Judge-Executive

ATTEST Mary Jane Ginter

Mary Jane Ginter, Madison County Clerk