

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3226 AS AMENDED

ORDINANCE COUNCIL SERIES NO. 06-

COUNCIL SPONSOR: STEFANCIK/DAVIS

PROVIDED BY ENVIRONMENTAL SERVICES

INTRODUCED BY _____

SECONDED BY _____

ON THE ____ DAY OF _____ 2006

ORDINANCE TO AMEND AND RE-ENACT THE ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 9, GARBAGE AND TRASH, TO PROVIDE FOR THE ESTABLISHMENT OF RULES AND PROCEDURES RELATIVE TO THE LICENSING, COLLECTION, STORAGE, HAULING, TRANSFER, DISPOSAL AND DIVERSION OF SOLID WASTE, AND ENFORCEMENT AND PENALTIES RELATED THERETO, WITHIN UNINCORPORATED ST. TAMMANY PARISH

WHEREAS, as a result of the rapid growth in St. Tammany Parish the need for solid waste collection and disposal has greatly increased; and

WHEREAS, the Parish seeks to ensure the safety, health and welfare of its citizens; and

WHEREAS, the expansive geographic nature of St. Tammany Parish has led to a decentralized approach to the collection and disposal of solid waste; and

WHEREAS, a consequence of the decentralized approach has been the proliferation of private solid waste service providers with differing degrees of resources and standardizations; and

WHEREAS, it is generally recognized that the St. Tammany Parish Government needs to create standards of operation through the licensing, regulation and oversight of all private solid waste service providers operating within St. Tammany Parish; and

WHEREAS, the St. Tammany Parish Government recognizes the need to overhaul existing Parish codes relating to solid waste collection and disposal and establish new rules and procedures.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS the establishment of rules and procedures relative to the licensing, collection, storage, hauling, transfer, disposal and diversion of solid waste, and establishing enforcement and penalties related thereto, within unincorporated St. Tammany Parish, Louisiana.

BE IT FURTHER ORDAINED that the establishment of said rules and procedures include the amendment of the Parish Code of Ordinances, Chapter 9, attached as Exhibit A, and the enactment of new Articles I through X as follows, to-wit:

**ARTICLE I
GENERAL PROVISIONS**

Section 9-001.00 Purpose

The purpose of this ordinance is to:

Establish procedures and standards by which the public health and safety and the environment is protected by ensuring that safe, sustainable and proper techniques are employed to better manage solid waste in St. Tammany Parish, Louisiana;

Build upon the existing Litter Abatement Ordinances (Ord. 01-0284, adopted 03/01/2001);

Create licensure and registration for the unincorporated portions of St. Tammany Parish; Licensure in the Parish of St. Tammany is a privilege and not a right;

To permit and authorize the Parish the specific authority to promulgate rules and regulations on and on-going basis and as needed under the circumstances;

Assure that all individuals are both informed and responsible for their actions regarding solid waste that may affect the public health and the environment and the community now and in the future;

Support activities that will promote reduction, reuse and recycling and sustainable diversion of materials found in the waste stream;

Augment, supplement and support existing State of Louisiana controls pertaining to solid waste;

Implement the program specified in R.S. 30:2305 et seq. through the Louisiana Resource Recovery and Development Authority (LRRDA) to utilize solid waste for useful purposes whenever practicable; and

To impose penalties and fines concerning illegal collection, transfer and/or disposal activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514 (November 2000).

Section 9-002.00 Authority

An ordinance authorizing and providing for the Parish to establish standards and requirements, together with promulgation of binding rules and regulations, for solid waste management operations within the unincorporated areas of the Parish; requiring licenses and/or permits for storage, collection, transportation, processing, and disposal of solid waste embodying and supplementing the minimum standards and requirements established by rules of the Louisiana Department of Environmental Quality (DEQ) as promulgated under Title 33, Part VII *et seq.* of the *Environmental Regulatory Code* (ERC) and the *Code of Ordinances*, Chapter Nine *et seq.* of St. Tammany Parish, Louisiana; providing for enforcement of said requirements; imposing penalties for failure to comply with these provisions; requiring performance bonds and insurance; promulgate rules and regulations; and promoting the health, safety, and welfare of the public.

This ordinance shall consider the State of Louisiana Environmental Quality Act (R.S. 30:2001 et seq.) which established the enforcement authority and procedures for carrying out the purposes of the act. The Louisiana Resource Recovery and Development Act (R.S. 30:2301 et seq.) created a Resource Recovery and Development Authority which shall be a function and responsibility of the Department of Environmental Quality. These rules and regulations were developed under the authority of the Secretary of the Department of Environmental Quality, as mandated by the Louisiana Solid Waste Management and Resource Recovery Law (R.S. 30:2151 et seq.). The Louisiana Solid Waste Operator Certification and Training Program (R.S. 37:3151 et seq.) created the Louisiana Solid Waste Operator Certification and Training Program. The principal domicile of the board shall be that of the Department of Environmental Quality. This ordinance is intended to provide for additional requirements in St. Tammany Parish.

Section 9-003.00 Definitions

Any and all definitions contained herein are comparable to those found in Title 33 of *Environmental Regulatory Code*, Part VII, Subpart 1, Chapter 1, Section 115.

When used in this ordinance the following terms shall have the meaning given to them.

"Acceptable Waste" means waste, which is acceptable at the designated facility. Acceptable waste shall include garbage, refuse, and municipal solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, and which is not otherwise defined herein as unacceptable waste. No amount of hazardous waste or infectious waste that is regulated by law is acceptable at the designated facility. Acceptable waste shall also include acceptable household quantities and acceptable non-household waste, as defined herein. All household waste is acceptable waste unless it is otherwise regulated or prohibited by law.

"Acceptable Household Quantities" means waste which is otherwise unacceptable waste, but which is contained in garbage, refuse, and municipal solid waste from normal household activities. For the purpose of this definition, "household" includes any residential dwelling unit or place of transient residence.

"Acceptable Non-Household Waste" means waste which is otherwise unacceptable waste, but which is contained in garbage, refuse, and municipal solid waste generated from commercial, industrial, or community activities, where the quantity of such unacceptable waste contained in any load delivered to the designated facility does not constitute a significant portion of such load. No amount of hazardous waste that is regulated by law is acceptable waste.

"Administrative Hearing Officer" shall mean that person or persons authorized, as per law, to conduct hearings and issue rulings for the Parish of St. Tammany;

"Agency" refers to the Environmental Protection Agency, its agent, or representative. In the case of Louisiana, that means Region VI.

"Air Contaminant" means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particular substance, differing in composition from or exceeding in concentration, the natural components of the atmosphere, such as, but not limited to the resulting ambient conditions created by the unlawful burning of solid waste.

"Air Pollution" means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

"Ash" means the incombustible material that remains after a fuel or solid waste is incinerated.

"Backyard Compost Site" means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or single commercial office, a member of which is the owner, occupant, or lessee of the property.

"Brush Disposal Facility" means a site used exclusively for disposal of trees and tree parts including stumps, branches, and their attached leaves.

"Canister System" means a facility where solid waste is deposited in mechanically serviced containers as an intermediate step of congregating solid waste from several properties for periodic removal of the accumulated waste by commercial hauler. Similar to a "transfer station" (see below).

"Closure" means actions to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the solid waste for which it operated or was permitted,

including the removal of contaminated equipment, the removal of liners, grading, applying final cover, seeding of final cover, installation of monitoring devices, construction of ground and surface water diversion structures, and gas control systems as necessary.

"Co-compost" means the controlled biological decomposition and management of selected organic solid waste that is mixed with a nutrient source, most commonly sewage sludge, which results in an innocuous, stable, humus product which can be used as a soil conditioner.

"Co-disposal" means the disposal of non-hazardous industrial wastes together with mixed municipal solid waste at a waste facility.

"Collection" means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility. Collection may include either manual or automated systems.

"Commercial Hauler" means any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste or source separated materials from residential, commercial or industrial property.

"Compost" means solid waste which has undergone biological decomposition of organic matter and has been stabilized using composting or similar technologies, to a degree that is beneficial to plant growth and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment, or other similar uses.

"Compost Facility" means a site used to compost solid waste including all structures used to control drainage, collect and treat leachate, storage areas for the incoming waste, and the final product. A composting facility may include various types of compost operations, including but not limited to windrow, in-vessel or static pile facilities.

"Composting" means the controlled microbic degradation of organic waste to yield a humus-like product. Generally, the compost itself is a solid waste which has undergone biological decomposition of organic matter and has been stabilized using composting or similar technologies, to a degree that is beneficial to plant growth and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment, or other similar uses.

"Construction Debris" means waste, building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads.

"Containment" means isolating, controlling, and monitoring waste in a waste facility in order to prevent a release of waste from the facility that would have an adverse impact upon human health and the environment.

"Cover" means approved material that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compactibility. Also known as *Daily Cover*.

"Curing Area" means an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material.

"Demolition Landfill" means an area of land used for the disposal of demolition waste.

"Demolition Waste" means non-putrescible solid waste from the construction, remodeling, repair or demolition of structures including buildings and paved roads. It includes waste building materials, packaging and rubble such as concrete, brick, bituminous concrete, wood, masonry, glass, trees, structural metals, insulation, roofing material, and plastic building parts. It may also include other waste materials accepted by the Department. It does not include uncontaminated earth or rock, hazardous materials, asbestos, industrial waste, or appliances.

"Department" is the St. Tammany Parish Department of Environmental Services, an agency within the administrative branch of the St. Tammany Parish Government.

"DEQ" is the Louisiana Department of Environmental Quality, as created by R.S. 30:2001 et seq.

"Disposal or Dispose" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground water.

"Disposal Facility" means a waste facility permitted by the Louisiana Department of Environmental Quality (DEQ) that is designed or operated for the purpose of disposing of waste in or on the land, together with any appurtenant facilities needed to process waste for disposal or transfer to another waste facility.

"Dumping" means the illegal placement of any solid waste anywhere other than an approved facility or container.

"Dwelling" means a residential building or portion thereof intended for human occupancy but not including hotels, motels, boarding or rooming houses.

"Facility" means the actual land and associated appurtenances used for storage, processing, and/or disposal of solid wastes, but possibly consisting of one or more units. (Any earthen ditches leading to or from a unit of a facility and that receive solid waste are considered part of the facility to which they connect, except for ditches lined with materials capable of preventing groundwater contamination. The term facility does not necessarily mean an entire industrial manufacturing plant.)

"Floodplain" means the areas adjoining a watercourse or water basin that has been or hereafter may be covered by a regional floodplain.

"Financial Assurance" means monetary mechanisms, which are used to assure proper closure, post closure care, and contingency action at a site or facility.

"Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

"Generate" means the act or process of producing waste, including the production or aggregation of waste occurring at an intermediate disposal facility.

"Generator" means any person, business, institution and/or governmental entity that generates solid waste.

"Groundwater" means water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near-surface unconsolidated sediment, or rock formations deeper under ground.

"Hauler" means any person or entity in the business of the collection and transportation of solid waste.

"Hazardous Waste" means refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in a solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special, nuclear, or by-product material as defined by the Atomic Energy Act of

1954, as amended. The St. Tammany Parish Council recognizes the exclusive jurisdiction of the Louisiana Department of Natural Resources, or its successor, over the generation, transportation and/or disposal of hazardous wastes and that it has pre-empted the field pursuant to the Louisiana Hazardous Waste Control Law, Louisiana Statutes Annotated - Revised Statutes, Section [Title] 30:1131 et seq. (Ord. No. 82-502, adopted 12/16/82).

"Herbaceous" means any non-woody plant.

"Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit.

"Household Hazardous Waste" means waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under Agency and/or Louisiana Department of Environmental Quality (DEQ) rules, but does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

"Inactive (or Abandoned) Facility" means a solid waste storage, processing, or disposal facility that no longer receives solid waste and has not been closed in accordance with Louisiana Solid Waste Regulations.

"Incineration" means the process by which solid wastes are burned for the purpose of volume and weight reduction in permitted and licensed facilities designed for such use.

"Incinerator" means any enclosed device using controlled-flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace and is not a boiler nor an industrial furnace as defined in LAC 33:V.109.

"Incinerator Ash" means residual solid waste, which has been received, thermally oxidized, and/or decomposed by an incinerator.

"Industrial Solid Waste" means solid waste generated by a manufacturing, industrial, or mining process, or which is contaminated by solid waste generated by such a process. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products; by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; and transportation equipment. This term does not include hazardous waste regulated under the Louisiana hazardous waste regulations or under federal law, or waste which is subject to regulation under the Office of Conservation's Statewide Order No. 29-B or by other agencies.

"Infectious Waste" means waste originating from diagnosis, care, or treatment of a person or animal that has been or may have been exposed to a contagious or infectious disease. Unless materials have been rendered noninfectious by procedures approved by the State of Louisiana Department of Health and Hospitals:

A. All wastes originating from persons or animals placed in isolation for control and treatment of an infectious disease;

B. Bandages, dressings, casts, catheters, tubing, and similar disposable items which have been in contact with wounds, burns, anatomical tracts, or surgical incisions and which are suspect of being or have been medically verified as infectious;

C. All infectious anatomical waste, including human and animal parts or tissues;

D. Infectious sharps or needles;

E. Laboratory and pathology waste of an infectious nature; or

F. Any other waste, as defined by the Louisiana Department of Health and Hospitals, which, because of its infectious nature, requires handling and disposal in a manner prescribed for items A to E.

"Intermediate Disposal" means the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station operations, open burning, incomplete land disposal, incineration, composting, reduction, shredding, compression, recycling, processing, resource recovery, and any other management or handling of waste short of final disposal.

"Junk" means scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, ferrous material, nonferrous material, inoperable automobiles, farm and construction machinery and parts thereof.

"Junkyard" means an establishment or place of storage and deposit which is maintained, operated, or used for storing, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, at which the waste, vehicle body, or discarded material stored is equal in bulk to three or more motor vehicles.

"Land Disposal Facility" means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

"Land Pollution" means the presence in or on the land of any waste or waste by-products in such quantity, of such nature and duration, and under such condition as would negatively affect any waters of the state, create air contaminants, cause air pollution, or contaminate soils at the site making the site unacceptable for further use.

"Land-spreading/Land Application" means the placement of waste or waste by-products on or incorporated into the soil surface.

"Land-spreading/Land Application Site" means any land used for the purpose of land-spreading or the land application of waste or waste by-products.

"Leachate" means liquid that has percolated through solid waste or compost and has extracted, dissolved, or suspended materials from it.

"Leachate Management System" means the structures constructed and operated to contain, transport, and treat leachate, including liners, collection pipes, detection systems, holding areas, and treatment facilities.

"Licensee" means the landowner, owner, operator, or other person or persons given authority by the Department to establish, operate, and maintain a solid waste management activity, collect and transfer solid waste to a disposal site or facility.

"Major Appliances" means clothes washers and dryers, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.

"Major Modification" means any change in a site, facility, process or disposal method, or operation which substantially deviates from the permit or tends to substantially increase the impact of the site, facility, process or disposal method, or operation on the environment.

"Mandatory Modification" means any change in a site, facility, unit, process or disposal method, or operation that is required as a result of these regulations.

"Market" means any person or entity, which accepts and recycles recyclable materials.

"Marketed" means delivery of recyclable materials to and acceptance by a market.

"Manure" means a solid waste composed of excreta of animals and any residual materials that have been used for bedding, sanitary, or feeding purposes for such animals.

"Medical Waste" means infectious waste, and waste originating from the diagnosis, care or treatment of a person or animal, or waste resulting from biological research, whether or not the waste has been decontaminated.

"Mixed Solid Waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, trees and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

"Municipality" means a city, village, town, sanitary district, school district, or other governmental subdivision or public corporation, or agency created by the legislature, or as defined in the Code of Ordinances.

"Notice of Violation" is a formal written notice issued by Department to notify a party that he is in violation of a Parish Ordinance. This Notice will inform the party of the alleged violations, the nature and extent of the violations, and the required corrective actions. The Notice of Violations (NOV) shall also specify additional actions that will be taken by the Department, such as the inclusion of NOV orders into a Final Order or Consent Order and/or the issuance of a citation, as well as specific time frames in which these actions will be completed.

"Nuisance" means anything, which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. An action may be brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

"On-Site Processing/Disposal Area" means the land area and appurtenances thereon used for processing and/or disposal of solid waste on the same property or on geographically contiguous property, where waste is generated. Two or more pieces of property that are geographically contiguous but divided by public or private right(s)-of-way are considered a single site.

"Open Burning" means the combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion, containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and control of the emission of the combustion products.

"Open Dump" means a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, vermin, and scavengers.

"Operations" means any site, facility, or activity relating to solid waste management purposes pursuant to this ordinance.

"Operator" means the person or entity responsible for the overall operation of a facility.

"Owner or Solid Waste Facility Owner" means the person and/or entity who own a facility or part of a facility.

"Parish" shall mean the St. Tammany Parish Government, specifically the administrative branch of the Parish Government

"Permit" means a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, closure, or post-closure of a certain facility used or intended to be used to process or dispose of solid waste in accordance with the act, these regulations, and specified terms and conditions.

"Permittee/Permit Holder" means a person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations at a facility.

"Person" means any human being, municipality or other governmental or political subdivision or other public agency, public or private corporation, partnership, firm, association, organization, receiver, trustee, assignee, agent or other legal entity.

"Personnel or Facility Personnel" means all persons who work at or oversee the operation of a solid waste management facility, and whose actions or failure to act may result in noncompliance with the requirements of this ordinance.

"Pickup Station" means a facility, at which one or more containers are located, which is used to accumulate industrial solid waste or to accumulate solid waste generated by more than one household or commercial establishment for pickup by a transporter. This definition does not include containers which receive only solid waste generated on property which is contiguous with the property on which the container is located (e.g., containers located at and receiving solid waste only from a multiunit dwelling, a commercial establishment, or an industrial establishment.)

"Political Subdivision" means any municipal corporation, governmental subdivisions of the state, local governmental unit, special district, or local or regional board, commission, or authority authorized by law to plan or provide for waste management.

"Post Closure Care" means actions taken for the care, maintenance, and monitoring of a facility after closure that will prevent, mitigate, or minimize the threat to public health and the environment posed by the closed facility.

"Process" means a method or technique, including recycling, recovering, compacting (but not including compacting which occurs solely within a transportation vehicle), composting, incinerating, shredding, baling, recovering resources, pyrolyzing, or any other method or technique designed to change the physical, chemical, or biological character or composition of a solid waste to render it safer for transport; reduced in volume; amenable for recovery, storage, reshipment, or resale. The definition of process does not include treatment of wastewaters to meet state or federal wastewater discharge permit limits. Neither does the definition include activities of an industrial generator to simply separate wastes from the manufacturing process.

"Processing" means the treatment of solid waste after collection and before disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical or biological modification, and transfer from one waste facility to another.

"Processing Facility" means a site used to process solid waste, including all structures, equipment used to process the waste, storage areas for the incoming waste, the final product and residuals resulting from the process, and may be designated for recyclable materials only.

"Promiscuous Dump" means a solid waste disposal facility that has resulted from disposal activities of persons other than the landowner and whose operation is not permitted by the administrative authority.

"Putrescible" material means solid waste, which is capable of being rotten, or which may reach a foul state of decay or decomposition.

"Prohibited Materials" means solid waste, which is unacceptable for collection, processing, or disposal due to the physical or chemical nature of the material or due to a facility's inability to properly manage the waste.

"Recovered Materials" means materials that have been separated from the solid waste stream for reuse and are, or will be, processed, modified, or converted to a raw material that may be beneficially used.

"Recyclable Materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling including paper, glass, plastics, metals, automobile oil and batteries. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

"Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of the recyclable materials in a manner that precludes further use.

"Recycling Facility" means a site used to collect, process, and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.

"Refuse" means putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial wastes, and including municipal treatment wastes which do not contain free moisture.

"Rejected Waste" means unacceptable waste, which is rejected at the designated facility.

"Refuse Collection Service" means a public or private operation engaged in solid waste collection and solid waste operation.

"Residence" means any building or portion thereof used as a dwelling or sleeping area for people.

"Resource Recovery" means the reclamation for sale, use, or reuse of materials, substances, energy, or other products contained within or derived from waste.

"Resource Recovery Facility" means a waste facility established and used primarily for resource recovery, including related and appurtenant facilities such as transmission facilities and transfer stations primarily serving the resource recovery facility.

"Responsible Party" means the owner, operator, or successor in interest of a solid waste facility.

"Rubbish" means non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

"Run-off" means any liquid that drains over land from any part of a facility.

"Run-on" means any liquid that drains over land onto any part of a facility.

"Salvaging" means the controlled and authorized removal of waste materials from a licensed solid waste facility.

"Sanitary Landfill" means a land disposal site employing any engineering method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste

into the smallest particle volume, and applying cover material at the end of each operating day, or at intervals as may be required by the Agency, Department and/or DEQ.

"Satellite Vehicle" means a vehicle used to collect solid waste for subsequent transfer into another, usually larger, vehicle or container for transport to a solid waste management facility.

"Scavenging" means the removal of waste materials from a licensed solid waste facility, which has not been authorized by the Agency, Department and/or DEQ.

"Screening" means the placement of man-made or natural barriers such as a fence, tree line, or berm so as to prevent public view of potentially unsightly or nuisance material.

"Segregated Waste" means solid waste that has been separated into groups of similar materials. "Self Generated Solid Waste" means any person and/or entity owning or operating a residence, business, an industry or commercial establishment which generates solid waste by its operations.

"Separation Facility" means a solid waste facility at which recyclables are separated from the solid waste stream for future use and/or diversion and recycling. An example of such could be a municipal recovery facility, or MRF.

"Septage" means the contents of a septic tank, cesspool, or other individual sewage-treatment facility, which receives domestic-sewage wastes.

"Sewage Sludge" means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

"Shredder" means a solid waste facility which reduces the particle size of solid waste by grinding, milling, shredding, or rasping.

"Site" means the physical location, including land area and appurtenances, of an existing or proposed storage, processing, or disposal facility. A site may consist of a number of facilities, each subject to a permit to process or dispose of solid waste.

"Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air containment treatment facility, or other waste having similar characteristics and effects.

"Solid Waste" means any garbage, refuse, or sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. Solid waste does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation return flows; industrial discharges that are point sources subject to permits under R.S. 30:2075; source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended; or hazardous waste subject to permits under R.S. 30:2171 et seq.

"Solid Waste Collection" means the gathering of solid waste from public and private places.

"Solid Waste Hauler" means any person or persons who collects or transports any solid waste; except, an individual resident hauling his or her own household waste is not a solid waste hauler.

"Solid Waste Land Disposal Facility" means a facility used to dispose of solid waste in or on the land.

"Solid Waste Management Facility" means a facility for the storage, collection, transportation, processing or reuse, conversion, or disposal of solid waste.

"Solid Waste Management Plan" means the Solid Waste Management Plan for St. Tammany Parish.

"Solid Waste Management System" means the entire process of collection, transportation, storage, processing, and disposal of solid waste by any person engaged in such process as a business or by any municipality, authority, trust, parish, or any combination thereof.

"Solid Waste Storage" means the holding of solid waste for more than 48 hours in quantities equal to or greater than ten cubic yards.

"Solid Waste Transportation" means the conveying of solid waste from one place to another, by means of vehicle, rail car, water, vessel, conveyer, or other means.

"Source Separated Materials" means materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in the manufacturing process.

"Source Separation" means the separation of recyclable materials from waste by the generator prior to collection for recycling.

"State" means the State of Louisiana.

"Tipping Fee" means the fee(s) charged to haulers or other persons for waste delivered to a designated facility.

"Tire" means a pneumatic tire or solid tire for motor vehicles.

"Tire Collector" means a person who owns or operates a site used for the storage, collection, or deposit of waste tires.

"Tire Collection Site" means a permitted site, or a site exempted from permit, used for the storage of waste tires.

"Tire Dump" means an establishment, site, or place of business without a required tire collector or tire processor permit that is maintained, operated, used or allowed to be used for storing, keeping, or depositing unprocessed waste tires.

"Tire Processing" means producing or manufacturing usable materials, including fuel, from waste tires including necessary incidental temporary storage activity.

"Tire Processor" means a person and/or entity engaged in the processing of waste tires.

"Toxic Waste" means substances, whether liquid, gaseous or solid form, which when collected, stored, transported or disposed of, may be acutely toxic to humans or other animals, or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar noxious substances.

"Transfer Station" means an intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.

"Transportation" means the conveying of solid waste from one place to another.

"Tree" means a perennial woody plant, generally with a single stem (e.g., trunk). Tree also means the stump of the tree.

"Unacceptable Waste" means waste delivered in quantities which may pose a threat to health or safety, or to the environment, or may cause damage to, or materially adversely affect, the operation of a designated facility, including but not limited to: incinerator ash; foundry sand; explosives; hospital, pathological, and biological waste; hazardous waste; chemicals and radioactive materials; oil sludges; asbestos in identifiable quantities; cesspool or other human waste; sewage and other highly diluted, water carried materials or substances; materials in gaseous form; human or animal remains; street sweepings; ash; mining waste; sludges; demolition debris; and hazardous refuse of any kind, such as cleaning fluids, crank case oils, cutting oils, paints, acids, caustics, poisons, drugs.

"Warning Letter" is a written notice issued by the Department to notify a party that he is in violation of a Parish Ordinance. The warning letter will inform the party of the alleged violations, the nature and extent of the violations, and the required corrective actions. The warning letter shall be utilized as the initial Parish notification of alleged violations, except in cases of imminent threat to public health and safety and the environment.

"Waste" means solid waste.

"Waste Facility" means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities.

"Waste Management" means activities which are intended to affect or control the generation of waste and activities which provide for or control the collection, processing and disposal of waste.

"Waste Processing" means the treatment of solid waste after collection and before disposal. Processing includes but is not limited to volume reduction, storage, separation, exchange resource recovery, physical, chemical, or biological modification and the operations of a metal recycling or salvage facility.

"Waste Reduction" means an activity that prevents generation of waste including reusing a product in its original form, increasing the life span of the product, reducing material used in production and packaging, or changing procurement, consumption, or waste generation habits to result in smaller quantities of waste generated.

"Waste Tire" means a tire that is no longer suitable for its original intended purposes because of wear, damage or defect.

"Waste Tire Collection Site" means a licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.

"Waste Tire Processing Facility" means a licensed waste facility used for the shredding, slicing, or producing or manufacturing usable materials from Waste Tires, and may include temporary storage activity at the facility. Processing does not include the retreading of waste tires.

"Water Pollution" means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, obnoxious or impure, so as to be actually harmful or detrimental or injurious to public health, safety or welfare, to domestic commercial or industrial use, or to animals, birds, fish or aquatic life.

"White Goods" means an abandoned, discarded, or inoperable refrigerator, freezer, washer, dryer, dishwasher, water heater, trash compactor, air conditioner, oven, range, stove, microwave oven, dehumidifier, residential furnace, or related household appliance.

"Yard Waste" means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

Any word or phrase not specifically defined or discussed herein shall be used and interpreted in its most common and reasonable sense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000).

Section 9-004.00 Effective Date

All rules and regulations contained herein shall be in full force and effect on April 1, 2006.

However, the effective date of these rules and regulations as they apply to existing and new haulers and operators shall become effective July 1, 2006. All applications for solid waste licensed activities must be timely submitted and approved before the effective date of this ordinance. The period between April 1, 2006 and July 1, 2006 shall be deemed a limited grace period

Section 9-005.00 Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act and these regulations that can be given effect without the invalid provision or application, and to this end provisions of these rules and regulations are declared to be severable.

Section 9-006.00 General Provisions and Responsibilities of the Department

The following general provisions and responsibilities of the Department of Environmental Services, herein referred to as the Department, shall include those defined by St. Tammany Parish Ordinances (Ord. No. 84-42, adopted 03/15/84; Ord. No. 84-141, adopted 06/21/84; Ord. No. 88-918, adopted 02/18/88; Ord. No. 88-1002, adopted 03/14/88; amended by Ord. No. 97-2754, adopted 10/23/97; amended by Ord. No. 00-0109, adopted 02/17/2000, amended by Ord. No. 00-0177, adopted 07/06/2000) and those listed below.

The Department shall have the right to administer this ordinance. The department's rights and duties shall include, but shall not be limited to those described in this section. Further, this provision shall apply to all existing permits, licenses and conditional use permits presently in existence and hereafter granted.

The Department shall have the right to inspect private property to determine if the property owner is in compliance with the provisions of this ordinance. Routine inspection and evaluation of solid waste management activities, sites, or facilities shall be made by the Department in such frequency to ensure consistent compliance by the operation with the provisions of this ordinance. An

applicant and the licensee shall allow free access to the Department; provided that the entrance and activity is undertaken after reasonable notice and during normal business hours for the

purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, or any other applicable statute, or for the purpose of making written and documented notice of any deficiencies, or recommendations for their correction and the date by which corrections shall be accomplished. (ERC Title 33, Part VII, Subpart 1, Chapter 5, Section 509)

The Department shall have the right to review and consider all license applications submitted to the Department for operation of all solid waste management activities, sites, or facilities within the Parish. Any and all submissions will be managed in a confidential manner according to the provisions for confidential information which may be found in LAC 33:1.Chapter 5.

The Department shall have the right to issue or deny solid waste licenses and to impose solid waste management activity, site, or facility specific conditions on said licenses.

The Department shall have the right to investigate complaints of violations of this ordinance. The Department shall assist the District Attorney's Office and/or the Administrative Hearing Officer.

The Department rules and regulations shall not supersede any actions that may be taken by Code Enforcement of the Parish Planning office, Constables, Justices of the Peace, and the District Attorney's Office of this Parish and the Administrative Hearing Officer.

It is understood that there is concurrent jurisdiction of all agencies and departments.

The Department shall have the right to refer or recommend, when necessary, to the Parish District Attorney's Office and/or the St. Tammany Parish Administrative Hearing Officer, that legal proceedings be initiated against a certain solid waste management activity, or facility.

The Department shall have the right to identify the solid waste management needs of the Parish through developing and implementing plans to meet those needs. An initial Solid Waste Management Plan must be submitted by the Department to the Parish on or before May 1, 2006. Said plan may be revised if deemed necessary by the Department.

The Department shall have the right to conduct studies, investigations, and research relating to aspects of solid waste management, such as methodology, chemical and physical considerations, and engineering.

The Department shall have the right to advise, consult, and cooperate with other governmental agencies (e.g., DEQ, the Agency) in the furtherance of the purposes of this ordinance.

The Department shall have the right to prepare and negotiate agreements with responsible parties to address the closure and post closure requirements for licensed and unlicensed solid waste facilities.

The Department shall have the right to allocate fifty percent (50%) of fee revenues towards creating waste diversion incentives (e.g., composting facility or recycling facility).

The Department shall have the right to enforce the allocation of fee revenues towards creating waste diversion incentives.

The Department shall have the right to work with oil change facilities in order to promote diversion and proper disposal of oil and anti-freeze waste.

The Department shall have the right to review the economic viability of assigning a certain day of the week for the disposal of household hazardous waste at licensed solid waste facilities.

**ARTICLE II
LICENSING**

Section 9-013.00 Licensee Requirements and Licensure

The objective of this section shall be to establish better, more effective licensing requirements for solid waste management facilities, solid waste disposal and diversion, hauling and transfer, collection and storage and more efficient monitoring by the Department. Thus, the licensee shall be responsible for all DEQ requirements (*inter alia*, the Louisiana Solid Waste Operator and Certification Program Act R.S. 37:3151 et seq.) and licenses and compliance with all of the provisions of this ordinance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994).

Where and when applicable, the licensee shall be responsible for facilitating all environmental monitoring, including but not limited to water, soil, and landfill gases, which are required by this ordinance or the license conditions for the applicable solid waste management activity or facility.

Section 9-014.00 License Required

The procedures for license issuance, denial, variance, revocation, suspension, renewal, administration, and fees shall be governed by this ordinance.

License Term. Unless otherwise provided by the St. Tammany Parish Government, each license granted pursuant to the provisions of this ordinance shall be for a period of not more than one (1) year, unless earlier suspended or revoked. The license period shall be from the date of issuance until December 31, 2006 for initial licenses and thereafter annually from January 1 - December 31, a period of one (1) year, for license renewals.

Section 9-015.00 Application and Fees

Application and Fees. An applicant for a license shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives all applicable fees, all materials required by this section, and all materials required by subsequent sections applying to the specific management activity for which a license is sought. Applicants for a license shall not commence any operation or engage in any activity until the license application has been approved by the Department; nor shall any operation commence until a license is issued.

Those persons and/or entities currently, as of April 1, 2006, engaged in any waste activity discussed herein when this ordinance was adopted have ninety (90) days from April 1, 2006, to file for a permit.

Written Application. A person who requests the issuance, modification, or renewal of a license shall complete sign, and submit to the Department a written application.

The application shall contain the following non-exclusive list of requirements:

- A. The name, address and telephone number of the facility owner, facility operator, and landowner of the activity or facility for which the application is submitted.
- B. The name, address and telephone number of the person who prepared the application.
- C. A description including the location of the activity or facility.
- D. A general description of the wastes to be stored, processed, or disposed of; anticipated quantity of wastes to be stored, processed, or disposed of; and proposed methods for managing the wastes.
- E. A general description of the proposed methods for managing run-off and run-on.
- F. A topographic map, or other map if a topographic map is unavailable, that shows the proposed activity or facility and the area surrounding it for a distance of at least one mile in all directions. The map must be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, areas for retention of surface water runoff and other applicable details as determined by the Department. Wells must be identified on the map. An analysis or characterization of the waste may be required by the Department.
- G. Written proof that the municipal or township governing body in which said activity or facility is located has considered the establishment of the activity or facility with respect to zoning, impact on township/municipal roads and other applicable regulations.
- H. Where applicable, copies of insurance, inspections and haulers information (e.g., driver's license, driving record) and service records for all transportation vehicles.
- I. Notification of any and all DEQ and/or Agency violations within three (3) years prior to submittal.
- J. The activity must comply with the perimeter barrier and security requirements in LAC 33:VII.719.B.1.a, b and c, and with the buffer zone requirements in LAC 33:VII.719.B.2.
- K. Demonstrate that an emergency action plan has been produced that contains, but is not limited to, the following: method to communicate with customers during extreme weather events (i.e., floods, hurricanes) so that waste is not allowed to be placed curbside or to accumulate and alternate disposal sites in case their primary site is temporarily or permanently closed and/or inaccessible so that waste does not accumulate.
- L. Requirements of the application may be modified or amended as needed by the Department.

Signatures. A license application must be signed as follows:

- A. A license application must be signed by the activity or facility owner, landowner, and operator.
- B. The applicant.

Certification. A person who signs a license application shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete."

Application Review. Within thirty (30) days of receipt by the Department of a license application for a facility or activity, the Department shall notify the applicant in writing whether the application is complete and if not, what items are needed to make it complete, and shall give an estimate of the time it will take to process the application. Within a reasonable time of receipt of a completed application, the Department shall approve, disapprove, or delay decision on the application, with reasons for the delay, in writing. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license.

Other Waste Facilities Any facility or activity not otherwise provided for in this ordinance must be licensed or exempted from licensure by the Department and/or DEQ prior to construction or operation. (ERC Title 33, Part VII, Subpart I, Section 313)

Additional or Unnecessary Data. From time to time, as exclusively determined by the Department, the applicant may be asked to submit reasonable additional data as requested by the Department. The Department may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

Section 9-016.00 License Conditions

License Conditions. The Department may impose conditions on any approvals or licenses that are issued by the Department that may be necessary due to the characteristics of the waste, facility specific conditions or other non-typical management characteristics or conditions pertinent to the regulated solid waste management activity or facility, in order to protect public health, safety, or the environment or as otherwise provided by law.

Change in Facility Construction or Operation. No change within the parameters of the facility's license and permit shall be made in the construction or operation of an activity or facility unless such change is first approved by the Department.

Financial Assurance-Contingency Action and Closure. Unless otherwise provided by the Department, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the Department, financial assurance, in an amount to be set by the Parish Government, and naming the Parish as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Louisiana as sureties. The condition of such financial assurance shall be that if the licensee fails to obey any of the requirements or do any of the acts required by this ordinance in the operation of the activity or facility, or if, for any reason, ceases to operate or abandons the activity or facility, and the Parish is required to expend any monies or expend any labor or material to restore the activity or facility to the condition and requirements as provided by the ordinance, the obligor and the sureties on its financial assurance shall reimburse the Parish for any and all expenses incurred to remedy the failure of the licensee to comply with the terms of the ordinance, and the obligor and its sureties will indemnify and save the Parish harmless from all losses, costs and charges that may occur to the Parish because of any defaults of the obligor under the terms of their license to operate and the ordinances of the Parish. The financial assurance shall be subject to cancellation by the surety at any time only upon giving ninety (90) days prior written notice of cancellation to the Department.

The Department is specifically vested with the discretion to evaluate business operations and performance of any licensed party at any time.

The Department is specifically vested with the discretion to evaluate business operations and performance of any applicant for licensure.

The Department, at its sole discretion, may waive the financial assurance requirements under this section if the applicant, owner, or operator demonstrates to the satisfaction of the Parish that financial assurance is being provided to and has been approved by the Parish for the subject solid waste activity or facility and shall address site specific requirements as set by the Parish. (ERC, Title 33, Part VII, Subpart 1, Chapter 3, Section 315, No. 4)

Insurance. An applicant or licensee shall furnish to the Parish certificates of insurance issued by insurers duly licensed within the State of Louisiana in types and amounts to be established by the Parish based on the type of said activity or facility under consideration. The licensee shall provide thirty (30) days written notice to the Department should any insurance policy be canceled before the expiration date of said policy.

Continuation of Expired License. A person and/or entity who holds an expired license and who has submitted a timely and complete application for re-issuance of the license may continue to conduct the licensed activity until the Department takes action on the application if the Department determines that there is compliance with the following non-exclusive criteria:

- A. The licensee is in compliance with the terms and conditions of the expired license and the St. Tammany Parish Solid Waste Management Ordinance; or,
- B. The Department, through no fault of the licensee, has not taken action of the application on or before the expiration date of the license; or,
- C. The licensee is deemed responsible as unilaterally determined by the Department; or,
- D. The licensee is deemed responsive to Department orders, as unilaterally determined by the Department.

Unless otherwise provided for in this ordinance, applicants, owners, and operators of proposed or licensed activities or facilities shall comply with Title 33, Part VII *et seq.* of the *Environmental Regulatory Code* (ERC). The Department may waive certain requirements provided said waiver will not endanger the environment or the safety or health of the public.

A license will remain valid only so long as the facility or activity is in compliance with applicable Louisiana and Federal Statutes, together with Department rules, regulations, and this ordinance.

All individuals, companies and governmental entities engaged in the collecting and transferring of solid waste & debris shall limit hours of operation to 6 am through 9 pm daily. It is expressly prohibited to conduct collection activities outside of the permitted hours of operation. The exception is in the event of a public emergency affecting the health, safety and general welfare, the limits on hours of operation shall be temporarily suspended pending the resolution of the emergency (St. Tammany Parish Ordinance No. 02-0588, adopted 12/05/2002).

Any and all permittees found not to be in compliance with any section of this or any other applicable Parish ordinances shall be penalized for each and every offense in accordance with Article VII, Section 1, Enforcement and Penalties. Should permittee be cited for three (3) violations of any applicable Parish ordinance during a license term the Parish shall have the authority to revoke said license and permittee shall cease and desist all solid waste collection and disposal activities in St. Tammany Parish.

Any license issued by the Parish, as per this ordinance, shall not be assigned or transferred in any way whatsoever.

Licensee agrees to perform all services in a workmanlike and professional manner.

Licensee agrees to ensure that its personnel are, at all times, educated and trained, and further, that Licensee and its personnel will perform all work and services of a reasonably-related Licensee in St. Tammany Parish.

Section 9-017.00 Solid Waste Management Facilities

The objective of this section shall be to establish better, more effective licensing requirements for commercial haulers and more efficient monitoring by the Department. Thus, the licensee shall be responsible for all DEQ requirements (*inter alia*, the Louisiana Solid Waste Operator and Certification Program Act R.S. 37:3151 et seq.) and licenses and compliance with all of the provisions of this ordinance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994).

No licensee shall operate any solid waste management activity or facility, or dispose of, or permit to be disposed, any solid wastes in a manner so as to degrade the soil, air, or waters of the Parish. Any licensee who causes any degradation of the soil, air, or waters of the Parish shall undertake whatever action is necessary to correct the degradation and restore said soil, air, or waters to its condition prior to its degradation. (ERC, Title 33, Part VII, Subpart 1, Chapter 3, Section 315, (P) and (L))

This ordinance shall not apply to solid waste management facilities located within incorporated areas of the Parish.

The licensee shall be responsible for facilitating all environmental monitoring, including but not limited to water, soil, and landfill gases, which are required by this ordinance or the license conditions for the applicable solid waste management activity or facility.

Section 9-018.00 Additional License Requirements

Unless otherwise provided by this ordinance, no person shall cause, permit or allow real or personal property under their control to be used for solid waste management purposes, except at an operation for which a license has been granted by the Department. The procedures for license issuance, denial, variance, revocation, suspension, renewal, administration, and fees shall be governed by this ordinance.

The Department may not grant more than thirty (30) permits during the first twelve (12) month period following the effective date of this ordinance. The Department may not grant more than twenty-five (25) permits during the second twelve (12) month period, and not more than twenty (20) permits annually thereafter.

The Department reserves the right to grant more than thirty (30) permits during the first twelve month period following the effective date of the ordinance should the number of haulers possessing a valid St. Tammany Parish Occupational License exceed thirty (30).

Licensee. For applicable solid waste management activities or facilities a license shall be issued to the landowner, facility owner, and facility operator or other persons responsible for compliance with the requirements of this ordinance.

License Term. Unless otherwise provided by the St. Tammany Parish Government, each license granted pursuant to the provisions of this ordinance shall be for a period of not more than one (1) year, unless earlier suspended or revoked. The license period for solid waste management activities or facilities shall be from the date of issuance until December 31 for initial licenses and from January 1 - December 31, a period of one (1) year, for license renewals.

Notwithstanding, all solid waste management activities or facilities shall submit an annual report containing information, data, plans, and reports as required by the Department for the specific solid waste management activity or facility.

Section 9-019.00 Application and Fees

Application and Fees. An applicant for a license to engage in a solid waste management activity shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives all applicable fees, all materials required by this section, and all materials required by subsequent sections applying to the specific management activity for which a license is sought. Applicants for a solid waste management activity or facility license shall not commence any operation or engage in any activity until the license application has been approved by the Department; nor shall any operation commence until a license is issued.

Those persons and/or entities currently, as of April 1, 2006, engaged in any solid waste activity when this ordinance was adopted have ninety (90) days from April 1, 2006, to file for a permit.

Written Application. A person who requests the issuance, modification, or renewal of a solid waste management activity license shall complete, sign, and submit to the Department a written application.

The application shall contain the following non-exclusive list of requirements:

- A. The name, address and telephone number of the facility owner, facility operator, and landowner of the proposed solid waste management activity or facility for which the application is submitted.
- B. The name, address and telephone number of the person who prepared the application.
- C. A description including the location of the solid waste management activity or facility.
- D. A general description of the wastes to be stored, processed, or disposed of; anticipated quantity of wastes to be stored, processed, or disposed of; and proposed methods for managing the wastes.
- E. A general description of the proposed methods for managing run-off and run-on.
- F. A topographic map, or other map if a topographic map is unavailable, that shows the proposed solid waste management activity or facility and the area surrounding it for a distance of at least one mile in all directions. The map must be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, areas for retention of surface water runoff and other applicable details as determined by the Department. Wells must be identified on the map. An analysis or characterization of the waste may be required by the Department.
- G. Written proof that the municipal or township governing body in which said solid waste management activity or facility is located has considered the establishment of the solid waste management activity or facility with respect to zoning, impact on township/municipal roads and other applicable regulations.

H. Where applicable, copies of insurance, inspections and haulers information (e.g., driver's license, driving record) and service records for all transportation vehicles.

I. Notification of any and all DEQ and/or Agency violations within three (3) years prior to submittal.

J. The facility must comply with the perimeter barrier and security requirements in LAC 33:VII.719.B.1.a, b and c, and with the buffer zone requirements in LAC 33:VII.719.B.2.

M. Demonstrate that an emergency action plan has been produced that contains, but is not limited to, the following: method to communicate with customers during extreme weather events (i.e., floods, hurricanes) so that waste is not allowed to be placed curbside or to accumulate and alternate disposal sites in case their primary site is temporarily or permanently closed and/or inaccessible so that waste does not accumulate.

N. Requirements of the application may be modified or amended as needed by the Department.

Signatures. A license application must be signed as follows:

A. By the solid waste management activity or facility owner, landowner, and operator.

B. By a Louisiana registered engineer when a firm prepares the necessary reports and plans for a solid waste management activity or facility license.

Certification. A person who signs a license application shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete."

Application Review. Within thirty (30) days of receipt by the Department of a license application for a solid waste facility or activity, the Department shall notify the applicant in writing whether the application is complete and if not, what items are needed to make it complete, and shall give an estimate of the time it will take to process the application. Within a reasonable time of receipt of a completed application, the Department shall approve, disapprove, or delay decision on the application, with reasons for the delay, in writing. Submission of false information may constitute grounds for denying a license or license renewal, or suspension or revocation of an issued license.

Other Waste Facilities Any solid waste management site, facility, or activity not otherwise provided for in this ordinance must be licensed or exempted from licensure by the Department and/or DEQ prior to construction or operation. (ERC Title 33, Part VII, Subpart I, Section 313)

Additional or Unnecessary Data. The applicant must submit reasonable additional data requested by the Department. The Department may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

Section 9-020.00 License Conditions

License Conditions. The Department may impose conditions on any approvals or licenses that are issued by the Department that may be necessary due to the characteristics of the waste, facility specific conditions or other non-typical management characteristics or conditions pertinent to the

regulated solid waste management activity or facility, in order to protect public health, safety, or the environment or as otherwise provided by law.

Change in Facility Construction or Operation. No change within the parameters of the facility's license and permit shall be made in the construction or operation of a solid waste management activity or facility unless such change is first approved by the Department, DEQ and the Agency.

Financial Assurance-Contingency Action and Closure. Unless otherwise provided by the Department, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the Department, financial assurance, in an amount to be set by the Parish Government, and naming the Parish as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Louisiana as sureties.

The condition of such financial assurance shall be that if the licensee fails to obey any of the requirements or do any of the acts required by this ordinance in the operation of the solid waste management activity or facility, or if, for any reason, ceases to operate or abandons the solid waste management activity or facility, and the Parish is required to expend any monies or expend any labor or material to restore the solid waste management activity or facility to the condition and requirements as provided by the ordinance, the obligor and the sureties on its financial assurance shall reimburse the Parish for any and all expenses incurred to remedy the failure of the principle to comply with the terms of the ordinance, and the obligor and its sureties will indemnify and save the Parish harmless from all losses, costs and charges that may occur to the Parish because of any defaults of the obligor under the terms of their license to operate and the ordinances of the Parish. The financial assurance shall be subject to cancellation by the surety at any time only upon giving ninety (90) days prior written notice of cancellation to the Department.

The Department is specifically vested with the discretion to evaluate business operations and performance of any licensed party at any time.

The Department is specifically vested with the discretion to evaluate business operations and performance of any applicant for licensure.

The Department, at its sole discretion, may waive the financial assurance requirements under this section if the applicant, owner, or operator demonstrates to the satisfaction of the Parish that financial assurance is being provided to and has been approved by the Parish for the subject solid waste activity or facility and shall address site specific requirements as set by the Parish.

(ERC, Title 33, Part VII, Subpart 1, Chapter 3, Section 315, No. 4)

Insurance. An applicant or licensee shall furnish to the Parish certificates of insurance issued by insurers duly licensed within the State of Louisiana in types and amounts to be established by the Parish based on the type of said waste management activity or facility under consideration. The licensee shall provide thirty (30) days written notice to the Department should any insurance policy be canceled before the expiration date of said policy.

Continuation of Expired License. A person and/or entity who holds an expired license and who has submitted a timely and complete application for reissuance of the license may continue to conduct the licensed solid waste management activity until the Department takes action on the application if the Department determines that there is compliance with the following non-exclusive criteria:

- A. The licensee is in compliance with the terms and conditions of the expired license and the St. Tammany Parish Solid Waste Management Ordinance; or,
- B. The Department, through no fault of the licensee, has not taken action of the application on or before the expiration date of the license; or,
- C. The licensee is deemed responsible as unilaterally determined by the Department; or,

D. The licensee is deemed responsive to Department orders, as unilaterally determined by the Department.

Unless otherwise provided for in this ordinance, applicants, owners, and operators of proposed or licensed solid waste management activities or facilities shall comply with Title 33, Part VII *et seq.* of the *Environmental Regulatory Code* (ERC). The Department may waive certain requirements provided said waiver will not endanger the environment or the safety or health of the public.

The Department may issue owners or operators of the following solid waste management facilities or activities a General Solid Waste Management License upon notification of the proposed activity.

A general solid waste management license will remain valid only so long as the facility or activity is in compliance with applicable Louisiana Statutes, Solid Waste Management Rules, and the St. Tammany Parish Solid Waste Management Ordinance.

A solid waste management owner/operator eligible for consideration under this section shall, upon request by the Department, submit a form provided by the Department notifying the Department of its proposed activity. (ERC Title 33, Part VII, Subpart 1, Chapter 5, Section 503 (A))

All individuals, companies and governmental entities engaged in the collecting of solid waste and debris shall limit hours of operation to 6 am through 9 pm daily. It is expressly prohibited to conduct collection activities outside of the permitted hours of operation. The exception is in the event of a public emergency affecting the health, safety and general welfare, the limits on hours of operation shall be temporarily suspended pending the resolution of the emergency (St. Tammany Parish Ordinance No. 02-0588, adopted 12/05/2002).

Any and all licensees found not to be in compliance with any section of this or any other applicable Parish ordinances shall be penalized for each and every offense in accordance with Article VII, Section 1, Enforcement and Penalties. Should licensee be cited for three (3) violations of any applicable Parish ordinance during a license term the Parish shall have the authority to revoke said license and licensee shall cease and desist all solid waste collection and disposal activities in St. Tammany Parish.

Suspended/Terminated Licenses – Corrective Actions: The Department shall be authorized to direct the correction, addition, removal, relocation, adjustment or upgrade of any such licensed operation in accordance with provisions of this ordinance, or other applicable Parish ordinances, and state regulations, in order to cure any deficient condition causing the suspension or termination of a license. If no or such insufficient action is taken after proper notice of such direction, the Department, upon expiration of the time prescribed in the notice to accomplish the work directed shall complete the work directed and assess the licensee, the owner or owners of such licensed operation, or the ancestors in title to the property on which the licensed operation is located, or any corporate office, or any and all of them, hereinafter individually or collectively known as the "the responsible person", whose action or inaction has been determined to be the cause for the issuance of said notice of direction, for the reasonable cost of such work and, in addition thereto, may impose a penalty not to exceed one thousand per day for each day of deficiency existed from date of said notice of such direction, not to exceed one hundred thousand dollars. Should the responsible person fail to pay such costs and/or penalties, the Department shall be authorized to file an affidavit of lien on the operation and/or property found within St. Tammany Parish which is owned by the responsible person, and shall include any property owned by a corporate officer or an ancestor of title to the property on which such an operation is located, specifically identifying the property affected and the amount of the costs and/or penalties to date of the filing and that may be accruing. Subject to proper notice, any such lien filed on real property may be added to the annual ad valorem tax bill of such owner or owners of such property.

Any responsible person who has been assessed a penalty may appeal the imposition of the penalty in writing to the Administrative Hearing Officer who shall hear the appeal in an open and public session.

ARTICLE III COLLECTION AND STORAGE

Section 9-026.00 Solid Waste Collection and Storage

Solid Waste Accumulation. Except as otherwise allowed by this ordinance, owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulation.

Nothing in this subsection shall unreasonably restrict commonly accepted activities of farms and duly established automobile, scrap iron, metal recyclers, or salvage operations that maintain such operations in an orderly and nuisance free manner.

Storage Facilities and Containers Required. Every residential property shall be supplied with adequate solid waste storage facilities or containers. Only those items (i.e. white goods, tree limbs) larger than a standard sized facility or container shall be allowed to be placed loosely or upon the ground prior to collection. Those items requiring special handling shall be placed adjacent to the service area, but not in the street, so as to block the flow of traffic.

Waste Materials too Large for Containers. Waste objects too large or otherwise unsuitable for storage containers shall be stored in a pollution and nuisance free manner.

Provided Facilities Required to be used. Property owners shall cause occupants and employees to store solid waste for removal in the solid waste storage facilities or containers provided. The property owner shall not permit solid waste to be placed in locations or in a manner that the solid waste may be scattered by wind, water, animals, or insects.

Frequency of Container Service. Every property owner shall cause container contents to be removed and deposited at a permitted disposal facility at a frequency so as to not create a nuisance. Solid waste shall not be stored on public or private property for more than two (2) weeks without the written approval of the Department. Solid wastes suitable and stored for recycling may be contained if stored in an acceptable manner that avoids risk to public safety and otherwise complies with this ordinance.

Storage Construction. All solid waste storage containers shall be constructed of rust and impact resistant materials with covers that deter rodent and insect entry. The containers shall be equipped with tight-fitting covers that shield the container from the entrance of precipitation, rodents, insects, and vermin.

A. As described in Volume 42, No. 113, pages 30296 to 30302 of the *Federal Register*, Refuse Bins having an internal volume of one (1) cubic yard or greater shall be constructed or retrofitted to meet American National Standards Institute (ANSI) Standard (Z 245.3-1077) for the Stability of Refuse Bins.

B. Single use containers not meeting the above requirements may be used for Yard Waste provided the container is:

1. Constructed of moisture resistant materials
2. Adequately designed to contain the waste.
3. Closed to resist the entrance of water.
4. Loaded no more than fifty-five (55) pounds.
5. Strong enough to allow collection and loading by hand.

Container Maintenance. Solid waste containers shall be maintained in a nuisance free condition by the owner. When supplied by a property owner or commercial hauler, the containers shall be maintained in good repair.

Container Compliance:

A. Any commercial hauler finding solid waste containers in use that appear not to be in compliance with this ordinance shall report the container's location to the Department.

B. The Department shall investigate complaints about solid waste containers and if the container is found not in compliance a notice shall be attached to the container as provided in this section. If the Department does not investigate the complaint, the Department shall mail to the container's owner a notice that a complaint was received regarding the container. The notice shall describe this ordinance's requirements for a solid waste container. The owner shall report their actions to the Department within ten (10) days of the notice date regarding the corrections they have made. If the owner does not make this report to the Department within ten (10) days, the Department shall proceed with an investigation. If the container is found to be in violation of this ordinance, a notice shall be attached to the container stating substantially as follows:

NOTICE: This solid waste container does not comply with the St. Tammany Parish Government Solid Waste Ordinance and this container shall be removed by the owner within ten (10) calendar days. The licensed solid waste hauler who services this property is hereby ordered by the St. Tammany Parish Department of Environmental Services not to empty this container.

SIGNED BY: _____ on behalf of the St. Tammany Parish Department of Environmental Services.

DATE OF NOTICE: _____

WARNING: This notice shall not be removed except by action of the St. Tammany Parish Department of Environmental Services.

C. The notice attached to the container shall not be removed except by action of the Department.

D. Any public costs associated with investigation and removal of the container may be charged as a fee to the owner of the container or as an assessment against the property as provided by law.

Section 9-027.00 Transfer of Solid Waste

Transfer of Solid Waste. Solid waste shall not be transferred to another property or solid waste container except with the written consent of the owner, or under contract of services between said owner and a licensed hauler.

Section 9-028.00 Solid Waste Burning Prohibited

Solid Waste Burning Prohibited. The burning of solid waste shall be prohibited except as allowed at a permitted solid waste facility.

Section 9-029.00 Hazardous Waste Storage

Hazardous Waste Storage. Hazardous wastes shall be stored in leak-proof containers which are adequately labeled, in a safe location and in compliance with the regulations of Federal, State and Local Governments, and their regulatory agencies.

**ARTICLE IV
SOLID WASTE HAULING AND TRANSFER**

Section 9-036.00 Mixed Municipal Solid Waste and Solid Waste Hauling and Transfer

No person or entity may collect waste for hire without a license from the Department.

Applicability. This section shall apply to all persons and/or entities seeking a license to collect and transport mixed municipal solid waste and/or solid waste, at the point of generation or that transfer or otherwise transport solid waste to a disposal or processing facility.

Section 9-037.00 Additional Licensing Requirements

Additional Licensing Requirements. In addition to the applicable requirements as stated above, an applicant shall also submit the following non-exclusive information:

- A. A list of all vehicles, including satellite vehicles, to be used for waste collection and transportation, specifying make, model and year for each vehicle; each vehicle's rated capacity, tare weight, license plate number, state issued registration number, and the designated facility number exclusively issued for that specific vehicle.
- B. The total number of commercial accounts in the Parish, the total number of residential accounts in the Parish, the days of the week waste is collected for each city and township or subdivision or any other residential dwelling in the Parish.
- C. A description of the company's recycling and other waste abatement activities.
- D. Certificate(s) of insurance as may be required by the Department.
- E. Any and all additional information pertaining to waste management requested by the Department.

Section 9-038.00 Equipment and Operation Requirements

Equipment and Operation Requirements.

- A. Each vehicle or other conveyance used by a hauler for the collection or transportation of waste shall be easily cleanable, leak-proof, and be covered with metal, canvas, a fish-net type material made for this purpose so long as such covering does not permit nuisances or debris or liquid from falling, blowing or otherwise exiting the vehicle until disposal.
- B. Decals may be issued by the Department for each licensed vehicle or conveyance; these shall be displayed in a conspicuous place on the left side of the cab. Designated facility numbers shall be displayed as directed by the designated facility. The licensee must maintain all decals, labeling, and license plates so that they are readily visible and legible at all times. The licensed hauler shall contact the Department by telephone or in

writing if it finds it necessary to use a vehicle other than one included in its original or amended license application.

C. The business name and telephone number of the licensee shall be easily visible and be printed or painted in legible characters on both sides of all vehicles, containers, and conveyances used by the hauler to store, collect, or transport waste generated within the Parish.

D. The Department may inspect and approve all waste storage, collection, and transportation containers, vehicles, and conveyances if deemed necessary by the Department to protect public health, safety, or the environment.

E. The licensee shall not allow waste to remain or be stored in any collection or transportation vehicle in excess of forty-eight (48) hours, except in the event of an emergency such as inclement weather, equipment breakdown, or accident. The Department may approve storage for greater than forty-eight (48) hours, on a case-by-case basis, for reasons other than emergencies, provided such storage will not adversely affect public health, safety, or the environment.

F. The licensee shall be responsible for the cleanup of any waste that must be dumped in an emergency. In addition, a licensed hauler shall be responsible cleaning up any litter or waste discharged onto roadways and public rights-of-way while in transit. Should the responsible hauler fail to clean up waste dumped in an emergency or discharged onto roadways/public rights-of-way while in transit, the Department may charge said hauler the entire cost of the removal and disposal of the waste.

The licensee shall not impose a greater charge on residents who recycle and/or engage in composting than on residents who do not recycle and/or engage in composting.

Section 9-039.00 Transfer Stations

Transfer Stations. A license and permit shall first be obtained from the DEQ and the Department to construct, establish, maintain, or operate a transfer station. The application and permit fee, which shall accompany the permit application, shall be set by resolution of the St. Tammany Parish Government. Said license shall meet all DEQ requirements and sections of this ordinance.

The following information shall be submitted as part of the application:

A. The application for the license shall contain a site-plot plan, engineering plans, and an operational report.

B. The site-plot plan shall have a scale of one inch equal to not more than fifty (50) feet and have a vertical contour interval not greater than five (5) feet. The site-plot plan shall include all land within 1,000 feet of property of the proposed facility. The following shall be included as a minimum:

1. Location, size and ownership of the land upon which the station will operate.
2. City and/or township boundaries.
3. North arrow, section line, section number.
4. Water of the State, flood plains and floodways.
5. Land use and zoning within a 1,000 foot radius of the property lines.
6. Adjacent residences and property ownership.
7. Roads and railroads.

C. The following engineering plans shall include as a minimum:

1. Roads, screening, fencing gates, dimensions of buildings, dimensions of storage areas, loading and unloading zones, location of existing utilities.
2. Dikes, berms, walls, dividers.
3. The Department may request a report on the subsurface condition at the proposed facility. The department may request data that is adequate to indicate suitable soils, geological and groundwater information at the site. The above data will be detailed on cross sections, the location of which will be indicated on the site plan.

D. The operations report shall include as a minimum:

1. Complete plans and specifications, proposed operating procedures for the transfer station, place of ultimate disposal and equipment to be used.
2. The composition, thickness, preparation or compaction of the impervious lines, if used.
3. The name of the local fire department. Describe the arrangements that have been made and will be made with the local fire department to ensure the safety of fire response personnel and to minimize pollution which might otherwise occur as a result of fire or fire-fighting efforts.

The following shall be established and maintained at the transfer station site:

- A. A sign, subject to the approval of the Department, shall be posted on the premises indicating the station name, the schedule of days and hours it is open to the public and prices for use.
- B. Roads on the premises shall be all-weather surfaced. The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance.
- C. Adequate sanitary facilities and shelter for personnel shall be provided on the premises.
- D. Records approved by the Department shall be maintained indicating the type and quantity of solid waste passing through the transfer station.
- E. The operator of the facility shall implement an inventory system and segregation procedure sufficient to enable identification of the sources of all containers in storage at any time.
- F. The transfer station shall be so equipped, situated, operated and maintained so as to minimize interference with other activities in the area.

A transfer station permittee shall comply with the following regulations:

- A. When stated in and as part of the permit, the permittee shall take away all solid waste, and wash, clean and disinfect the station at the end of each day of use.
- B. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
- C. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe entrance and exit.
- D. No alterations or additions to the disposal system will be made without the written consent of the Department.

E. Records approved by the Department shall be maintained indicating the type and quantity of waste passing through the transfer station. Each month the licensee shall submit reports indicating the type and quantity of waste passing through the transfer station to the Department.

F. All unloading of solid wastes from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the station.

G. Solid wastes shall not remain in the transfer station longer than forty-eight (48) hours.

ARTICLE V DISPOSAL AND DIVERSION

Section 9-043.00 Solid Waste Disposal and Diversion

It is unlawful to operate a solid waste landfill, recycling facility, composting facility, construction and demolition debris landfill and/or co-composting facility without first obtaining a DEQ permit pursuant to Title 33 of *Environmental Regulatory Code*, Part VII, and a Department general license for solid waste activities.

The Department shall encourage lawful and sustainable waste diversion techniques (e.g., recycling, composting) where economically viable and publicly supported.

A recycling facility, composting facility, construction and demolition debris landfill and/or co-composting facility license application shall meet all said DEQ permit requirements along with the following:

A. A current map or an aerial photograph of the area showing the land use and zoning within one-quarter (1/4) mile of the facility. A location inset map shall be included.

B. A plot plan including the legal description of the site of the facility; a description of the immediate adjacent area showing dimensions, present and planned pertinent features, including but not limited to roads, buildings, fencing and other applicable details; and the general topography. The scale of the plot plan shall not be greater than two hundred (200) feet per inch.

C. A report shall accompany the plans indicating:

1. Area of the site in acres;
2. Owner of the site and proposed permittee;
3. Individuals responsible for actual operation and maintenance of the recycling facility and attending operating procedures;
4. Sanitary landfill or other waste facility where any residue will be transferred, the owner, hours of operation and DEQ permit number;
5. Type and amount of equipment to be provided for the operation of the recycling facility;
6. Population and geographical areas to be served by the proposed facility;
7. An estimate of materials to be delivered to the facility;
8. Proposed storage capacity on-site;
9. Proposed marketing plan for materials;
10. Proposed access routes within a one (1) mile radius of the proposed facility;
11. As recommended by the Department, suitable soils, geologic and groundwater information will be submitted;
12. Local government approval of the facility site;
13. Storm water management plan; and
14. Emergency management plan, especially in case of a fire.

- D. Where applicable, a DEQ approved permit.
- E. Any and all other information required by the Department.

Section 9-044.00 Operating Requirements

Operating Requirements. The following shall be established and maintained at the recycling facility site:

- A. A sign, subject to the approval of the Department, shall be posted on the premises indicating the facility name, schedule of days and hours it is open to the public, and prices for use.
- B. Records approved by the Department shall be maintained indicating the type and quantity of materials passing through the facility.
- C. The facility shall be so situated, equipped, operated and maintained so as to limit interference with other activities in the area.
- D. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
- E. All incoming and outgoing traffic shall be controlled by the permittee in such a manner as to provide orderly and safe ingress and egress.
- F. All unloading of materials from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside of the facility.
- G. Such other regulations as may be established by the St. Tammany Parish Government and/or the Department in order to protect the health, safety and welfare of the public and the environment.
- H. All processing shall occur in an enclosed area, or in a manner that reduces the possibility of nuisances and/or vectors.

(St. Tammany Parish Ordinance references Ord. No. 88-975, adopted 07/21/88, Ord. No. 89-1026, adopted 01/09/89; Ord. No. 89-1101, adopted 6/19/89, Ord. No. 89-1160, adopted 10/19/89; Ord. No. 89-1175, adopted 10/30/89; amended by Ord. No. 91-1530, adopted 11/21/91; amended by Ord. No. 96-2405, adopted 04/18/96)

(ERC, Title 33, Part VII, Subpart 2, Chapter 103)

**ARTICLE VI
SPECIAL ISSUES**

Section 9-050.00 Scavenging, Waste Tires and White Goods

The scavenging or removal of recoverable or recyclable materials from any facility or container, including but not limited to residential containers, in St. Tammany Parish without the written consent of the owner or operator shall be prohibited.

The disposal of waste tires in the land is prohibited. This does not prohibit the storage of unprocessed waste tires at a collection or a processing facility. Waste tires shall be managed in full compliance with the provisions of this ordinance regardless of number. Waste tire management shall include, but is not limited to, the generation, collection, storage, transportation, processing, reuse, recycling, incineration and/or disposal of waste tires, either whole or in part. Waste tires shall

be disposed of according to the requirements of Title 33, Part VII, Chapter 105 of the *Environmental Regulatory Code* (ERC).

A person and/or entity may not place major appliances, or "white goods" in mixed municipal solid waste, or dispose of major appliances, or "white goods" in or on the land. It is further prohibited to store or abandon junk, wrecked or used automobiles, or motor vehicles, or any other junk, discarded or abandoned machinery of metal, tin or other discarded items on a lot of any subdivision approved by the Police Jury for residential use, or on any neutral ground, alley, sidewalk space or roadway within the unincorporated areas of the Parish. (Ord. No. 496, Bk. 6, P. 459).

A person and/or entity may not place batteries and/or fluorescent lights in mixed municipal solid waste, or dispose of batteries and/or fluorescent lights in or on the land.

A yard waste compost site not exceeding three hundred (300) cubic feet in size may be allowed on a land parcel without a permit or license under this ordinance if the site is properly managed to prevent nuisance or health and safety problems. Said compost site may utilize grass clippings, leaves, and brush limbs. No household shall make a nuisance of their yard waste compost site regardless of size.

Section 9-051.00 Landfill

Landfill. Any and all landfill facilities must comply with Title 33, Part VII, Chapter 7, Subchapter B, §711 of the *Environmental Regulatory Code* (ERC).

Section 9-052.00 Unauthorized Dumping

Unauthorized Dumping. It shall be a violation of this ordinance for any person and/or entity to dispose of solid waste collected within St. Tammany Parish at any place, regardless of location, except at a Subtitle D- Landfill site or facility authorized by this ordinance and/or DEQ.

Section 9-053.00 Unlicensed Open Dumps

Unlicensed Open Dumps. It shall be a violation of this ordinance for any person to operate an open dump. Waste placed in open dumps or illegally disposed of shall be collected and transported to a licensed waste facility for proper disposal by the property owner or other person(s) determined by the Department to be responsible for the illegal activity. The responsible party shall notify the Department at least forty-eight (48) hours prior to commencement of excavation/removal activity at the subject site. A receipt or other documentation approved by the Department, which indicates satisfactory and legal disposal of the subject solid waste shall be submitted to the Department no later than fourteen (14) days after disposal. Any licensee that utilizes an unlicensed open dump, even if such material does not originate in St. Tammany Parish, will be subject to the loss of said license for not less than three (3) years.

Section 9-054.00 Open Burning or Illegal Incinerators

Open Burning or Illegal Incinerators. It shall be illegal for any entity, corporation, firm, association or individual to burn or release into the air or water of St. Tammany Parish any of said hazardous wastes or by-products. (Ord. No. 82- 502, adopted 12/16/82), except that said activity within the boundaries of St. Tammany Fire Protection District No. 1 shall be governed by Section 14.002.02 hereof. (Ord. No. 91-1412, adopted 03/21/91).

EDITORIAL NOTE: See Section 8-014.00, 8-036.00 of the St. Tammany Parish Code of Ordinances for Fire Protection District No. 1.

Non-licensed facilities and haulers in existence on the effective date of this ordinance shall be reported to the Department and conform to the provisions of this ordinance. A record, including a map location of any area used for land disposal and/or service area, shall be filed at the office of the Department. Non-licensed operations shall be terminated within one year of the effective date

of this ordinance except as authorized by the Department, or brought into compliance with this ordinance.

The Department shall remain mindful of *Areas Of Special Environmental Concern*, which means a flood hazard area or floodplain, wetland, surface or subsurface drinking water source in the Parish. All land below the ten- foot contour line shall be presumed to be a flood hazard area or wetland. (Ord. No. 85-381, adopted 14/18/85).

ARTICLE VII ENFORCEMENT, PENALTIES AND FEES

Section 9-060.00 Enforcement and Penalties

Provisions of this ordinance shall be enforced as per law, including but not limited to Section 1-008.00 of the Code of Ordinances of St. Tammany Parish, Louisiana. (Ord. No. 82-502, adopted 12/16/82) and the Administrative Hearing Officer.

Misdemeanor. Any person within the Parish who violates this ordinance, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues (Ord. No. 85-381, adopted 04/18/85).

Equitable Relief. In the event a violation exists or there is a threat of violation of this ordinance, the Department, or their designees, may take appropriate actions to enforce this ordinance. Such action may include application for injunctive relief, action to compel performance, including revocation of license or other appropriate action in court if necessary to prevent, restrain, correct, or abate such violations or threatened violations. Such remedies are cumulative in nature.

Civil Action Costs. If a person fails to comply with the provisions of this ordinance, the Parish may recover all costs and a reasonable attorney fee incurred for corrective action in a civil action in a civil or administrative action. Such costs and attorney fee, together with any fine or penalty, shall be filed as a lien or mortgage as per law.

Citation. The Department, or their designees, may issue citations for violations of this ordinance. The citation shall be issued to the person charged with the violation, or in the case of a corporation, to the supervisor at the site of the violation or any officer or agency expressly implied authorized to accept such issuance.

Inspection. All property affected by this ordinance shall be subject to inspection by the Department, or their designees, in accordance with this ordinance. No person shall refuse to permit the Department, or their designees, to inspect any premises or interfere with or resist the Department, or their designees, in the discharge of their duty to protect the public health and safety and the protection of the environment.

Abatement. The St. Tammany Parish Government, upon recommendation of the Department, may declare a violation of this ordinance to be a public nuisance and order abatement to be made initially at parish expense. The Department shall present an itemized statement for corrective

action expenses to the owner of the real property where such abatement has been conducted. Such expenses for corrective action may also be recovered in civil or administrative action.

Administrative Hearing Officer. The Parish Administrative Hearing Officer shall have concurrent jurisdiction over any violation of this ordinance, as per law.

A Justice of the Peace shall have concurrent jurisdiction over violation of this ordinance, as per law. In addition, a Constable may issue summons and serve subpoenas anywhere in the Parish all in accordance with Louisiana Revised Statutes (R.S.) R.S. 13:2586 and Ord. 01-0284, adopted 03/01/2001. Prosecution of Solid Waste violations and compensation in criminal cases of a justice of the peace and constable shall be in accordance with R.S. 13:2587.1 and R.S. 13:2589. (Ord. 01-0284, adopted 03/01/2001). All fines collected by the Justice of the Peace Courts for litter violations pursuant to R.S. 25:1101 et seq. shall be paid to St. Tammany Parish pursuant to R.S. 25:1112. St. Tammany Parish shall reimburse the Justice of the Peace Court which handles the litter violation(s) for the time spent and expenses incurred pursuant to R.S. 13:2589(B). This reimbursement shall consist of FIFTY PERCENT (50%) of the fines collected by St. Tammany Parish from the Justice of the Peace Courts. (Ord. No. 89-1148, adopted 09/21/89; amended by Ord. No. 01-0284, adopted, 03/01/2001).

Section 9-065.00 Fees

Fees, rates, and other charges pursuant to this ordinance and applicable law shall be set from time to time by ordinance of the St. Tammany Parish Government at the exclusive discretion of the Department.

A Solid Waste License Fee shall be paid with the initial application and annually thereafter by the applicant as a condition for license renewal. Non-payment of the fees shall be grounds for denial of application or renewal. All other fees and charges as set by the St. Tammany Parish Government upon the recommendation of the Department shall be paid in a timely manner as prescribed.

Fees, rates, and other charges pursuant to this ordinance may be billed in a manner determined by the Department.

Solid Waste Facilities, transportation vehicles, or Commercial haulers vehicles owned and operated by St. Tammany Parish or its incorporated cities or townships shall fulfill all requirements of this ordinance except they shall not be required to pay license or permit fees authorized by this ordinance.

The Department shall collect \$1/ton on every ton tipped at any and all transfer stations operating within St. Tammany Parish. It is the responsibility of every owner and/or operator of a transfer station to remit payments for this tipping fee along with volumes each and every month. Said tipping fee shall be used to fund the implementation, oversight and enforcement functions associated with this ordinance.

All other fees and charges assessed herein shall be used to fund the implementation, oversight and enforcement functions associated with this ordinance.

(St. Tammany Parish Ordinances: Ord. No. 1142, adopted 04/24/80; Ord. No. 83-665, adopted 09/15/83; Ord. No. 84-53, adopted 03/15/84; Ord. No. 84-97, adopted 05/17/84; Ord. No. 84-277, adopted 11/15/84; Ord. No. 89-1119, adopted 07/20/90; amended by Ord. No. 91-1506, adopted 10/17/91; amended by Ord. No. 96-2405, adopted 04/18/96; amended by Ord. No. 01-0406, adopted 12/06/2001)

**ARTICLE VIII
WASTE REDUCTION PROGRAM**

Section 9-070.00 Waste Tax Credit

The Parish may establish a waste reduction tax credit program. The Waste Reduction Tax Credit program may allow commercial, retail, and food service establishments to implement a waste reduction plan that effectively reduces the amount of waste and litter either on-site and/or leaving the subject site.

A participating commercial, retail, or food service establishment shall meet all program standards to be developed by the Parish in order to receive program accreditation. The participant shall be required to continue accreditation in order to receive a tax credit.

A participant shall retain records of all verifiable expenses associated with program implementation. Verifiable expenses may include, but not be limited to, surveillance equipment; trash receptacles; personnel dedicated to waste reduction/litter abatement; public relations campaign concerning waste/litter reduction efforts by the participating entity.

The participating entity may submit expense records associated with program implementation and request a credit and/or reduction in Parish ad valorem taxes for the corresponding amount.

**ARTICLE IX
OTHER TERMS AND CONDITIONS**

SECTION 9-075.00 Additional Provisions

Any dispute or litigation involving this ordinance shall be determined through any proceeding filed with the 22nd Judicial District Court, for the Parish of St. Tammany; venue and jurisdiction shall be specifically with this district.

Discrimination. Licensee agrees to comply with the Americans with Disabilities Act of 1990 and any current amendments thereto. All individuals shall have equal access to employment opportunities available to a similarly suited individual. Licensee agrees not to discriminate in its employment practices, and will render services under this contract without regard to race, color, religion, sex, national origin, veteran status, political affiliation, or disabilities. Any act of discrimination committed by Licensee, or failure to comply with these statutory obligations when applicable shall be grounds for termination of this contract. Licensee agrees to abide by the requirements of all local, state, and/or federal law, including but not limited to the following: Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the

Vietnam Era Veteran's Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Act of 1975, and the requirements of the Americans with Disabilities Act of 1990. Licensee warrants and guarantees that it is an Equal Employment Opportunity employer. In all hiring or employment made possible by or resulting from this Contract, there shall not be any discrimination against any person because of race, color, religion, sex, national origin, disability, age or veterans status; and where applicable, affirmative action will be taken to ensure that Licensee's employees are treated equally during employment

without regard to their race, color, religion, sex, national origin, disability, age, political affiliation, disabilities or veteran status. This requirement shall apply to but not be limited to the following: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. All solicitations or advertisements for employees shall state that all applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, disability, age or veteran status.

Conflict of Interest. In the event of reasonably known conflicts of interest or potential conflicts of interest between the Parish and other parties who have engaged Licensee, the Licensee agrees to make full disclosure of the same, and that they will take no action on behalf of any other client directly adverse to the Parish, nor will Licensee take any action on behalf of the Parish directly adverse to any other client.

Independent Licensee. While in the performance of services or carrying out other obligations under this license, the Licensee shall be acting in a capacity of an independent Licensee and not as an employee of the Parish. The Parish shall not be obliged to any person, firm or corporation for any obligations of the Licensee arising from the performance of its services under this license.

ARTICLE X

TERMINATION, SUSPENSION, REVOCATION OF LICENSE; OPERATING WITHOUT A LICENSE; AUTHORITY TO CANCEL

Section 9-080.00 License Revocation

Any licensee who violates any portion of this ordinance may also be referred to Code Enforcement of this Parish, the Administrative Hearing Officer, Constable, Justice of the Peace, or office of the District Attorney.

A. **For Cause:** where and when a licensee fails to perform, is not responsible or responsive to the public needs as determined by the Department, neglects its obligations herein or refuses to cooperate with the Department. The Department shall issue a notice of deficiency; the licensee or operator shall cure such deficiency within thirty (30) days of notice by the Department; failure to cure will result automatic revocation of licensure; the Department has the exclusive discretion to determine whether a deficiency has been cured. Where and when a licensee transfers, or allows directly or indirectly, firms or persons or corporations other than the lawful holder of the license to operate under said license, provided the holder of said license is found guilty of such a violation.

B. **For Convenience:** as unilaterally and exclusively determined by the Department, with thirty (30) days written notice to the licensee or operator.

C. **Bankruptcy:** As to the filing of bankruptcy, voluntarily or involuntarily, by Licensee, Licensee agrees that if any execution or legal process is levied upon its interest in this license, or if any liens or privileges are filed against its interest, or if a petition in bankruptcy is filed against it, or if it is adjudicated bankrupt in involuntary proceedings, or if it should breach this license in any material respect, the Parish shall have the right, at its unilateral option, to immediately cancel and terminate this license.

D. Licensee/Operator must be qualified at all times to perform the intended purposes of this ordinance; in the event that licensee/operator becomes unfit or unqualified for any reason whatsoever, then the Department may take such action against the license as is warranted under the circumstances.

E. Licensee/Operator is not suited for Parish purposes or otherwise fails to responsibly represent public policies to the satisfaction of the Parish, and then the Department may take such action against the license as is warranted under the circumstances.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: All rules and regulations contained herein shall be in full force and effect on April 1, 2006. However, the effective date of these rules and regulations as they apply to existing haulers and operators shall become effective July 1, 2006. This period of time will be necessary for said haulers to submit applications for solid waste activity licenses.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT: