

ST. TAMMANY PARISH COUNCIL  
ORDINANCE

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ORDINANCE CALENDAR NO. 3289 AS AMENDED

ORDINANCE COUNCIL SERIES NO. 06-

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY ENVIRONMENTAL SERVICES

REINTRODUCED BY MR. BAGERT

SECONDED BY MR. GOULD

ON THE 3<sup>RD</sup> DAY OF AUGUST 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 VIII 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 an 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, and;

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

**AUTHORITY NOTE:** Promulgated pursuant to the express authority set forth in La.R.S. 33:4169.1, and all other applicable statutes and regulations.

**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 and letters of credit; promulgate rules and regulations; and promoting the health, safety, and welfare of the public. This ordinance is adopted pursuant to the express authority set forth in La.R.S. 33:4169.1, and all other applicable statutes and regulations pertaining to the licensing, collection, storage, hauling, transfer, disposal and diversion of solid waste.

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 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

“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 inoperative an/or discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial appliances.

“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.

**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 ~~September 1, 2006~~. **January 1, 2007**. However, the effective date of these rules and regulations as they apply to existing and new haulers and operators shall become effective ~~September 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 ~~June 1, 2006 and August 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, and after notifying facility applicant and licensee of presence at site 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:I.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. Denial of a solid waste license shall be for cause.

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 after any curative period mentioned herein is not adequately resolved.

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 ~~September 1, 2006.~~ January 1, 2007. Said plan may be revised if deemed necessary by the Department. The Department, in concert with the Parish Government, may establish a solid Waste Committee to study, investigate, and research solid waste management issues parishwide.

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 should said responsible party fail to meet closure and post closure requirements established by DEQ.

The Department shall have the right to allocate up to fifty percent (50%) of license 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 – Solid Waste Management Facilities, Solid Waste Disposal and Diversion, Hauling and Transfer, Collection and Storage

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.

**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.

The Department may not grant more than thirty (30) solid waste hauling 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 month period, and not more than twenty (20) permits annually thereafter.

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

Should the Department grant less than thirty (30) solid waste hauling permits during the first twelve (12) month period only those persons and/or entities currently engaged in a solid waste hauling activity discussed herein, as of the effective date of this ordinance, shall be eligible to apply for an appropriate license.

### Section 9-014.00 License Required

The procedures and criteria 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. Each license granted during the 2006 term shall be valid for the 2007 license period. The Department may grant automatic license renewal if licensee is in compliance with all of the provisions of this ordinance.

### 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 ~~June 1, 2006~~ September 7, 2006, engaged in any waste activity discussed herein when this ordinance was adopted have sixty (60) days from ~~June 1, 2006~~ September 7, 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. (Pertains to Solid Waste Disposal and Diversion license only.)
- 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 for DEQ defined Type III Facilities only..
- 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~~ Activity.* No change within the parameters of the facility's license and permit shall be made in the construction ~~or operation of an activity or~~ materials received at the 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 shall furnish to the Parish certificates of insurance in the amount of \$1,000,000.00 of general liability insurance, issued by an insurer duly licensed within the State of Louisiana. ~~An applicant or licensee shall furnish to~~ The Parish reserves the right to require additional 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~~ An 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). An exception is the collection and transferring of industrial solid waste.



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.

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.

### ARTICLE III SOLID WASTE MANAGEMENT FACILITIES

#### Section 9-013.00 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 the provisions of this ordinance.

**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 9-014.00 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 9-015.00 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 material 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~~ September 7, 2006, engaged in any solid waste activity when this ordinance was adopted have ~~ninety (90)~~ sixty (60) days from ~~April 1, 2006~~ September 7, 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. A topographic map, or other map if a topographic map is unavailable, is only required if an applicant is applying for solid Waste Disposal and Diversion license.

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 Activities or Materials Accepted.* No change within the parameters of the facility's license and permit shall be made in the construction ~~or operation of activities or materials accepted~~ at 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 may waive the financial assurance requirement should licensee provide the Department with proof of financial assurance required by the State of Louisiana for the operation of the activity or facility and said financial assurance meets Department requirements. The Department reserves the right to require licensee to name the Parish as an obligee on said financial assurance.

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 in the amount of \$1,000,000.00 of general liability insurance, issued by an insurer duly licensed within the State of Louisiana. ~~An applicant or licensee shall furnish to~~ The Parish reserves the right to require additional 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 St. Tammany 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 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.~~

#### ARTICLE IV 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 owner shall ~~be supplied with~~ have an adequate solid waste storage facilities or containers. Only those items (i.e. white goods, tree limbs) larger than a standard sized facility of 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.

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 V  
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, copy of all relevant State and/or Parish inspection decals, including but not limited to brake inspection certifications, and the designated facility number exclusively issued for that specific vehicle. Any vehicle and/or trailer and/or other hauling device employed by the licensee must separately and collectively meet all requirements specified herein, including but not limited to weight limitations and State and Parish inspection requirements. It is the

responsibility of the licensee to maintain all their equipment, hauling devices and vehicles in a safe, non-hazardous manner that does not endanger the public nor the environment.

- 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, if deemed necessary, including but not limited to a copy of the operator(s) license and driving records for the past three (3) years; emergency management and/or spill remediation plan; and OSHA compliance assessments.

### **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.

Modifications to any vehicle, trailer or other hauling device beyond the manufacturer's specification must be approved by the Department prior to such modifications by the licensee.

In the case of a modified truck, no such approval will be granted unless said licensee or proposed hauler alters or modifies an existing truck beyond the manufacturer's safety specifications, or if such alterations or modifications endanger public safety or the environment. Therefore, no truck will be allowed to be permitted if said truck's altered or modified sidewalls (used to contain solid waste) are more than (3) times taller than the height of the truck, but in no case shall exceed ten (10) feet in height.

Regardless of any an all modification sot either the trucks or the trailer, any and all responsible safety precautions must be employed by said licensee, such as ensuring that the altered or modified sidewalls are properly anchored or secured to minimize potential harm to employees, the public, and to avoid spills.

All alterations and/or modification beyond manufactured specifications must meet the requirements of this ordinance.

- 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 discharged from a licensed hauling vehicle in an emergency. The licensee shall cleanup said litter or waste within forty-eight (48) hours of the occurrence . An emergency management and spill remediation plan must be provided to the Department.
- G. 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.

- A. The following information shall be submitted as part of the application. If any of the following information is also required by the DEQ as part of its Transfer Station permitting process, then the Department shall accept said information as a sufficient substitute.
  - 1. The application for the license shall contain a site-plot plan, engineering plans, and an operational report.
  - 2. 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:
    - a. Location, size and ownership of the land upon which the station will operate.
    - b. City and/or township boundaries.
    - c. North arrow, section line, section number.
    - d. Water of the State, flood plains and floodways.
    - e. Land use and zoning within a 1,000 foot radius of the property lines.
    - f. Adjacent residences and property ownership.
    - g. Roads and railroads.
  - 3. The following engineering plans shall include as a minimum:
    - a. Roads, screening, fencing gates, dimensions of buildings, dimensions of storage areas, loading and unloading zones, location of existing utilities.
    - b. Dikes, berms, walls, dividers.
    - c. 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.

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 up to (one dollar) \$1/ton on every ton tipped at any and all transfer stations, construction and debris facilities and permitted landfills 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. The Department reserves the right to establish the initial date from which said tipping fee will begin to be collected, the exact amount to be collected, and the method of collection, all by 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 IX WASTE REDUCTION PROGRAM

### Section 9-0709.00 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 X OTHER TERMS AND CONDITIONS

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.



REPEAL: All Ordinances or parts of Ordinances specifically regulating the licensing, collection, storage, hauling, transfer, disposal and diversion of solid waste, which are 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.~~ September 7, 2006. However, the effective date of these rules and regulations as they apply to existing haulers and operators, shall become effective ~~July 1, 2006.~~ January 1, 2007. 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:

THIS ORDINANCE WAS DECLARED ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2006, AND BECOMES ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_.

\_\_\_\_\_  
STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
DIANE HUESCHEN, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: \_\_\_\_\_, 2006  
Published Adoption on \_\_\_\_\_, 2006

Delivered to Parish President \_\_\_\_\_, 2006 @ \_\_\_\_\_  
Returned to Council Clerk on \_\_\_\_\_, 2006 @ \_\_\_\_\_