



# **St. Charles County Solid Waste Management Code**

**Department of Community Health and The Environment  
Office of Environmental Health and Protection**



**SOLID WASTE MANAGEMENT CODE OF ST. CHARLES COUNTY**

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## CHAPTER 240: SOLID WASTE MANAGEMENT CODE

*Editor's Note--Ord. no. 01-061 §§1--8, adopted May 30, 2001, repealing ch. 240 and enacting the new provisions set out herein with certain exceptions as noted herein. Former ch. 240 derived from ord. no. 99-01 §§1--2, 1-12-99.*

*Permit application fees presently authorized by section 240.060 of the ordinances of St. Charles County, Missouri, have been renumbered as section 240.2010 of this new chapter and shall remain in force and shall apply to applications for permits and licenses to be issued pursuant to the new solid waste management code set out herein as adopted by ord. no. 01-061, until such time as new permit application fees or license fees are approved by the qualified voters of St. Charles County as provided by Section 6 of ord. no. 01-061.*

*Permit application fees and license fees authorized by Sections 240.415, 240.610, 240.840, 240.1406 and 240.1454 of this chapter 240 shall be effective upon approval of those fees by the qualified voters of St. Charles County.*

*The duty to make available the collection of separated recyclables imposed by Section 240.430.3 of this Chapter shall be effective on June 1, 2002.*

### **ARTICLE I. TITLE AND SCOPE**

#### **SECTION 240.101: TITLE**

This Chapter may be cited and shall be known as the "Solid Waste Management Code of St. Charles County, Missouri." (Ord. No. 01-061 §§1--8, 5-30-01)

#### **SECTION 240.110: SCOPE**

The provisions of this Chapter shall be effective within unincorporated St. Charles County and shall also be effective elsewhere if authorized pursuant to Article XVIII or XIX of this Chapter or by intergovernmental contract. (Ord. No. 01-061 §§1--8, 5-30-01)



## **ARTICLE II. DEFINITIONS**

### **SECTION 240.201: DEFINITIONS**

As used in this Chapter, and unless the context clearly requires a different meaning, references to one gender include references to the other gender, singular references include the plural and plural references include the singular, statements including the word "shall" are mandatory and not directory. The following specific definitions apply to this Chapter.

**AQUIFER:** A subsurface water-bearing bed or stratum of sand, gravel or bedrock which stores or transmits water in recoverable quantities or is capable of yielding water to wells or springs.

**BEDROCK:** The solid rock stratum underlying solid and unconsolidated surface materials.

**BULKY WASTE:** Non-putrescible solid waste consisting of waste materials from dwelling units, commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in waste transportation vehicles by waste haulers with the equipment available therefor."Bulky residential waste" is bulky waste generated on residential premises other than automobiles and construction and demolition materials.

**CELL:** Compacted waste in a landfill that is enclosed on all sides by cover material.

**CLEAN FILL:** Uncontaminated soil, rock, sand, gravel, concrete, asphalted concrete, cinder blocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy by the Missouri Department of Natural Resources for fill, reclamation, or other beneficial use.

**COMPOST:** The biological decomposition of organic constituents under controlled conditions.

**COMPOSTING FACILITY:** A non-residential premises which collects and/or accepts organic constituents from off-site for the purpose of biological decomposition and shall be defined as a waste processing facility.

**DEMOLITION AND CONSTRUCTION WASTE:** Waste materials generated from the demolition and construction of residential, industrial or commercial structures.



**DEMOLITION LANDFILL:** A disposal area used for the disposal of demolition and construction waste, untreated wood wastes, soil, rock, asphaltic concrete, and other non-decomposable inert solids insoluble in water.

**DEPARTMENT:** The St. Charles County Department of Community Health and the Environment.

**DIVISION DIRECTOR:** The Division Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment, and the deputies, assistants and employees of that Division designated to perform functions on his behalf.

**DIRECTOR:** The Director of the St. Charles County Department of Community Health and the Environment, and the deputies, assistants and employees of that Department designated to perform functions on his behalf.

**DIVISION:** The Division of Environmental Services of the St. Charles County Department of Community Health and the Environment.

**ENGAGE IN THE BUSINESS OF HAULING WASTE:** To either:

1. Use a vehicle designed for the collection of waste from storage at residential or non-residential premises to haul such waste, regardless of the number of times the vehicle is so used, including such use by municipalities; or
2. Use a vehicle to haul waste in the unincorporated part of St. Charles County more than five (5) times during any waste hauling vehicle licensing year. The expression includes municipalities which own or operate vehicles to provide waste hauling services within the unincorporated part of St. Charles County and who enter into intergovernmental cooperative agreements pursuant to Article XIX, Section 240.1930, but shall exempt residential property owners hauling their own waste.

**FACILITY:** With no modifying words appearing before it, used only in Sections where a landfill, waste processing facility or transfer station is being discussed, means any landfill, waste processing facility or transfer station which is the subject of such Section.

**FACILITY EXPANSION:** An increase or intended increase of the operation or use laterally, beyond the licensed perimeter previously licensed by the Division Director.



**FACILITY MODIFICATION:** A change in design, facility plan or operation within the ground of previously licensed perimeter or conditional use permit area. Modification would include an increase or change of final elevation or overall depth of landfills or extension into areas previously permitted by the Division Director, but not yet engineered.

**FINAL COVER:** The cover material placed over waste in a landfill which is more substantial than a daily cover.

**FLOOD PLAIN:** The area designated as the 100-year special flood hazard and floodway on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps approved by the Federal Emergency Management Agency.

**FREE LIQUID:** Liquid that will drain freely by gravity from solid materials.

**HAZARDOUS WASTE:** Any waste, or combination of wastes, as determined to be hazardous by Sections 260.350 to 260.430, RSMo., as amended, and the corresponding rules promulgated by the Missouri Department of Natural Resources (MDNR).

**HUMAN TISSUE:** Any part or component of human body origin generated by hospital or medical clinic surgical or routine activities that is discarded as waste in the course of operating practices including limbs or portions thereof, organs or culture stock.

**INDUSTRIAL/COMMERCIAL SPECIAL WASTE:** Special wastes generated as a result of commercial/industrial processes or activities.

**INFECTIOUS WASTE OR BIOHAZARD WASTE** shall include the following:

**Isolation wastes:** Wastes generated by patients who have communicable diseases which are capable of being transmitted to others via those wastes.

**Cultures and stocks of etiologic agents:** Included in this category are all cultures and stocks of infectious organisms as well as culture dishes and devices used to transfer, inoculate and mix cultures.

**Blood and blood products:** All discarded blood and blood products generated by a medical facility including serum, plasma and other components.

**Pathological wastes:** These wastes include tissues, organs, body parts and body fluids that are removed during surgery and autopsy. All such wastes shall be considered infectious waste. Also included are animal carcasses, body parts and bedding from animals contaminated with infectious agents capable of being transmitted to a human host.



**Sharps:** This includes all sharps, including hypodermic needles, syringes and scalpel blades. Sharps also include broken glass or other sharp items that have come in contact with material considered infectious by definition.

**Surgery and autopsy wastes:** Wastes contaminated with bodily fluids, tissue, or pathogens which are generated by surgery, dialysis and laboratory departments.

**Contaminated laboratory wastes:** All medical laboratory wastes which have been contaminated with bodily fluids, tissues, or pathogens.

In addition, the term "Infectious Waste" means waste in quantities and with characteristics as established by rule by the Division Director pursuant to the rule-making power granted in Section 240.1710.

**LANDFILL:** An engineered waste disposal site in which waste is deposited and managed in a manner protective of the environment.

**LEACHATE:** Liquid that has percolated through waste and contains extracted, dissolved, or suspended materials from it.

**MATERIALS FACILITY PLAN:** The plan for construction, operation and closure (as the case may be) of a yard waste composting facility.

**MEDICAL FACILITY:** An individual office, facility or institution which generates infectious waste in the course of conducting its primary business or whose act or process first causes an infectious waste.

**MEDICAL SPECIAL WASTE:** Infectious waste that has been rendered innocuous via a physical treatment process established by the Missouri Department of Health, the Missouri Department of Natural Resources and the St. Charles County Department of Community Health and the Environment.

**MOBILE/ROLL-OFF WASTE CONTAINER:** A container which has a capacity of at least ten (10) cubic yards and which is used for storing solid waste collected in the unincorporated areas of St. Charles County and transporting that waste to the disposal or transfer/processing point over public roadways.

**NON-RESIDENTIAL:** Commercial, industrial, agricultural, institutional and recreational.

**ON SITE:** The same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing, as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which he/she controls and to which the public does not have access is also



considered on-site property. Situations which do not meet this definition shall be deemed "off-site".

**PERSON:** Individual, partnership, corporation, association, institution, or municipality.

**PUNCTURE RESISTANT CONTAINER:** A container that resists piercing by a sharp object such as a hypodermic needle. Notwithstanding the foregoing, a container made of glass does not satisfy this definition.

**RECOVERED MATERIALS:** Those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing.

**RECYCLABLES:** Materials removed from the general waste stream for the purpose of resource recovery and includes at a minimum, glass bottles and jars, aluminum beverage cans, newspaper, corrugated containers (cardboard), office paper, miscellaneous paper fiber grades, plastics 1 (PETE, soda bottles) and 2 (HDPE, milk jugs, detergent), and steel cans, and may also include other materials for which resource recovery systems or end-use markets have been identified.

**RECYCLE:** The separation and reuse of source-separated materials which otherwise might be disposed of as waste.

**RECYCLING CENTER:** Any collection (not manufacturing) facility or system that accepts source-separated materials for resale to markets for resource recovery for example, aluminum cans and scraps, tin, copper, glass, paper products, tires, plastics, bi-metal and steel containers, ferrous and non-ferrous metals and from which offal from the material does not exceed ten percent (10%) by volume.

**RESOURCE RECOVERY FACILITY:** Any facility where recovery of materials, which might otherwise be disposed of as solid waste and which have not been separated at the point of generation, takes place.

**SANITARY LANDFILL:** A solid waste disposal area which accepts residential and non-residential waste for permanent management using detailed engineered controls.

**SLUDGE:** The accumulated semi-solid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins.

**SOIL:** Unconsolidated geologic material above the bedrock.

**SOLID WASTE:** All waste in a solid or semi-solid state generated by residential, commercial, institutional and industrial sources, but does not include hazardous waste or special waste.



**SOURCE-SEPARATED MATERIAL:** That recovered material which has been diverted or removed from the solid waste stream at the point the recovered materials and the solid waste are generated. The term does not require that various types of recovered materials be separated from each other.

**SPECIAL WASTE:** Waste that is declared by the Division Director, pursuant to his rule-making authority, or by the Missouri Department of Natural Resources to be non-hazardous but requiring handling other than normally used for municipal wastes, examples being sludges (bio-solids from water and wastewater treatment processes), ash, contaminated soils (generated from site remediation), and process residues.

**SPECIAL WASTE LANDFILL:** A solid waste disposal area licensed for the disposal of one (1) or more special wastes.

**TRANSFER STATION:** A site or facility which accepts solid waste for temporary storage, or consolidation and further transfer to a waste disposal, processing or storage facility. Transfer station includes, but is not limited to, a site or facility where waste is transferred from: a rail carrier, motor vehicle or water carrier to another carrier, if the waste is removed from the container or vessel. A licensed residential waste hauling operation which exclusively involves the transportation, storage, and disposal of non-putrescible banned landfill items (i.e., white goods, tires, etc.) as the service it provides to its customers shall be exempt from transfer station status provided the storage of all collected material does not exceed thirty (30) days and does not create a public health or aesthetic nuisance. In addition, the transfer of waste directly from one waste hauling vehicle/container to another waste hauling vehicle/container, in the regular operation of providing waste collection service, shall be exempt from transfer station status; providing, however, that all such vehicles and containers are permitted by St. Charles County under the same company name or its subsidiary.

**VECTOR:** An organism that is capable of transmitting a pathogen from one organism to another.

**WASTE:** Garbage, rubbish, refuse and other discarded materials, including liquid, gaseous, solid, and semi-solid materials resulting from industrial, commercial, institutional, agricultural, residential, and other domestic activities, but does not include recovered materials that are managed in such a manner so as to prevent a public health nuisance. For the purpose of all provisions of this Code imposing duties with respect to the generation, storage, collection or transportation of waste, the term "waste" includes hazardous waste, infectious waste, and special waste, unless the context clearly requires a contrary instruction.



**WASTE FACILITY PLAN:** The plan for construction, operation and closure of a sanitary landfill, demolition landfill, waste processing facility or transfer station, as the case may be, as more fully described in Sections 240.620, 240.630 and 240.640 and other provisions of this Chapter.

**WASTE PROCESSING FACILITY:** An incinerator, compost plant, transfer station or any facility where solid wastes (excluding hazardous wastes) received from off-site are salvaged, processed or treated, using methods other than landfilling.

**WASTE TRANSPORTATION VEHICLE:** A vehicle used to collect solid waste in the unincorporated areas of St. Charles County and to transport that solid waste on any highway, road or street, all as provided by Article IV of this Solid Waste Management Code of St. Charles County.

**WHITE GOODS:** Household appliances such as refrigerators, stoves, dishwashers, hot water heaters and other similar household devices not capable of being directly disposed of in a sanitary landfill.

**WORKING FACE:** That portion of the sanitary landfill where wastes are discharged and are spread and compacted prior to the placement of cover material.

**YARD WASTE:** Source-separated leaves, grass clippings, yard and garden vegetation generated by residential activities and Christmas trees. The term does not include waste generated in the production of decorative or ceremonial items, stumps, roots or shrubs with intact root balls, railroad ties, or tree limbs greater than six (6) inches in diameter.

**YARD WASTE COMPOSTING FACILITY:** A non-residential premises which collects and/or accepts recovered yard by-product (and brush/tree waste if incorporated into an approved facility plan) generated off-site for the purpose of controlled biological decomposition. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE III. STORAGE AND COLLECTION OF WASTE ON PREMISES WHERE GENERATED**

**SECTION 240.301: PERSONS RESPONSIBLE FOR STORAGE AND COLLECTION OF SOLID WASTES ON PREMISES WHERE GENERATED**

The persons described in this Section shall be responsible for complying with the provisions of this Article.

1. All residents seventeen (17) years old or older shall be responsible for complying with the provisions of this Article with respect to the storage and collection of residential waste on the premises at which they reside.
2. All persons in possession of common areas of multi-family residential premises or responsible for providing or contracting for waste collection services for such premises and for the benefit of their residents shall be responsible for complying with the provisions of this Article with respect to the storage and collection of solid waste generated on such premises, and this duty shall extend to each manager, agent or employee of such persons.
3. All persons in possession of non-residential premises shall be responsible for complying with the provisions of this Article with respect to the storage and collection of non-residential waste on the premises they possess, and this duty shall extend to each manager, agent or employee of such persons.
4. On all premises, it shall be a violation of this Article to perform any act which would make the premises fail to comply with the requirements of this Article, whether or not the person charged resides on the premises or is in possession of the premises or is the agent or employee of a person in possession of the premises. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.310: SOLID WASTE CONTAINERS REQUIRED ON ALL PREMISES**

There shall be provided on each premises where waste is generated, whether such premises are residential or non-residential, containers for the storage of all waste except the following: bulky waste, demolition and construction waste, yard waste, and infectious, hazardous and special wastes. The containers shall be leakproof, waterproof, and fly-tight and shall be properly covered at all times except when waste is being deposited in the containers or is being removed from them. The containers must be sufficient in quantity and size to hold all the aforementioned waste. (Ord. No. 01-061 §§1--8, 5-30-01)



**SECTION 240.315: REQUIREMENTS FOR SEPARATE CONTAINERS FOR RECYCLABLES FOR EACH RESIDENCE ON SINGLE, TWO- AND THREE-FAMILY RESIDENTIAL PREMISES**

Where owners or occupants of single-, two- or three-family residential premises separate recyclables for collection, those owners or occupants shall use for that purpose separate containers or sacks approved by the Division Director and provided by or meeting the requirements of the trash hauler holding an annual solid waste collection and transportation permit from St. Charles County and serving the premises. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.320: REQUIREMENTS FOR SEPARATE CONTAINERS FOR RECYCLABLES ON RESIDENTIAL PREMISES HAVING FOUR OR MORE UNITS**

Where persons responsible for residential premises having four (4) or more units provide for the separate collection of recyclables, those persons shall provide centrally located recycling containers meeting the requirements of the solid waste hauler holding an annual solid waste collection and transportation permit from St. Charles County and serving those premises. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.325: LOCATION OF CONTAINERS FOR SOLID WASTE AND RECYCLABLES**

Solid waste containers and containers for recyclables shall be stored upon the premises where the solid wastes or recyclables are generated, unless the person responsible provides the trash hauler serving the property his or her signed written agreement with the owner of an alternative site to use that alternative site for storing containers. The site of these containers shall be maintained in a neat, clean, odor-free and sanitary condition, and in the case of non-residential premises shall be fully accessible to collection equipment. The site where containers are placed that serve commercial establishments shall meet all the aforementioned requirements as well as being accessible to all public health personnel and fire inspection personnel. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.330: SPECIFICATIONS FOR CONTAINERS FOR SOLID WASTE AND RECYCLABLES**

All containers for solid waste and for recyclables must conform to the requirements of the solid waste hauler serving the premises as those requirements are stated in the hauler's annual solid waste collection and transportation permit issued by St. Charles County. (Ord. No. 01-061 §§1--8, 5-30-01)



SECTION 240.335: CONTAINERS FOR SOLID WASTE AND RECYCLABLES FOR EXCLUSIVE USE OF RESIDENTS OR POSSESSOR OF PREMISES SERVED

No person may place solid waste or recyclables in any containers serving premises on which others reside or which others possess without their consent. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.340: STORAGE OF INFECTIOUS, HAZARDOUS AND SPECIAL WASTES

- A. No person possessing or generating infectious, hazardous or special waste shall permit such infectious, hazardous or special waste to be placed in storage containers ordinarily used for waste that is not infectious, hazardous or special waste, as the case may be.
- B. Any person possessing or generating infectious, hazardous or special waste shall place such waste in storage containers clearly marked "INFECTIOUS", "HAZARDOUS WASTE" or "SPECIAL WASTE", as the case may be.
- C. Infectious waste shall be stored in a manner that does not pose a significant hazard or nuisance in the workplace, to the public, or to the environment. All infectious waste shall be stored in the following manner prior to pickup:
  - 1. All infectious waste shall be stored in sealed leakproof containers. Discarded sharps shall be placed in closed containers which are rigid and puncture resistant.
  - 2. All containers shall be clearly marked with the universal biohazard symbol prominently displayed and shall be labeled "Infectious Waste" or "Biohazard Waste". The symbol and label shall be clearly visible.
  - 3. All containers shall be closed in such a manner as to completely contain all waste and the outside of the container shall be kept free of contamination.
  - 4. The storage area shall be posted with the universal biohazard symbol. The symbol shall be clearly visible.
  - 5. The storage area shall be accessible only to authorized personnel.
  - 6. Exterior storage areas shall be locked or otherwise secured at all times.
- D. Medical special waste shall be stored in a manner that does not pose a significant hazard or nuisance in the workplace, to the public, or to the



environment. All medical special waste shall be stored in the following manner prior to pickup:

1. All medical special waste shall be stored in sealed leakproof containers.
  2. All containers shall be labeled "Medical Special Waste" affixed to the container. All labeling shall be clearly visible and legible.
  3. The storage area shall be accessible only to authorized personnel.
  4. Exterior storage areas shall be locked or otherwise secured at all times.
- E. Industrial/commercial special waste and sewage sludges shall be stored in a manner that does not pose a significant hazard or nuisance in the workplace, to the public, or the environment and as approved in the special waste application. The storage area shall be accessible only to authorized personnel, and exterior storage area shall be locked or otherwise secured at all times.
- F. Hazardous wastes shall be stored in accordance with applicable State and Federal regulations. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.345: DEMOLITION AND CONSTRUCTION WASTE

- A. No person shall store in or place additional demolition and construction waste in a mobile/roll-off waste container which is full. A mobile/roll-off waste container is full if no more waste can be added to it without making it unsafe to transport, filled in excess of the rated capacity, or in excess of established public roadway weight limits.
- B. The person who has requested that a mobile/roll-off waste container be located to receive demolition or construction waste or container be removed from a site shall require that a mobile/roll-off waste container which is full be removed and the waste deposited at an appropriate facility.
- C. Demolition and construction waste shall be stored in a secure container or otherwise secured to prevent dispersal by the wind.
- D. Demolition and construction waste shall not be stored in a floodplain unless it is stored in a mobile/roll-off waste container. (Ord. No. 01-061 §§1--8, 5-30-01)



SECTION 240.350: MEDICAL FACILITIES GENERATING AND/OR DISPOSING OF MEDICAL WASTES

- A. At least once annually, every medical facility generating or disposing of medical wastes shall file a statement with the Division Director registering the medical facility as a medical waste generator. The statement shall contain such other information as the Division Director requests, including more particular detail concerning the amounts of medical waste disposed or expected to be disposed of during the year.
- B. Waste generators disposing of treated infectious waste (medical special waste) are required to submit an application for disposal of special waste in accordance with Section 240.1610. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.355: COLLECTION OF SOLID WASTE AND RECYCLABLES

For all residential or non-residential premises where solid wastes are generated, persons responsible for complying with the provisions of this Article shall contract for the collection of solid waste by a hauler serving the premises and holding an annual solid waste collection and transportation permit issued by the Division Director. Such services shall meet the following requirements.

- 1. Solid waste, including recyclables but excluding bulky waste, demolition and construction waste, yard waste, and infection, hazardous and specials wastes, shall be collected not less often than once per week. In the event no waste hauler serves the area, the aforementioned wastes must be removed from the premises not less often than once per week and deposited at a licensed sanitary landfill, waste processing facility or transfer station.
  - a. Solid waste containers and containers for recyclables described in Sections 240.310 through 240.330 shall be placed at the curb or mailbox for collection or shall be placed at a location pursuant to Section 240.325 no earlier than dusk on the day prior to regularly scheduled collection day. The waste containers and recycling containers shall be returned to their appropriate storage places following collection and on the same day as collection.
  - b. Solid waste collectors operating under an annual solid waste collection and transportation permit issued by St. Charles County are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting



residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner.

2. Infectious waste. If the generator of infectious waste generates such waste at the rate of four and one-half (4.5) cubic feet per week or more, then such waste shall be collected at least once per week. If the generator of infectious waste generates infectious waste at the rate of less than four and one-half (4.5) cubic feet per week, then waste shall be collected within seven (7) normal working days of the time such generator collects four and one-half (4.5) cubic feet of infectious waste.
3. Medical special waste and industrial/commercial special waste and sewage sludge. Frequency of pickup shall be as specified in the approved special waste disposal application. In making the determination of the frequency of pickup, the Division Director may consider whether proper containment, storage and labeling is or has been observed by the applicant per Section 240.340, Subsections (A) through (D). (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.360: VIOLATIONS--NOTICES

If any person responsible for complying with the provisions of this Article violates any such provision, the Division Director shall notify that person in writing of any such violations and order that person to correct or abate them within thirty (30) days. If the violation is failure to comply with Section 240.355's requirement to contract for the services of a hauler holding an annual solid waste collection and transportation permit from St. Charles County, the notice of the Division Director shall include the names, business addresses and telephone numbers of the permittee serving the premises and order the person responsible to contract with a licensed hauler within thirty (30) days of the mailing or posting of the notice. Notice shall be served by first-class mail, postage prepaid, or shall be posted upon the premises in a prominent place. Failure to comply with the correction order of the Division Director shall result in citations and appropriate legal action for penalties or injunctive relief as authorized by Article XVII of this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.365: NOTICE OF PROPER DISPOSAL OF SHARPS

- A. The Division Director shall develop instructional materials describing the proper disposal procedures for sharps used outside of a medical facility. These materials shall be made available to all persons who dispense sharps to individuals who are not healthcare professionals but who use sharps to administer medication to themselves.



- B. Every person who dispenses sharps to individuals pursuant to Subsection (A) of this Section shall also and at the same time give those individuals a copy of the instructional materials described in Subsection (A) of this Section.
- C. The Division Director shall take reasonable means to educate persons subject to the requirements of Subsection (B) of this Section of the requirements and the availability of the materials described in Subsection (A) of this Section. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE IV. COLLECTION AND TRANSPORTATION OF SOLID WASTE FROM PREMISES**

**SECTION 240.401: ANNUAL PERMIT FOR COLLECTING AND TRANSPORTING SOLID WASTE--REQUIRED**

Except as provided in this Section, no person shall engage in the business of collecting solid waste in the unincorporated areas of St. Charles County and transporting that solid waste on any highway, road or street without first obtaining an annual solid waste collection and transportation permit from the County. This Section shall not apply to employees of the holder of any such permit, or to governmental bodies engaged solely in the business of collecting solid waste within incorporated areas of St. Charles County, or to persons engaged in the removal, hauling or disposal of earth and rock material from grading or excavation activities, or to vehicles that transport no solid waste except white goods and/or scrap metal. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.405: ANNUAL PERMIT--NOT TRANSFERABLE**

No permit authorized by this Article shall be transferable from person to person or company to company. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.410: ANNUAL PERMIT--APPLICATION FORM**

Each application for an annual solid waste collection and transportation permit shall be on a form provided by the Division Director and shall state:

1. The applicant's name, address, and telephone number;
2. The name under which the applicant will conduct the business of collecting and transporting solid waste under the permit applied for;
3. The motor vehicle license number and fleet vehicle number assigned by the applicant to each vehicle or mobile/roll-off waste container to be used by the applicant under the permit applied for;
4. The name, address, and telephone number of the owner of each vehicle or mobile/roll-off waste container to be used by the applicant under the permit applied for (if not the same as the applicant);
5. The type or types of solid waste to be collected and transported under the permit for which applied;



6. The precise location or locations of the solid waste disposal areas, processing facilities or transfer stations to which the applicant shall haul waste under the permit for which applied;
7. Subject to Subsection 240.430(3), a materials separation plan, on a form supplied by the Division Director, providing for the separate weekly collection from single- and multi-family residential premises and for the recycling of recyclables, and including specifications for recycling containers to be approved by the Division Director, provisions assigning responsibility for providing them, and the costs of implementing the plan;
8. Specifications for general solid waste containers, and provisions assigning responsibility for providing them;
9. A plan for the collection from residential premises at least once every six (6) months of bulky waste, including white goods;
10. An agreement to comply with the provisions and requirements of this Article; and
11. Such other information as may be required by the Division Director. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.415: ANNUAL PERMIT--APPLICATION DEADLINE--EFFECTIVE DATES-- FEES**

- A. A person may apply at any time for an initial annual solid waste collection and transportation permit which shall be effective from the date on which the Division Director issues it and which shall expire at the end of the immediately following December thirty-first (31st). All applications to renew such permits shall be made by December fifteenth (15th) of each year. All renewed permits shall be effective from January first (1st) through December thirty-first (31st) of the following year.
- B. Each applicant shall pay application fees and inspection fees as authorized herein at the time of making application for an annual solid waste collection and transportation permit.
  1. The County of St. Charles shall charge and collect a fee of up to one hundred fifty dollars (\$150.00) for a one (1) year permit from any solid waste hauler doing business in the unincorporated areas of St. Charles County. Fees for permits issued to new permittees at any time after January first (1st) shall be prorated.



2. The Division shall charge a fee for inspections of waste transportation vehicles and/or mobile/roll-off waste containers of solid waste haulers doing business in the unincorporated areas of St. Charles County as follows:
  - a. Ten dollars (\$10.00) per inspection of each vehicle or mobile/roll-off waste container. (Ord. No. 01-061 §§1--8, 5-30-01; Ord. No. 02-114 §1, 7-31-02; Ord. No. 03-024 §1, 2-26-03)

*Editor's Note--Permit application fees and license fees authorized by Sections 240.415, 240.610, 240.840, 240.1406 and 240.1454 of this chapter 240 shall be effective upon approval of those fees by the qualified voters of St. Charles County. Until such approval, previously adopted fees remain in force, pursuant to St. Charles County Ordinance No. 01-061 §2, which provides in pertinent part: "Permit application fees presently authorized by Section 240.060 of the Ordinances of St. Charles County, Missouri, shall remain in force and shall apply to applications for permits and licenses to be issued pursuant to the new Solid Waste Management Code..., until such time as new permit application fees or license fees are approved by the qualified voters of St. Charles County..." See Section 240.2010.E for the text of former Section 240.060.*

**SECTION 240.420: ANNUAL PERMIT--ISSUANCE**

No annual solid waste collection and transportation permit shall be issued unless:

1. The applicant's application is complete;
2. The applicant has paid all authorized fees;
3. The Division Director determines that the applicant's materials separation plan for collecting and recycling recyclables conforms to the requirements of this Article; and
4. The applicant provides for the collection from residential premises of bulky waste, including white goods, at least once every six (6) months. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.425: DUTIES OF PERMITTEE--OFFERING COLLECTION SERVICES TO ALL RESIDENTS WITHIN AREA OF SERVICE--CERTIFYING COLLECTION CONTRACTS TO DIVISION DIRECTOR**

As a condition of holding a permit issued pursuant to this Article, each permittee shall offer collection services to all residential and non-residential premises within the area or areas for which a permittee is authorized to collect and transport solid waste. Further, if St. Charles County determines that residential or non-residential premises of the unincorporated part of the County lack collection services in violation of Article III of this Chapter, the Division Director shall send the person responsible for those premises as defined by Section 240.301 written notice of that violation and send copies of that notice to the permittee or permittees serving the area within which those premises are located.



That notice shall give the names, business addresses and telephones of the permittee or permittees serving the area and order the person responsible for those premises to contract with a permittee for collection services within thirty (30) days of the mailing of the notice. It shall be the permittee's duty to provide collection services if the person responsible for those premises requests them and send the Division Director written certification that the person responsible has contracted or has failed to contract for collection services as required by the notice. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.430: DUTIES OF PERMITTEE--PROVIDING RECYCLING SERVICES WITH COLLECTION SERVICES AND UPDATING MATERIALS SEPARATION PLANS**

As a condition of holding a permit issued pursuant to this Article, each permittee shall:

1. Collect and dispose of all solid waste at an approved facility at least once a week and make available for an additional fee twice-a-week collection and disposal.
2. Make available for an additional fee collection of yard waste once a week between April first (1st) and November thirtieth (30th) of every year and deliver all such materials to an approved transfer station or composting facility.
3. Collect separated recyclables upon request by the customer at least once a week and deliver all such materials to approved material processing facilities and/or end-users as appropriate.
4. Provide the above services with authorization to bill all residential customers at prevailing fair market rates covering all operating costs.
5. Apply to the Division Director for approval of any amendments to the permittee's materials separation plan, which shall not be given unless the Division Director determines that the permittee's amended materials separation plan conforms to the requirements of this Article.
6. Report any changes in the information provided on the permittee's application within thirty (30) days of those changes. (Ord. No. 01-061 §§1--8, 5-30-01; Ord. No. 01-162 §1, 11-28-01; Ord. No. 02-079 §1, 5-29-02)

*Editor's Note--The duty to make available the collection of separated recyclables imposed by Section 240.430.3 of this Chapter shall be effective on June 1, 2002.*



**SECTION 240.432: RESERVED**

*Editor's Note--Ord. no. 02-079 §2, adopted May 29, 2002, repealed section 240.432, "Director to determine compulsory curbside recycling areas for residential waste hauling", in its entirety. Former section 240.432 derived from ord. no. 01-162 §2, 11-28-01 and ord. no. 02-045 §1, 5-1-02. We have left this section reserved for future use by the county.*

**SECTION 240.435: DUTIES OF PERMITTEE--COLLECTING BULKY WASTE FROM RESIDENTIAL PREMISES AT LEAST ONCE EVERY SIX MONTHS**

As a condition of holding a permit issued pursuant to this Article, each permittee shall provide to all persons contracting for the collection of solid waste from residential premises at least one (1) collection of bulky waste, including white goods, every six (6) months. The permittee shall give such persons reasonable notice of the time of any such collection of bulky waste. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.440: DUTIES OF PERMITTEE--LABELING ALL PERMITTED WASTE TRANSPORTATION VEHICLES AND MOBILE/ROLL-OFF WASTE CONTAINERS**

As a condition of holding a permit issued pursuant to this Article, each permittee shall ensure that all waste transportation vehicles and mobile/roll-off waste containers used under any permit required by this Article shall display in a prominent and visible location the label provided by the Division Director on each vehicle and container indicating that they are licensed. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.445: DUTIES OF PERMITTEE--MAINTAINING WASTE TRANSPORTATION VEHICLES AND MOBILE/ROLL-OFF WASTE CONTAINERS**

As a condition of holding a permit issued pursuant to this Article, each permittee shall maintain the waste transportation vehicles and mobile/roll-off waste containers that it operated under its permit as provided herein.

1. All waste transportation vehicles and mobile/roll-off waste containers shall be maintained in a clean and sanitary condition and shall be constructed, maintained and operated to prevent spilling, blowing or leaking of solid waste or liquid therefrom.
2. All waste transportation vehicles that incorporate compactor bodies for trash storage during transportation shall be constructed with bodies that have seals located on the hopper assembly or any part of the compactor body which will create a watertight enclosure to prevent spillage or leakage of solid waste or liquid therefrom, and only the loading hopper may be exposed.



3. All mobile/roll-off waste containers that are not fully enclosed shall have fasteners designed to secure a suitable cover material to all sides of the container while in transport to prevent spillage or leakage of solid waste or liquid therefrom. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.450: DUTIES OF PERMITTEE--INSPECTION OF ALL WASTE TRANSPORTATION VEHICLES AND MOBILE/ROLL-OFF WASTE CONTAINERS USED BY PERMITTEES--VIOLATIONS--CORRECTION NOTICES--SUSPENSION OF PERMITTED VEHICLES OR CONTAINERS IN VIOLATION

- A. As a condition of holding a permit issued pursuant to this Article, each permittee shall permit the Division Director to inspect each of the waste transportation vehicles and mobile/roll-off waste containers used under the permit, at any time selected by the Division Director and upon reasonable notice to the permittee, to ensure compliance with the provisions of this Article.
- B. Except as provided in Subsection (C), the Division Director shall inspect all waste transportation vehicles or mobile/roll-off waste containers used by each holder of an annual solid waste collection and transportation permit to ensure compliance with this Article.
- C. The Division Director may waive inspection of any waste transportation vehicle or mobile/roll-off waste container if its owner is a municipality, governmental entity, department of a governmental entity, or non-profit organization which has a quality control and inspection program that ensures compliance with the standards imposed by this Article.
- D. If, upon inspection pursuant to this Section, the Division Director finds any violation of this Chapter or of the regulations adopted pursuant to it, the Division Director shall issue notice to the holder of the annual solid waste collection and transportation permit who is responsible for each such violation stating the violation or violations found, the corrective action needed to correct the violation or violations found, and the time and date by which such corrective action must be taken.
- E. In all cases, if a holder of an annual solid waste transportation and collection permit fails to take the corrective action ordered by the Division Director pursuant to Subsection (D) within the time specified, the Division Director shall suspend operation of the permitted waste transportation vehicle or mobile/roll-off waste container that is in violation, however, in those cases where an extension of time will permit correction and there is no public health hazard



created by the delay, one (1) extension of time not to exceed the original time period may be given.

- F. Any person aggrieved by any notice of violation or order issued pursuant thereto of the Division Director may, within thirty (30) days of the act for which redress is sought, appeal directly to the Director in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.455: DUTIES OF PERMITTEE--SEMI-ANNUAL REPORTS TO COUNTY

As a condition of holding a permit issued pursuant to this Article, each permittee shall provide to the Division Director semi-annual reports on forms to be provided by the Division Director, and including the following information:

1. Number of current customers;
2. Total tons of waste collected since last report;
3. Total tons of recyclables collected since last report;
4. Total tons of yard waste collected since last report;
5. Names and addresses of processing facilities/destinations/end-market locations accepting above- referenced items; and
6. Request for handling of de minimis (as outlined in Missouri Revised Statutes, Chapter 260, Section 260.432 amounts of household/commercial hazardous wastes. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.460: DUTIES OF PERMITTEE--INSURANCE

- A. No person shall engage in the business of hauling waste without maintaining public liability insurance governing all operations of the insured pertaining to the business of hauling waste and all vehicles to be operated in the conduct thereof. The insurance shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the Division Director. The minimum limits of insurance for public liability and auto liability shall be five hundred thousand dollars (\$500,000.00) for bodily injury to each person; one million dollars (\$1,000,000.00) for total bodily injury for each occurrence; and one million dollars (\$1,000,000.00) for property damage for each occurrence. Municipalities



engaged in the business of waste hauling are exempted from procuring the minimum limits of insurance required by this Section.

- B. No person shall engage in the business of hauling waste without maintaining insurance coverage with Workers' Compensation coverage, with minimum limits as set by law. Should any policy be canceled, the Division Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.465: DUTIES OF PERMITTEE--SECURING BONDS FOR HAULING SLUDGE, SEWAGE AND SPECIAL WASTES**

No person shall haul sewage, sludge or special wastes without obtaining a bond in the amount of one thousand dollars (\$1,000.00) for each vehicle hauling or to haul sludge, sewage or special wastes. The bond shall assure that the provisions of this Section are satisfied and that sludge, sewage and special wastes are transported in a safe and sanitary manner. Such bond shall insure to the benefit of St. Charles County and persons residing in unincorporated St. Charles County. Bonding and annual solid waste collection and transportation permits shall not be required for any sludge, sewage, or sludge/compost mixture that has been processed for agricultural land application under regulations of the United States Environmental Protection Agency at 40 Code of Federal Regulations Part 503, as adopted or amended. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.470: SPECIAL REQUIREMENTS FOR TRANSPORTATION OF INFECTIOUS, HAZARDOUS AND SPECIAL WASTES**

- A. The Division Director shall classify certain wastes as hazardous wastes pursuant to applicable regulations of guidelines set up by the Missouri Department of Natural Resources and the U.S. Environmental Protection Agency. These wastes will require special handling and shall be reused, recycled, transported and disposed of in a manner which will meet all State and Federal regulations.
- B. No person shall haul infectious, hazardous or special waste in a waste transportation vehicle or mobile/roll-off waste container used for or containing waste which is not infectious, hazardous or special waste, as the case may be, or which is not a waste hauling vehicle or mobile/roll-off waste container which can safely transport waste of such kind. No person shall collect or transport waste which has been clearly identified as infectious, hazardous or special waste, or which such person has reason to know is in fact infectious, hazardous or special waste, unless such person has the capability legally and safely to transport and



dispose of the waste at an appropriate waste treatment facility. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.475: AUTHORITY TO PROMULGATE REGULATIONS IMPLEMENTING THIS ARTICLE**

The Division Director is authorized to make such regulations as will implement the purposes of this Article. Such regulations shall only be promulgated following notice to the public of the public hearing to be held and the subject matter of the proposed regulation. The Division Director shall hold such a public hearing. Upon issuance of such regulation, the text of such regulation shall be filed with the County Registrar. Failure to comply with provisions of such regulation shall be a violation of this Chapter and subject to the penalty provisions of this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

*Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.*

**SECTION 240.480: REVOCATION OF PERMITS**

- A. The Division Director may revoke a permit issued pursuant to this Article if the Division Director has suspended operation of any vehicle or container operated under the permit more than six (6) times within twelve (12) months, or if the permittee violates the provisions of Sections 240.415 or 240.460, and fails to cure those violations within thirty (30) days of receipt of a written notice of violation issued by the Division Director and served by certified mail upon the permittee.
- B. Any person aggrieved by any notice of violation or order issued pursuant thereto of the Division Director may, within thirty (30) days of the act for which redress is sought, appeal directly to the Director in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE V. DISPOSAL OF SOLID WASTE--LICENSE REQUIRED--EXCLUSIONS**

**SECTION 240.510: WASTE MUST BE DEPOSITED AT A LICENSED LANDFILL, LICENSED WASTE PROCESSING FACILITY OR LICENSED TRANSFER STATION**

- A. No person shall deposit waste on any real estate or permit waste to be deposited on any real estate for which there is not valid and current license and, if appropriate, renewal license for the operation of a waste processing facility or transfer station issued by the Division Director, nor shall any person deposit waste on or at any such sanitary landfill, demolition landfill, waste processing facility or transfer station in a manner which does not comply with the waste facility plan approved by the Division Director and the license issued therefor by the Division Director, nor in a manner which does not comply with the provisions of this Chapter describing the manner or operation of the sanitary landfill, demolition landfill, waste processing facility or transfer station.
- B. No person shall deposit or permit the depositing of any solid waste (including yard waste) into any stream, spring, body of surface or ground water, whether natural or artificial, or along the bank of any body of water within unincorporated St. Charles County.
- C. Except as otherwise provided in this Subsection, no person shall engage in or permit the burning of any solid waste in any open area or container including drums and barrels. Open burning of solid waste in residential "burn barrels" or on the ground surface at any property located in the unincorporated areas of St. Charles County is expressly prohibited. However, open burning of yard waste shall be lawful under permits issued pursuant to the applicable regulations administered by the Missouri Department of Natural Resources Air Pollution Control Program (MDNR-APCP). (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.520: PRESUMPTION REGARDING WASTE NOT DEPOSITED AT LICENSED FACILITY**

In a prosecution of a defendant for violation of Section 240.510, the prosecution shall make a prima facie case upon showing that:

- 1. Waste has been deposited on real estate which does not have the license described in Section 240.510; and
- 2. The waste so deposited contains at least three (3) pieces of waste which uniquely identify the defendant. (Ord. No. 01-061 §§1--8, 5-30-01)



SECTION 240.530: LICENSE TO OPERATE LANDFILL, WASTE PROCESSING FACILITY OR TRANSFER STATION REQUIRED

No person shall construct or operate a sanitary landfill, demolition landfill, waste processing facility or transfer station without a current and valid license issued by the Division for the construction and operation thereof. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.540: INFECTIOUS WASTE, HAZARDOUS WASTE AND SPECIAL WASTE NOT TO BE DEPOSITED AT SANITARY OR DEMOLITION LANDFILL, WASTE PROCESSING FACILITY OR TRANSFER STATION

No person shall deposit or permit or cause to be deposited any infectious waste, hazardous waste or special waste in a sanitary landfill, demolition landfill, waste processing facility or transfer station unless the facility is designed and licensed by the Division to accept such waste safely. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.550: DISPOSAL OF HUMAN TISSUE

- A. Unless otherwise provided in this Chapter, no person shall dispose of human tissue except as follows:
  - 1. By burial; or
  - 2. By cremation; or
  - 3. By pathological incineration.
- B. Hair, teeth, fingernails and toenails are not subject to the provisions of Subsection (A).
- C. Human tissue which is used for scientific or medical purposes is not subject to this Chapter until it is no longer used for such scientific or medical purposes. When such tissue is no longer used for scientific or medical purposes, such tissue must be disposed of in one (1) of the manners indicated in Subsection (A).
- D. In lieu of the manners of disposal sanctioned in Subsection (A), blood, suctioned fluids, excretions, and secretions may be poured down a drain connected to a sanitary sewer, provided that conflicts with local, State and Federal wastewater laws, pretreatment requirements, do not exist. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE VI. SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES--  
APPLICATION FOR LICENSE/WASTE FACILITY PLAN**

**SECTION 240.610: LICENSE, HOW ACQUIRED--APPLICATION FEES**

- A. An initial license (as opposed to the annual renewal license) for the construction and operation or expansion of a sanitary landfill, demolition landfill, waste processing facility, or transfer station may be issued by the Division Director following the procedures declared in this Chapter. An applicant for a license shall file three (3) copies of an application addressed to and filed with the Division Director. The application shall consist of:
  - 1. A request for issuance of a license, and
  - 2. A waste facility plan as described below.
- B. All applications shall be reviewed concurrently with applications for construction and operating permits filed with the Missouri Department of Natural Resources pursuant to Section 260.205, Revised Statutes of Missouri, as amended and applicable regulations.
- C. The Division shall issue no license pursuant to Subsection (A) before Missouri Department of Natural Resources has issued a permit authorizing facility operation pursuant to Section 260.205, Revised Statutes of Missouri, as amended.
- D. The application filed pursuant to Subsection (A) shall be accompanied by an application fee of five thousand dollars (\$5,000.00).
- E. The Division Director shall not process an application which is not accompanied by the application fee required by this Section. (Ord. No. 01-061 §§1--8, 5-30-01)

*Editor's Note--Permit application fees and license fees authorized by Sections 240.415, 240.610, 240.840, 240.1406 and 240.1454 of this chapter 240 shall be effective upon approval of those fees by the qualified voters of St. Charles County.*

**SECTION 240.620: APPLICATION FOR SANITARY LANDFILL LICENSE**

- A. All site development/waste facility plans and compliance monitoring reporting required by these provisions must be prepared under direction of, and submitted by, a certified environmental professional. Acceptable certified environmental professional designations include CHMM, RG, REP and PE and must reference applicable license of certifications granted by the sponsoring organization of the affiliation. Detailed site plans, construction drawings/specifications and design



calculations must be prepared by or under direction of a registered professional engineer.

- B. An application to the Division Director for a license to construct, expand the disposal area vertically or horizontally beyond the licensed perimeter, and operate a sanitary landfill shall contain a written request for the issuance of a license for the construction and operation of a sanitary landfill and shall include a waste facility plan for the construction, operation and closure of the landfill, which waste facility plan shall be consistent with the provisions of this Chapter pertaining to construction, operation and closure of a sanitary landfill and shall address the following criteria:
1. The type of waste, if any, including chemical and biological characteristics, if other than solid waste is to be disposed of in the sanitary landfill.
  2. Provide list of geosynthetic drainage layer components of liner and capping systems.
  3. Provide to the Division Director proof that applications for zoning and conditional use permit(s) have been approved.
  4. A metes and bounds description of the site with delineation of waste disposition footprint proposed for development of the landfill prepared or approved by a Missouri registered professional land surveyor.
  5. Anticipated origins, sources and quantities of solid waste to be delivered over expected life of facility.
  6. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional depicting the proposed site with existing and proposed topography at contour intervals of five (5) feet or less.
  7. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional illustrating:
    - a. Actual land use and existing zoning within one-quarter ( $\frac{1}{4}$ ) mile of the site, including location of all residences, buildings, wells, watercourses, springs, lakes, rock outcroppings, caves, sinkholes, soil, rock borings and ground water monitor/piezometer points.



- b. Easements for electric, gas, water, sewer and other utility easements or lines that are located on, under or over the disposal site.
  - c. The public roads and access roads within a one (1) mile radius to be used for delivery of waste to and within the landfill.
8. A plan prepared or approved by a Missouri registered professional engineer or certified environmental professional for the construction and operation of the landfill which includes:
- a. A description of the disposal area (footprint) where waste is intended to be placed on the site.
  - b. A detailed description and characterization of the geology and hydrology of the site, including subsurface investigation, and evaluation of how the entire landfill plan for construction and operation will minimize adverse impact on surface water and ground water resources. Such evaluation shall at a minimum address the following elements:
    - i. Current and projected use of water resources in the potential zone of influence of the facility.
    - ii. Ground water elevation and proposed separation between the lowest point of the deepest excavated cell and the predicted maximum water table elevation.
    - iii. Background and initial quality assessment of water resources in the potential zone of influence of the facility.
    - iv. Proposed location and design installation methods for observation/monitor wells, sampling stations, and the environmental media testing program planned.
    - v. Sufficient modelling to determine and accurately characterize the subsurface/ground water hydrogeologic regime underlying the proposed site.
    - vi. A description of soil native and bedrock deposition to a depth adequate to allow evaluation of the in-site water quality protection provided by the existing earth materials.



- vii. Provisions for surface water runoff control to minimize infiltration and erosion of cover material. On-site drainage structures and channels should be designed for at least a 20-year rainfall frequency.
  - viii. Potential of leachate generation and proposed control and disposition systems, where necessary, for the protection of ground and surface water resources.
  - ix. Plans shall include an operation and maintenance program and address the administration and financing of any leachate treatment system during and following the facility operation life through completion of the post-closure period.
  - x. Descriptions of all private and public drinking water sources (such as wells and springs) within one-quarter ( $\frac{1}{4}$ ) mile of the site and provisions that a baseline water quality study be performed on all such water sources.
- c. A discussion of the effects of precipitation, evapotranspirations and climatological conditions on the operation of the landfill and the affected environment.
  - d. A description of characteristics of on-site soils with respect to their effect on landfill operations, such as daily cover, dusting, vehicle maneuverability, and potential mud tracking by vehicles.
  - e. Description of an effective dust control program.
  - f. Assessment of the need for passive and active decomposition gas control systems, and indication of any collection wells, vents, barriers, or the active control or processing measures to be provided. Plans for the control of decomposition gases shall be for both on-site and perimeter control; and decomposition gases shall be collected and processed or vented to the atmosphere directly through the cover material, cutoff trenches, or ventilation systems in such a way that they do not accumulate in explosive or toxic concentrations, especially within structures. Systems designs shall consider economic feasibility of alternate fuel/energy recovery and odor abatement and shall include internal site and perimeter permanent monitors and testing protocol.



- g. Description of contingency programs for vector control.
- h. Plans for effectively receiving and covering waste, including:
  - i. Soil material sources, quantities and classifications according to the Unified Soil Classification System of the U.S. Department of Agriculture classification system.
  - ii. The capability of any proposed alternative (non-earth) material to cover waste at least as well as soil, minimize fire hazards, infiltrations of precipitation, odors and blowing litter, control gas venting and vectors, discourage scavenging, provide a pleasing appearance, and to compact and not be blown by the wind.
  - iii. Surface grades and side slopes needed to promote maximum runoff, without excessive erosion, to minimize infiltration.
  - iv. Procedures to maintain cover material integrity, e.g., regrading and recovering.
  - v. Procedures to promote vegetative growth as promptly as possible to combat erosion and improve appearance of idle and complete areas.
- 9. A description of the equipment used to spread and compact the waste and cover material, thereby preserving land resources, and minimizing moisture infiltration and settlement.
- 10. A description of the arrangements made whereby substitute equipment will be made available to provide uninterrupted service during routine maintenance periods or equipment breakdowns.
- 11. The period of time the applicant is seeking to operate the landfill.
- 12. A description of a plan for closure, including:
  - a. Conformity with applicable zoning including conditions imposed by conditional use permits.
  - b. Final elevations and contours.
  - c. Vegetation establishment.



- d. Erosion control.
  - e. Air pollution and lateral migration control of decomposition gases including ongoing system operation and maintenance.
  - f. Continued operation and maintenance of leachate control and disposition systems.
  - g. Ground settlement/subsidence correction.
  - h. Final cover source, depth, and compaction methods.
  - i. Safety considerations.
  - j. Access to the site for inspections and subsequent alternate use of the site.
  - k. Surface water control.
  - l. Monitor well location and installation logs.
  - m. Leachate level control and monitoring, data recording and reporting criteria.
  - n. Ground water and surface water sampling, data recording, monitoring assessments and reporting criteria.
  - o. Decomposition gas monitoring, recording and data assessment/reporting protocol.
13. A description of the projected use of the completed landfill property, including:
- a. Maintenance programs and provisions, where necessary, for monitoring and controlling decomposition gases, leachate and water.
  - b. Provisions for an additional depth of soil cover material to allow cultivation and to support vegetation in addition to that required for final cover where applicable.
  - c. A description of the types of structures anticipated to be constructed on or near the completed landfill. Major structures shall not be planned for location on the completed landfill over waste footprint areas.



14. A statement that an application for zoning approval and conditional use permit has been applied for, is concurrently with the filing of this application being applied for, or will be applied for within fifteen (15) days of the filing of this application.
15. A schedule for the sequential construction and phased completion of the sanitary landfill stated with respect to the time of the issuance of a license for construction and operation of the facility.
16. Other information as required by the Division Director. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.630: APPLICATION FOR DEMOLITION LANDFILL LICENSE**

An application for a demolition landfill license shall address all items indicated for a sanitary landfill license, and/or shall indicate with justification which items are not applicable to operation of the proposed demolition landfill. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.640: APPLICATION FOR WASTE PROCESSING FACILITY OR TRANSFER STATION LICENSE**

An application to the Division Director for a license to construct and operate a waste processing facility or transfer station shall contain a written request for the issuance of a license for the construction and operation of a waste processing facility or transfer station and shall include a waste facility plan for the construction, operation and closure of the facility, which shall be consistent with the provisions of this Chapter pertaining to construction and operation of a waste processing facility or transfer station and shall address the following criteria:

1. A statement of the type of waste, including chemical and biological characteristics, which the facility will process.
2. A metes and bounds description of the site selected for the development of the waste processing facility or transfer station prepared or approved by a Missouri registered professional land surveyor.
3. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional depicting the proposed site with existing and final topography at a contour interval of five (5) feet or less.



4. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional illustrating:
  - a. Actual land use and existing zoning within one-quarter ( $\frac{1}{4}$ ) mile of the site of the facility, including location of all residences, buildings, wells, watercourses, springs, lakes, rock outcroppings, caves, sinkholes, soil or rock borings and ground water piezometer/monitor points.
  - b. Easements for electric, gas, water, sewer and other utility easements or lines that are located on, under or over the site of the facility.
  - c. The public roads and access roads within a one (1) mile radius to be used for delivery of waste to the waste processing facility or transfer station.
5. A plan for the construction and operation of the waste processing facility or transfer station which includes:
  - a. A description of the type of waste processing facility or transfer station that is proposed, including the technology used to process the waste.
  - b. Complete engineering drawings detailing the operation of the waste processing facility or transfer station.
  - c. The maximum daily quantity or gate volume of waste the facility is designed to accommodate.
  - d. Anticipated sources and origins of incoming waste and outbound recovered/processed commodities.
6. The period of time the applicant is seeking to operate the waste processing facility or transfer station.
7. Closure provisions for the facility.
8. A discussion of how the proposed facility will affect air and water quality.
9. Provisions for control and disposition of wastewaters generated from routine facility maintenance including demonstration of discharge compliance with applicable publicly owned treatment works (POTW)



and/or water quality standards and regulations promulgated by the Missouri Department of Natural Resources.

10. A schedule for the construction and completion of the facility stated with respect to the time of the issuance of a license for construction and operation of the facility.
11. Other information as the Division Director may require. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE VII. SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES--  
ISSUANCE OF LICENSE**

**SECTION 240.701: INITIAL DETERMINATION OF SUFFICIENCY OF APPLICATION**

- A. The following criteria shall be carefully considered by the Division Director based on the merit of information submitted and testimony received by the applicant and other concerned parties as the basis of approval, with or without conditions, or denied as warranted, of the waste facility plan and request for operating permit:
1. Substantial and competent information addressing all required elements outlined in this Chapter constituting a complete application for operating authorization.
  2. Thorough characterization of proposed site setting including detailed delineation of hydrogeologic gradients and topographic patterns describing all ground water/surface water resource receptors and assessment of potential facility impact.
  3. Detailed presentation of all proposed design and construction elements and convincing demonstration of their suitability and effectiveness to completely contain/isolate waste and decomposition residuals to prevent impact on public health and all identified environmental resource receptors.
  4. Consideration of all relevant testimony and supporting evidence provided regarding suitability of proposed site and facility operation received as public input to County Planning and Zoning Conditional Use permit and Missouri Department of Natural Resources solid waste management permit application proceedings and hearings.
  5. Input and recommendations of County Commission on Environmental Quality pertaining to suitability of proposed site and facility operations to protect public health and the environment.
  6. Any other information or evidence deemed relevant and appropriate for consideration.
- B. The Division Director shall notify an applicant who has submitted an application and application fee for a license to operate a sanitary landfill, demolition landfill, waste processing facility or transfer station in writing either that the application is certified as meeting all pertinent requirements regarding the form and



contents of the application and will be scheduled for hearing by a specified date or that the application is deficient with respect to its form and/or contents and specifically in what manner the application does not comply with minimum application requirements. The Division Director shall determine whether the representation made in the waste facility plan regarding application for zoning and conditional use permit approval has been met. If the application has been determined not to comply with minimum application requirements or the representation concerning zoning approval determined to be false, the applicant so notified shall be required to submit additional information or otherwise correct any noted deficiencies within ninety (90) calendar days from receipt of the letter of the Division Director or his or her designee. If the deficiencies are not corrected within the ninety (90) day period, the Division Director shall return the application to the applicant, unless the applicant and the Division Director agree that the applicant may have longer than ninety (90) days to respond. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.705: HEARING REQUIRED

The Division Director shall hold a public hearing regarding the initial application for issuance of a license for the construction and operation of a processing facility or transfer station, demolition landfill or sanitary landfill. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.710: HEARING DATE -- NOTICE -- POSTING OF SIGNS

Upon filing with the Division Director three (3) complete copies of an application for a license pursuant to Section 240.620, 240.630 or 240.640, a public hearing shall be set before the Division Director within ninety (90) days. The Division Director shall:

1. Cause public notice of the hearing to be given as follows: publication at least once in some daily, tri-weekly, semi-weekly, or weekly newspaper of general circulation in St. Charles County which shall have been published regularly and consecutively for a period of three (3) years. Publication shall commence not more than thirty (30) nor less than fifteen (15) days before the hearing date. Every affidavit of proof of publication shall state that said publication and the newspaper in which notice was published has met the requirements of the foregoing provisions and those of Chapter 493, RSMo., as amended, governing legal publications, notice and advertisement. Notice shall contain, in addition to the legal description of the parcel of land, the approximate street location or address, when possible; that the Division Director is being requested to issue a license for the construction and operation of a sanitary landfill,



demolition landfill, waste processing facility or transfer station, as the case may be; and the name of the applicant seeking issuance of such a license.

2. Cause a sign or signs, not less than twenty (20) inches by twenty-six (26) inches, to be placed on each parcel of land for which an application for a license has been submitted to the Division Director. Said sign or signs shall be placed on such land at least fifteen (15) days prior to the public hearing to be held by the Division Director, and shall be posted in a conspicuous place upon said land at a point nearest to the right-of-way of any street or roadway abutting such land, and so as to be clearly visible to the traveled portion of such street or roadway. The Division Director shall determine the number of additional signs to be placed that may be necessary to carry out the intent of this Chapter. Any such sign shall bear thereon, in letters not less than two and one-half (2½) inches in height and not less than one (1) inch in width, the following: "PUBLIC HEARING" and in letters not less than three-fourths (¾) inch in height, and not less than one-fifth (1/5) inch in width, the following: "ISSUANCE OF LICENSE FOR CONSTRUCTION AND OPERATION OF A SANITARY LANDFILL" or "ISSUANCE OF LICENSE FOR CONSTRUCTION AND OPERATION OF A WASTE PROCESSING FACILITY" or "ISSUANCE OF LICENSE FOR CONSTRUCTION AND OPERATION OF A TRANSFER STATION", or whatever the case may be, and in letters not less than one-half (½) inch in height "APPLICATION FOR ISSUANCE OF LICENSE FILED WITH THE DIVISION DIRECTOR OF THE DIVISION OF ENVIRONMENTAL SERVICES OF THE ST. CHARLES COUNTY DEPARTMENT OF COMMUNITY HEALTH AND THE ENVIRONMENT. PUBLIC HEARING WILL BE HELD ON \_\_\_\_\_ (date and time) AT \_\_\_\_\_(location)". The Division Director may provide for such additional information to be placed on any such sign which would serve to more fully inform the public as to the nature of such an application for issuance of a license pending before the Division Director.
3. Any person who shall remove, mar, scratch, obliterate or in any manner deface, hide from view or tamper with any such sign or signs shall be deemed guilty of a violation of this Chapter and upon conviction shall be punished as provided for in Section 240.1760.
4. The Division Director shall, not less than thirty (30) days before the date of hearing before the Division Director for issuance of a license, furnish a



copy of the notice of the hearing described in Subsection (1) of this Section to all tri-weekly, semi-weekly, weekly or daily newspapers printed, circulated or distributed within the County Council district wherein the property proposed to be licensed is located. Not less than thirty (30) days before the date of hearing before the Division Director, the Division Director shall furnish a copy of the hearing notice to municipalities, townships, and villages within a ten (10) mile radius of where the facility is proposed to be located, the Highway Department, the Parks and Recreation Department, the Division of Planning and Zoning of the Department of Community Development, the Missouri Department of Natural Resources, the Missouri State Highway Commission, the fire district where the facility is proposed to be located, and any sanitary sewer district serving the site proposed for a sanitary or demolition landfill, waste processing facility or transfer station. The Division Director will also forward to such departments and agencies such portions of the application for issuance of a license as the Division Director determines will assist the department or agency to evaluate the application for issuance of a license from the perspective of the department or agency. A complete copy of the application for issuance of a license will be made available to the departments and agencies in the event a department or agency seeks information contained in the application for issuance of a license. Each department or agency so notified shall provide its written comments to the Division Director and the applicant or his authorized representative not less than ten (10) days prior to the public hearing. Any municipality, township or village so notified may provide its written comments to the Division Director, but such comments need not be considered unless received by the Division Director not less than ten (10) days prior to the public hearing. Any failure to comply herewith shall not deprive the Division Director of authority and jurisdiction to consider and approve, deny or modify any such application. (Ord. No. 01-061 §§1--8, 5-30-01)

*Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.*

#### SECTION 240.715: INVESTIGATION BY DIVISION DIRECTOR

The Division Director shall examine the premises of the proposed operation outlined in the application and shall perform such tests and direct the preparation of such studies as will assist him in determining:

1. Whether the facts contained in the application are accurate.



2. Whether the criteria set forth regarding the standards of issuance of a license are adequately addressed to be protective of the environment and the health and welfare of the residents of St. Charles County. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.720: MODIFICATION OF WASTE FACILITY PLAN

- A. Before or following, or both before and following the public hearing required by Section 240.705, the Division Director may require that the applicant modify the waste facility plan for the purposes of:
  1. Bringing the application into compliance with applicable and prevailing regulations, ordinances and Statutes law, although issuance of a license, with or without modifications, is not evidence that the application complies with the requirements of any jurisdiction.
  2. Ensuring that the construction and operation of the landfill, waste processing facility or transfer station is consistent with the needs and welfare of the residents of St. Charles County.
- B. Following the public hearing, and prior to final approval or denial of the license, the Division Director shall notify the applicant of problems or changes which must be addressed by the applicant prior to approval of the waste facility plan. Within thirty (30) days, or such additional time as the Division Director may grant, the applicant shall submit modification to address any problems or deficiencies indicated. The Division Director may continue to require additional changes to be made by the applicant as deemed necessary. In the event the Division Director determines that there are no modifications which can be made to the application which will render it satisfactory, or that the modifications or responses made by the applicant do not substantially further the application process, the applicant shall be notified and permitted thirty (30) days for response. Thereupon, the Division Director may terminate consideration of the proposed waste facility for failure to pursue submission of an acceptable waste facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.725: STANDARDS FOR APPROVAL OF WASTE FACILITY PLAN

- A. The Division Director shall approve the waste facility plan, with or without modifications, or disapprove the waste facility plan based on the following criteria:
  1. Whether the public convenience and necessity require the approval of the waste facility plan for the proposed landfill, waste processing facility or



transfer station. In determining the public convenience and necessity, the Division Director shall consider:

- a. The number of landfills, waste processing facilities and transfer stations necessary to ensure continued cost effective and environmentally sound solid waste management for the entire County.
  - b. The locations best suited to serve the needs of the County.
  - c. The length of time that a proposed location can be expected to be used as a facility to accommodate the best interests of the populace of St. Charles County.
  - d. The possible environmental and other quantifiable negative effect(s) on the properties adjacent to and nearby the proposed facility.
2. Whether approval of the waste facility plan is in the best interest of the general health and welfare of the residents of the County and protective of its environmental resources.
  3. Whether the approval of the waste facility plan would in any way create a hazard or menace to the public health, and whether it would create a nuisance.
  4. Whether the approval of the waste facility plan significantly enhances long-term stabilization of solid waste management in St. Charles County.
  5. Whether the approval of the waste facility plan would violate the provisions of this Chapter, of other ordinances or regulations of St. Charles County, or of any Statutes or regulation of the State of Missouri.
- B. Any waste facility plan submitted which does not satisfy the above criteria shall not be approved by the Division Director or the County Council.
- C. The Division Director shall notify the applicant and all persons who spoke at the public hearing described in Section 240.705 of his decision by certified mail, whether approving the waste facility plan or disapproving the waste facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)



## SECTION 240.730: APPEAL TO COUNTY COUNCIL

An applicant whose application is denied or approved with modifications unacceptable to the applicant, or any person who believes himself to be aggrieved by the decision of the Division Director, may appeal such denial or approval to the County Council within thirty (30) days following notice of the decision of the Division Director following the hearing before the Division Director. If the applicant is appealing from a decision of the Division Director approving the plan with modifications, the appeal shall state in what manner the decision of the Division Director aggrieves him. The procedure shall be the same as described in Section 240.735 where the County Council reviews the decision of the Division Director on its own motion. (Ord. No. 01-061 §§1--8, 5-30-01)

## SECTION 240.735: REVIEW BY COUNTY COUNCIL ON MOTION OF COUNTY COUNCIL

- A. Within thirty (30) days after receipt of the decision of the Division Director approving or denying a waste facility plan, the County Council, upon motion adopted by majority vote, may exercise the power of review of any decision of the Division Director on an application for issuance of a license for the construction and operation of a sanitary landfill, demolition landfill, waste processing facility or transfer station.
- B. Upon adoption of the motion to exercise the power of review, the County Council shall refer the subject to the Division Director. The Division Director shall respond thereon to the County Council, forwarding a complete copy of his file to the County Council and with a report disclosing in what respect the application and the facts offered in support thereof require the approval or denial of the application or the modifications imposed.
- C. Before acting on the application for issuance of a license, the County Council, or its designated committee, shall set the matter for hearing. The County Council shall give written notice of such hearing to the applicant and all other persons who appeared and spoke in favor or in opposition to the application at the public hearing before the Division Director. The applicant shall be heard at the hearing. In addition, any other person or persons who, in the discretion of the County Council, will be aggrieved by any decision or action with respect to the issuance of a license may also be heard at the hearing.
- D. Following the hearing by the County Council, or its designated committee, on an application, the County Council may affirm, reverse or modify, in whole or in part, any determination of the Division Director.



- E. No approval of a waste facility plan by the Division Director shall be considered final approval until the thirty (30) day period for acceptance for review by the County Council has passed without the Council so acting. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.740: ISSUANCE OF LICENSE BY DIVISION DIRECTOR**

If a waste facility plan is finally approved, either by the Division Director or following an exercise by the Council of its power of review, a license shall be issued by the Division Director upon payment to the Division Director of the annual licensing fee described in Section 240.840 and a showing satisfactory to the Division Director that the insurance requirement of Section 240.1101 and the bonding requirements of Sections 240.1110, 240.1120 and 240.1130 have all been met. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.745: LICENSE PERSONAL TO APPLICANT--HOW TRANSFERRED**

The license issued by the Division Director shall be personal to the applicant and may not be transferred. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.750: TERM OF LICENSE**

The license issued by the Division Director shall be for a fixed number of years equal to the estimated operating life of the facility as contained in the approved waste facility plan. Notwithstanding the issuance of a license for a fixed number of years, the waste facility plan and the license must be reviewed annually subject to the provisions of Section 240.810 et seq., and the modifications requested by the operator in the annual application may include a request that the term of the license be changed. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.755: APPLICANT BECOMES OPERATOR UPON RECEIPT OF LICENSE**

Upon receipt of a license issued by the Division Director, and upon payment to the Division Director of the annual licensing fee described in Section 240.840 and a showing satisfactory to the Division Director that the insurance requirement of Section 240.1101 and the bonding requirements of Sections 240.1110, 240.1120 and 240.1130 have all been met, the applicant becomes the operator of the facility for which the license was issued. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.760: EXISTING LANDFILLS, WASTE PROCESSING FACILITIES AND TRANSFER STATIONS**

- A. Landfills, waste processing facilities and transfer stations which operated or were licensed to construct or operate pursuant to ordinances and rules in effect prior



to the effective date of this Chapter are exempted from the requirement of presenting an initial waste facility plan pursuant to Sections 240.620, 240.630 and 240.640. Renewal applications and licenses are required on annual basis pursuant to Section 240.830. Notwithstanding the foregoing, however, the first (1st) renewal application made by the operator of such an existing facility shall contain a plan for closure in compliance with the closure requirements of this Chapter imposed upon applications for new facilities.

- B. With the exception of the matters discussed in Subsection (A) of this Section, landfills, waste processing facilities and transfer stations existing at the effective date of this Chapter (May 30, 2001) must comply with all other provisions of this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE VIII. SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES--  
RENEWAL OF LICENSE**

**SECTION 240.810: LICENSE TO BE RENEWED ANNUALLY**

Despite the approval of a waste facility plan for a sanitary landfill, demolition landfill, waste processing facility or transfer station for a fixed number of years, and the issuance of a license for the construction and operation of facility, the operator of each facility shall apply to renew such license annually for each year beginning with each anniversary date of the issuance of such initial license, whether the construction of the facility is completed or not. The renewal application as set forth in the schedule in Subsection (2) of this Section shall be addressed and delivered to the Division Director at least thirty (30) days prior to each anniversary date of the initial license and shall contain:

1. A request that a renewal license be issued for a period of one (1) year, and
2. A report containing the information required in Section 240.820. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.820: CONTENTS OF REPORT FILED WITH APPLICATION FOR ANNUAL RENEWAL LICENSE FOR A SANITARY OR DEMOLITION LANDFILL, WASTE PROCESSING FACILITY OR TRANSFER STATION**

Every application for a renewal license for a sanitary or demolition landfill, waste processing facility or transfer station shall contain the following information:

1. Any changes in the waste facility plan which must be made to reflect actual usage or conditions.
2. Total incoming waste tonnage received at the facility and volumes of recovered/processed commodities if applicable during the previous year.
3. Summary of all environmental monitoring data for all media compiled during previous period with interpretation of trends using suitable modeling presentation.
4. The quantities of leachate and/or landfill gases collected, processed, treated and disposed or dissipated.
5. Equipment replaced or changed or anticipated to be replaced or changed.



6. A report describing the infrastructures which have been put in place including as-built construction plans and records.
7. If the facility is still under construction, a written report detailing conformance with the schedule contained in the waste facility plan. (Ord. No. 01-061 §§1--8, 5-30-01; Ord. No. 03-180 §1, 11-26-03)

**SECTION 240.830: ISSUANCE OF RENEWAL LICENSE BY DIVISION DIRECTOR**

Upon receipt of the renewal application described in Sections 240.810 and 240.820, and the payment of the basic annual licensing fee as set forth in Section 240.840(A), the Division Director shall issue a renewal license for the waste facility, but only if the surcharge on waste deposited at the facility for prior year(s), if applicable, has been paid to St. Charles County. The Division Director shall not issue the renewal license if the license to operate the facility has been revoked pursuant to this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.840: ANNUAL LICENSING FEE**

The basic annual licensing fee shall be assessed as follows:

1. Sanitary landfill.	\$ 6,000.00
2. Demolition landfill.	\$ 3,000.00
3. Waste processing facility.	\$ 3,000.00
4. Transfer station.	\$ 2,000.00

*(Ord. No. 01-061 §§1--8, 5-30-01; Ord. No. 02-114 §§2--3, 7-31-02; Ord. No. 03-024 §2, 2-26-03; Ord. No. 03-180 §2, 11-26-03)*



**ARTICLE IX. SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES--  
SUSPENSION OR REVOCATION OF LICENSE**

**SECTION 240.910: LICENSE SUSPENDED OR REVOKED--WHEN--HOW**

A. A license for operation of a landfill, waste processing facility or transfer station may be suspended or revoked, following hearing before the Division Director, based on any of the following criteria:

1. Failure to comply with the provisions of the waste facility plan.
2. Failure to comply with the provisions of this Chapter applicable to the facility.
3. Failure to operate the facility in a manner consistent with the public health and welfare and the health and welfare of persons operating and/or using the facility, or in a manner deemed not to be protective of the environment.

B. For a violation of any of the above, the Division Director shall suspend the license of the operator to operate the facility during the period such violation continues to exist; or, if the violation can only exist during operation, the suspension shall be until such time as the operator establishes a procedure satisfactory to the Division Director which remedies the violation.

C. For a willful misstatement of facts contained in any application or renewal application, the Division Director may revoke the license or renewal license.

D. For a landfill, waste processing facility or transfer station which has previously been licensed initially and has accepted waste but has not received any waste for a twelve (12) month period, the Division Director may revoke the license to operate such facility. In such event, the operator shall immediately commence the closure procedure established by the waste facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.920: PROCEDURE FOR SUSPENSION OR REVOCATION HEARING**

The Division Director shall provide at least thirty (30) calendar days' notice to the operator of the hearing to be held to consider the suspension or revocation of the license of the operator to operate a landfill, waste processing facility or transfer station. The hearing shall be open to the public. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE X. SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES,  
TRANSFER STATIONS--CONSTRUCTION**

**SECTION 240.1010: CONSTRUCTION TO CONFORM TO REQUIREMENTS OF WASTE FACILITY  
PLAN AND THIS CHAPTER**

- A. No person shall construct a solid waste disposal area waste processing facility or transfer station in a manner that does not comply with the waste facility plan approved by the Division Director or the County Council for such facility or with the requirements of this Chapter.
- B. Site development plans shall address consideration for minimizing incremental disturbance of land mass by providing a logical and detailed sequence of cell excavation, soil stockpiling, closure and cut/fill activities.
- C. Construction plans shall provide sufficient detail and quality assurance/quality control protocol including utilization of third (3rd) party independent consulting engineer oversight to assure integrity of major landfill infrastructure components including, but not limited to, the following:
  - 1. Recompacted earthen material liners/capping systems.
  - 2. Synthetic liners.
  - 3. Composite lining/capped systems.
  - 4. Leachate underdrain, collection end treatment systems.
  - 5. LFG active extraction, recovery and treatment systems.
  - 6. Stormwater retention and dissipation structures.
- D. As-built plans and quality assurance/quality control records documenting incremental completion of construction/installation of the major infrastructure components detailed in the preceding condition shall be prepared by the registered professional engineer or certified environmental professional of record for the project and submitted to the Division of Environmental Services for approval following acceptance and sign-off by the applicant/facility operator. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1020: INSPECTIONS DURING CONSTRUCTION**

During any period of construction (initial, expansion or modification) of a solid waste disposal area, waste processing facility or transfer station, the Division Director or



authorized staff shall be permitted access to the facility at reasonable times for the purpose of determining whether the construction of the facility conforms to the waste facility plan. The applicant shall be notified of any deficiencies or discrepancies identified during such inspections and provided ten (10) days to respond. The Division Director shall order construction to cease and desist until such discrepancies are satisfactorily resolved upon staff reinspection. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1030: FINAL APPROVAL OF DIVISION DIRECTOR REQUIRED PRIOR TO OPERATION OF FACILITY**

Notwithstanding the final approval of a waste facility plan and issuance of a license to construct and operate a solid waste disposal area, waste processing facility or transfer station, the facility shall not begin to operate and accept waste until there is final approval in writing by the Division Director indicating that a final inspection of the facility following construction has been completed and that the facts then in possession of the Division Director indicate that the facility has been constructed according to the waste facility plan. Final approval in writing by the Division Director is also required for final construction of a facility modification prior to continued operation in an area affected by the construction. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE XI. SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES, TRANSFER STATIONS--OPERATION**

**SECTION 240.1101: OPERATORS OF SOLID WASTE DISPOSAL AREAS, WASTE PROCESSING FACILITIES AND TRANSFER STATIONS TO HAVE INSURANCE**

- A. No license for the construction and operation of a solid waste disposal area, waste processing facility or transfer station shall be issued nor shall such a facility be operated until and unless the applicant acquires public liability insurance approved by the Division Director governing all proposed operations of the applicant pertaining to the business of constructing and operating a solid waste disposal area, waste processing facility or transfer station, as the case may be, and covering all vehicles to be operated in the conduct thereof. The insurance shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the Division Director. The minimum limits of insurance for public liability and auto liability shall be five hundred thousand dollars (\$500,000.00) for bodily injury to each person; two million dollars (\$2,000,000.00) for total bodily injury for each occurrence; and two million dollars (\$2,000,000.00) for property damage for each occurrence. Total combined coverage per occurrence of two million dollars (\$2,000,000.00) for bodily injury and property damage shall meet the requirement of this Chapter.
- B. No license for the construction and operation of a solid waste disposal area, waste processing facility or transfer station shall be issued nor shall such a facility be operated until and unless the applicant provides insurance with Workers' Compensation insurance, with minimum limits as set by law. The insurance must be approved by the Division Director and shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business.
- C. No insurance policy required by this Section shall be approved by the Division Director unless it provides that notice will be given by the insurer in the event the policy is terminated or canceled.
- D. The insured shall give notice to the Division Director if any policy required by this Section is terminated or canceled. (Ord. No. 01-061 §§1--8, 5-30-01)



**SECTION 240.1110: BOND FOR OPERATION OF SOLID WASTE DISPOSAL AREA, WASTE PROCESSING FACILITY OR TRANSFER STATION**

No person shall construct or operate a solid waste disposal area, waste processing facility or transfer station without providing a bond for operation of the facility as provided by this Section. If the facility is a landfill, the bond must be approved by the County Counselor. The bond shall be in the amount of fifteen thousand dollars (\$15,000.00) per acre of landfill estimated in the waste facility plan to contain the working face during the next year. The bond shall be as stated in the waste facility plan for a waste processing facility or transfer station. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the St. Charles County Finance Department, which shall give a receipt therefore. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri and filed with the St. Charles County Finance Department. The bond shall assure the following:

1. That the operator and the operator's agents and employees will comply with all terms, conditions, provisions, requirements and specifications of the approved waste facility plan and license.
2. That the operator and the operator's agents and employees will comply with all ordinances, rules regulations, Statutes, and other laws of the County and of authorities having jurisdiction over the facility.
3. That the operator will save harmless the County from any expense incurred through the failure of the operator or the operator's agents and employees to operate and maintain such facility as required by this Chapter, including any expense to which the County may be put for correcting any condition or violation of this Chapter by the County, in accordance with Section 240.1190 and any damages accruing to the County arising out of the negligence of the operator, the operator's agents or employees. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1120: CLOSURE BOND**

No person shall construct or operate a solid waste disposal area, waste processing facility or transfer station without providing either a bond required for closure imposed pursuant to Section 260.226, RSMo., or a bond as provided by this Section for closure. If a bond is not provided or required by Section 260.226, RSMo., then the bond provided pursuant to this Section shall be in an amount, as set forth in the waste facility plan and



modified by the renewal license process, which assures that the facility will be properly closed if events occur within the two (2) year period following the beginning of the most recent licensing or renewal period which would require that the facility be closed. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the St. Charles County Finance Department, which shall give a receipt therefore. If a cash bond is offered, the interest may be used to fulfill the bond obligation if necessary; however, to the extent such interest remains unused at the expiration of the bond, it shall be returned to the person providing the bond. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri and filed with the St Charles County Finance Department. The bond must be approved by the County Counselor. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1130: BOND FOR CLOSURE AND POST-CLOSURE MAINTENANCE OF SOLID WASTE DISPOSAL AREA, WASTE PROCESSING FACILITY OR TRANSFER STATION**

No person shall operate a solid waste disposal area, waste processing facility or transfer station which does not provide the bond required for post-closure maintenance as described in or as may be imposed pursuant to Section 260.227, RSMo. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1140: FACILITY'S OPERATION TO COMPLY WITH WASTE FACILITY PLAN**

No person shall operate a solid waste disposal area, waste processing facility or transfer station in a manner that does not comply with the waste facility plan approved by the Division Director or County Council for such facility and which does not comply with the requirements of this Chapter pertaining to operation of such facility. Failure to comply with the waste facility plan or the requirements of this Chapter pertaining to operation of a solid waste disposal area, waste processing facility or transfer station shall be a violation by the person in whose name the license is issued, as well as every agent, employee or contractor assigned to construct or operate the facility who:

1. Performs acts precluded by the waste facility plan or this Chapter; or
  2. Fails to conduct actions required by the waste facility plan or this Chapter; or
  3. Fails to maintain conditions required by the waste facility plan or this Chapter; or
  4. Maintains conditions prohibited by the waste facility plan or this Chapter.
- (Ord. No. 01-061 §§1--8, 5-30-01)



## SECTION 240.1150: ADDITIONAL STANDARDS FOR OPERATION OF SANITARY LANDFILLS

Sanitary landfills shall be operated in the following manner:

1. Incoming waste shall be spread in layers not to exceed two (2) feet in thickness and compacted to reduce it to the smallest practical volume.
2. Following compaction, waste shall be confined to the smallest practical area on the working face.
3. At the conclusion of each day, the waste received and compacted that day shall be covered with a layer of daily soil cover or approved alternate material which shall not be less than six (6) inches in thickness. The material used for daily cover shall be the material specified for such purpose in the waste facility plan. Daily cover must be applied regardless of weather. The material used as a daily cover material must be available under all weather conditions and a minimum fifteen (15) day stockpile of such cover must be maintained at all times.
4. A responsible supervisor shall be present at the disposal area at all times when the area is open to receive waste and shall monitor the receipt of waste to assure that no unpermitted waste is accepted for disposal at the landfill.
5. Bulky waste, including furniture, shall be crushed on solid ground and pushed onto the working face near the bottom of the cell.
6. Demolition and construction waste, tree stumps and large timber shall be pushed onto the working face near the bottom of the cell.
7. Dead animals weighing less than forty (40) pounds shall be placed on the working face with other waste and covered immediately with waste or soil.
8. Dead animals weighing forty (40) pounds or more shall be placed in an excavated pit of waste in the cell and covered with four (4) feet of compacted soil.
9. Water treatment plant sludge containing no free liquid and digested wastewater treatment plant sludge (biosolids) containing no free liquid shall be placed on the working face along with solid wastes and covered with soil or solid waste immediately, unless operating permit conditions specify alternate handling methods including blending for cover material



usage. The Division Director shall determine or modify the quantities to be accepted based on the operational conditions encountered on the working face.

10. Incinerator and air pollution control residues shall be incorporated into the working face and covered frequently enough to preclude residues from becoming airborne.
11. Surface watercourses and runoff shall be diverted from the landfill. Sanitary landfill construction and operation shall include grading to promote rapid surface water runoff without excessive erosion. The grade shall not exceed thirty-three and one-third percent (33⅓%). Surface watercourses shall be constructed and runoff shall be controlled to handle a twenty (20) year rainfall frequency.
12. The landfill shall not be operated if the actual separation between the lowest point of the lowest cell and the actual maximum water table is less than fifteen (15) feet unless the waste facility plan as approved specifies otherwise.
13. The landfill shall not be operated if the actual bedrock or engineered protection approved in the waste facility plan is deemed not to provide water quality protection as determined by field investigations and evaluations conducted by the Division Director.
14. Leachate collection and treatment systems shall be designed, installed and operated where necessary to protect ground and surface water resources.
15. All wastewaters generated by operating and maintenance practices shall be managed in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction for the site and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).
16. No ground or surface water shall be permitted to come in contact with waste.
17. No open burning shall occur on the facility premises without permission of the Division Director and compliance with other applicable laws, ordinances, rules and regulations.



18. A decomposition gas control plan shall be designed and implemented to control lateral migration of methane and eliminate risk of harm from explosions to occupants of adjacent property.
19. Gases shall be vented to prohibit explosive or toxic accumulations within on- and off-site adjacent structures.
20. Vector control programs shall be implemented to prevent or rectify vector problems as determined by field inspection and good operating practices.
21. Litter control devices (e.g., fences and vegetation) shall be used near the working face and elsewhere to prevent blowing and accumulation of litter. Litter shall be collected from fences and the ground surface each operating day and shall be incorporated into the daily cell at the end of each day or placed in a secure container.
22. Wastes easily moved by wind shall be covered promptly to prevent such waste from becoming airborne and scattered.
23. Vegetation and natural windbreaks shall be used to improve the appearance and operation of the landfill.
24. Any materials salvaged from the landfill shall be removed daily or stored in aesthetically acceptable containers or enclosures.
25. Adequate equipment shall be maintained on the site of the landfill, and preventative maintenance shall be performed to assure that the handling, compaction and covering required by this Chapter can be continuously performed.
26. Fire extinguishers shall be provided on all equipment and maintained in operable condition at all times.
27. Provisions shall be made for extinguishing fires in waste, equipment and structures on the landfill site.
28. Communications equipment shall always be available and operable on the landfill site in order that fire and Police services may be quickly summoned in the event of an emergency.
29. The landfill operator shall not permit persons to scavenge in the waste received at or deposited in the landfill.



30. Access to the landfill site shall be limited to designated roadways and limited to hours when operating personnel are on duty.
31. Traffic arriving to deposit waste at the landfill shall be directed to designated disposing points near the active face.
32. Dust on the landfill site shall be controlled for safety purposes and to prevent nuisances.
33. Intermediate cover must be applied to all areas idle from active waste receipts for more than sixty (60) days in a layer not less than one (1) foot after compaction.
34. Final cover shall be applied on each area immediately as designated complete per approved site plans and final grade in a layer not less than two (2) feet after compaction.
35. Vegetation shall be planted and established as soon as reasonably possible following placement of final cover to grade and shall be maintained so as to maximize surface water runoff.
36. Records shall be maintained on site covering the following matters:
  - a. Major problems and complaints regarding operation of the landfill.
  - b. All environmental media sampling/testing data shall be reported to the Division of Environmental Services using the same protocol and submission intervals established by the applicable Missouri Department of Natural Resources Division of Environmental Quality (MDNR-DEQ) regulatory programs including the Solid Waste Management Program (SWMP), Water Pollution Control Program (WPCP) and Air Pollution Control Program (APCP) and shall address, at a minimum, data and assessments for monitoring ground water/surface water quality, air emissions and leachate characterization.
  - c. In the event of documented exceedence of applicable standards established by the Missouri Department of Natural Resources for any monitor system, the operator shall submit a corrective action plan (CAP) to the Division of Environmental Services within thirty (30) days of such an occurrence. The CAP shall outline detailed investigative procedures and schedule of remedial actions to be implemented to resolve the causative source or factors and



restore the facility to operating compliance with documentation of results. The Division Director shall order cessation of facility operations until verifiable resolution is achieved.

- d. Records of vector control efforts.
- e. Records of dust and litter control efforts.
- f. Records of quantity of waste handled. Such records shall be made contemporaneously with the matters recorded.

37. Upon closure, all drinking water sources located within one-quarter ( $\frac{1}{4}$ ) mile shall be sampled annually for contaminant parameters specified in the operating permits or specified by the Division Director, and sampling shall continue after closure as provided for by the approved waste facility plan for closure. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1160: ADDITIONAL STANDARDS FOR OPERATION OF DEMOLITION LANDFILLS

Demolition landfills shall be operated in the following manner.

1. Spreading and compacting techniques used in sanitary landfills shall be used as much as practicable to dispose of waste in demolition landfills, except that daily cover is not required for such facilities. At least twelve (12) inches of compacted cover material shall be applied to the demolition landfill working face at least every seven (7) calendar days.
2. Decomposable demolition waste may be placed in the landfill above the elevation shown in the waste facility plan for the placement of such waste. Decomposable demolition waste may not be placed in the landfill below such elevation.
3. A responsible supervisor shall be present at the disposal area at all times when the area is open to receive waste and shall monitor the receipt of waste to assure that no unpermitted waste is accepted for disposal at the landfill.
4. Demolition landfills shall be constructed and operated in a manner which will divert surface watercourses and runoff from the landfill. Demolition landfill construction and operation shall include grading to promote rapid surface water runoff without excessive erosion. The grade shall not exceed thirty-three and one-third percent ( $33\frac{1}{3}\%$ ). Surface water



courses and runoff shall be constructed and runoff shall be controlled to handle a twenty (20) year rainfall frequency.

5. No open burning shall occur on the facility premises without permission of the Division Director and compliance with other applicable laws, ordinances, rules and regulations.
6. A decomposition gas control plan shall be designed and implemented to control lateral migration of methane and eliminate risk of harm from explosions to occupants of adjacent property.
7. Gases shall be vented to prohibit explosive or toxic accumulations within on- and off-site adjacent structures.
8. Vector control programs shall be implemented to prevent or rectify problems as determined by field inspection and good operating practices.
9. Litter control devices (e.g., fences and vegetation) shall be used near the working face and elsewhere to prevent blowing and accumulation of litter. Litter shall be collected from fences and the ground surface each operating day and shall be incorporated into the daily cell at the end of each day or placed in a secure container.
10. Wastes easily moved by wind shall be covered promptly to prevent such waste from becoming airborne and scattered.
11. The landfill shall not be operated if the actual separation between the lowest point of the lowest cell and the actual maximum water table is less than fifteen (15) feet unless the waste facility plan as approved specifies otherwise.
12. The landfill shall not be operated if the actual bedrock or engineered protection approved in the waste facility plan is deemed not to provide water quality protection as determined by field investigations and evaluations conducted by Division staff.
13. Leachate collection and treatment systems shall be designed, installed and operated where necessary to protect ground and surface water resources.
14. All waste waters generated by operating and maintenance practices shall be managed in compliance with applicable water quality standards and



regulations administered by the publicly owned treatment works having jurisdiction for the site and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).

15. Vegetation and natural windbreaks shall be used to improve the appearance and operation of the landfill.
16. Any materials salvaged from the landfill shall be removed daily or stored in aesthetically acceptable containers or enclosures.
17. Adequate equipment shall be maintained on the site of the landfill, and preventative maintenance shall be performed to assure that the handling, compaction and covering required by this Chapter can be continuously performed.
18. Fire extinguishers shall be provided on all equipment and maintained in operable condition at all times.
19. Provisions shall be made for extinguishing fires in waste, equipment and structures on the landfill site.
20. Communication equipment shall always be available and operable on the landfill site in order that fire and Police services may be quickly summoned in the event of an emergency.
21. The operator shall not permit persons to scavenge in the waste received at or deposited in the landfill.
22. Access to the landfill site shall be limited to designated roadways and limited to hours when operating personnel are on duty.
23. Traffic arriving to deposit waste at the landfill shall be directed to designated disposing points near the active face.
24. Dust on the landfill site shall be controlled for safety purposes and to prevent nuisances.
25. Final cover shall be applied on each area immediately as designated complete per approved site plans and final grade in a layer not less than two (2) feet after compaction.
26. Vegetation shall be planted and sloped as soon as reasonably possible following placing of final cover and shall be planted and sloped as to maximize surface water runoff.



27. Records shall be maintained on site covering the following matters:
- a. Major problems and complaints regarding operation of the landfill.
  - b. All environmental media sampling/testing data shall be reported to the Division of Environmental Services using the same protocol and submission intervals established by the applicable Missouri Department of Natural Resources Division of Environmental Quality (MDNR-DEQ) regulatory programs including the Solid Waste Management Program (SWMP), Water Pollution Control Program (WPCP) and Air Pollution Control Program (APCP) and shall address, at a minimum, data and assessments for monitoring ground water/surface water quality, air emissions and leachate characterization.
  - c. In the event of documented exceedence of applicable standards established by the Missouri Department of Natural Resources for any monitor system, the operator shall submit a corrective action plan (CAP) to the Division of Environmental Services within thirty (30) days of such an occurrence. The CAP shall outline detailed investigative procedures and schedule of remedial actions to be implemented to resolve the causative source or factors and restore the facility to operating compliance with documentation of results. The Division Director shall order cessation of facility operations until verifiable resolution is achieved.
  - d. Records of vector control efforts.
  - e. Records of dust and litter control efforts.
  - f. Records of quantity of waste handled. Such records shall be made contemporaneously with the matters recorded.
28. Upon closure, all drinking water sources located within one-quarter (1/4) mile shall be sampled annually for contaminant parameters specified in the operating permits or specified by the Division Director, and sampling shall continue after closure as provided for by the approved waste facility plan for closure. (Ord. No. 01-061 §§1--8, 5-30-01)



SECTION 240.1170: ADDITIONAL STANDARDS FOR OPERATION OF WASTE PROCESSING FACILITIES AND TRANSFER STATIONS

Waste processing facilities and transfer stations shall adhere to the following requirements:

1. Storage areas shall be designated for special waste, shall be clearly marked for the type of special waste to be placed in such areas, and shall be designed and constructed to safely store such waste.
2. A responsible supervisor shall be on duty at all times during operation of the waste processing facility or transfer station to assure that unacceptable waste is excluded from processing or transfer.
3. All wastewaters generated by operating and maintenance practices shall be managed in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction for the site and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).
4. Areas for unloading or loading waste transportation vehicles or mobile/roll-off waste containers shall be cleaned as spillage occurs.
5. Areas containing putrescible waste shall be cleaned at least weekly.
6. Vector control programs shall be implemented to prevent or rectify vector problems.
7. Waste delivered to the facility which cannot be processed there shall be removed at least weekly and hauled to permitted disposal sites.
8. All putrescible waste shall be removed from transfer stations at least every twenty-four (24) hours.
9. Waste shall not be accepted if available storage capacity is exceeded.
10. Waste shall not be accepted if the facility is reasonably expected to be out of operation for more than twenty-four (24) hours.
11. Materials or commodities segregated for recycling or resource recovery shall be stored in a manner that will prevent vectors or aesthetic problems.



12. Residues and processed materials shall be placed in containers appropriate for transporting such materials and which will prevent sifting, falling, leaking or blowing from those containers.
13. The operator of the waste processing facility or transfer station shall not permit persons to scavenge in waste delivered to or deposited at the facility.
14. Access to the waste processing facility shall be limited to those times when responsible and trained personnel are on duty.
15. Fire extinguishers shall be provided on all equipment.
16. Provisions shall be made for extinguishing fires in waste, equipment and structures on the site. An isolated designated area shall be reserved at all times for the emergency dumping of "hot loads" or loads suspected of being on fire. This area shall be accessible to on-site and off-site fire-fighting equipment and shall have available on-site sand or water for fire control.
17. Communications equipment shall always be available and operable on the site in order that fire and Police services may be quickly summoned in the event of an emergency.
18. The following records shall be maintained at the waste processing facility or transfer station and shall be maintained at or near the time such items are observed:
  - a. Actual or estimated quantity of waste received every day.
  - b. All environmental media sampling/testing data shall be reported to the Division of Environmental Services using the same protocol and submission intervals established by the applicable Missouri Department of Natural Resources Division of Environmental Quality (MDNR-DEQ) regulatory programs including the Solid Waste Management Program (SWMP), Water Pollution Control Program (WPCP) and Air Pollution Control Program (APCP) and shall address, at a minimum, data and assessments for monitoring ground water/surface water quality, air emissions and leachate characterization.
  - c. In the event of documented exceedence of applicable standards established by the Missouri Department of Natural Resources for



any monitor system, the operator shall submit a corrective action plan (CAP) to the Division of Environmental Services within thirty (30) days of such an occurrence. The CAP shall outline detailed investigative procedures and schedule of remedial actions to be implemented to resolve the causative source or factors and restore the facility to operating compliance with documentation of results. The Division Director shall order cessation of facility operations until verifiable resolution is achieved.

- d. Operational problems, complaints and difficulties connected with the operation of the waste processing facility or transfer station.
- e. Vector, odor, dust, aesthetic, and litter control efforts. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1180: SIGNS REQUIRED AT ENTRANCES TO LANDFILLS, WASTE PROCESSING FACILITIES AND TRANSFER STATIONS

There shall be displayed at each entrance to each landfill, waste processing facility and transfer station a sign containing the following information in letters at least two (2) inches high and one-half (1/2) inches wide:

- 1. The words "Approved [Sanitary Landfill, Demolition Landfill, Waste Processing Facility or Transfer Station, as the case may be] operated under License No. \_\_\_\_\_ issued by the Division Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment".
- 2. The words "The following types of waste will not be accepted for disposal at this facility:" followed by list of types of waste which will not be accepted for disposal at the facility. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1190: RIGHT OF ENTRY FOR INSPECTION AND TO REMEDY DANGEROUS CONDITIONS

- A. Because the disposal of waste in landfills, waste processing facilities and transfer stations present unique problems of enforcement and because the consequences of improper processing of waste are so severe, the Division Director is authorized, with or without probable cause to believe that a specific violation exists, to enter and inspect landfill premises, waste processing facility premises and transfer station premises at any time to insure that the landfill, waste processing facility or transfer station is being operated consistently with the



waste facility plan, this Chapter, and in the interests of the health and welfare of the residents or environmental resources of St. Charles County. Routine inspections shall be made during normal operational hours of the facility. Where there is a suspected hazard, entry may be made at any time.

- B. If the Division Director is or becomes aware of a violation of the provisions of the waste facility plan pertaining to the construction or operation of a landfill, waste processing facility, or transfer station; or is or becomes aware of a violation of a provision of this Chapter pertaining to construction or operation of such facilities; or is or becomes aware of a condition which threatens the health and welfare of the residents or environmental resources of the County, he may make a reasonable attempt to notify the operator, or owner of the premises or person in possession if there is no license, and direct such person to correct the violation within twenty-four (24) hours. In the event the operator or owner or person in possession cannot be found or refuses to correct the violation within twenty-four (24) hours after notice in writing by the Division Director, the Division Director may, if he deems it necessary in the interest of public health or environmental resources, enter upon the premises of the facility and, either with the equipment and employees of the operator or owner or person in possession, or with County-owned or -leased equipment and County employees, do such work as is necessary to correct any condition so noticed.
- C. Upon completion of such work, the Division Director shall cause the total cost of such work to be determined and certify the same to the Finance Director. Upon approval of such report by the Finance Director, the report, with the approval of the Finance Director endorsed thereon, shall be transmitted to the County Collector, who shall assess the same as a special tax against each lot or parcel of ground chargeable therewith in the name or names of the owner or owners thereof.
- D. All such special tax bills issued for such work shall be collectible by suit brought by the County Counselor in the name of the County. Such special tax bills and any action thereon shall be prima facie evidence of the regularity of the proceedings for such special assessment, the validity of the bill, the doing of the work, and of the furnishing of the material charged for, and of the liability of the property to the charged stated in the bill, including the costs of bringing the action as a part of the cost of doing the work. Each said special tax bill shall include a charge of one hundred dollars (\$100.00) for inspecting the same and giving the notice and further charge of fifty dollars (\$50.00) for issuing and recording the tax bill. Such tax bills if not paid within thirty (30) days after



issuance shall bear interest at the rate of eight percent (8%) per annum. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE XII. SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES, TRANSFER STATIONS--CLOSURE**

**SECTION 240.1210: NOTIFICATION OF INTENT TO CLOSE SOLID WASTE DISPOSAL AREA, WASTE PROCESSING FACILITY OR TRANSFER STATION**

The operator shall notify the Division Director three (3) months prior to permanent or planned closure of his intent to close a landfill, waste processing facility or transfer station. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1220: CLOSURE OF SOLID WASTE DISPOSAL AREAS, WASTE PROCESSING FACILITIES AND TRANSFER STATIONS**

- A. In addition to the provisions of the waste facility plan covering closure of a sanitary landfill, the following criteria shall be complied with:
1. Two (2) feet of compacted final cover plus six (6) inches of top soil, mulch, compost, or other material capable of supporting vegetation is required. An additional one (1) foot of compacted final cover (for a total of three (3) feet compacted final cover) may be substituted by the operator for the six (6) inches of top soil provided that adequate vegetation cover can be established.
  2. Vegetative cover shall be established as soon as possible following closure. Repeated seedings shall be undertaken if required to secure permanent vegetative cover.
  3. All public and private water wells within one-quarter ( $\frac{1}{4}$ ) mile of the sanitary landfill shall be sampled for the contaminant parameters specified by the Division Director annually for twenty (20) years and as specified in the approved plan for closure.
  4. On-site downstream gradient ground water monitoring wells shall be sampled quarterly for indicator contaminants and annually for all contaminants as specified by the Division Director and delineated in the waste facility plan.
  5. The operator shall file with the Recorder of Deeds within two (2) months of closure a metes and bounds description or licensed surveyor's plat which includes the types of waste disposed of at the site, the location of wastes, depth of the fill, and location and description of any leachate, gas control, or other monitoring systems which are to be maintained and a designation of the party responsible for maintaining such systems.



- B. Facilities other than sanitary landfills shall be closed in accordance with the methods and procedures shown in their waste facility plans. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE XIII. SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES,  
TRANSFER STATIONS--RESTRICTIONS BEFORE AND AFTER  
CLOSURE**

**SECTION 240.1310: SCAVENGING AT FACILITIES PROHIBITED--DISTURBANCE OF WASTE  
FOLLOWING CLOSURE**

No person shall scavenge, excavate, disrupt or remove any deposited material from any active or discontinued landfill, waste processing facility or transfer station without prior approval of the Division Director. Requests for approval shall include an operation plan stating the area involved, line and grades defining limits of excavation, estimated number of cubic yards and type of material to be excavated, location where excavated material is to be deposited, type of equipment to be used to excavate and transport material, estimated time required for excavation disposal procedures and provisions for closing the excavated or disrupted areas. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE XIV. COMPOSTING AND COMPOSTING FACILITIES FOR RESIDENTIAL YARD WASTE**

**SECTION 240.1401: COMPOSTING OF RESIDENTIAL YARD WASTE**

- A. Residential yard waste may be composted on residential premises under the following conditions:
1. All composting operations shall be maintained so as to prevent the harborage of rodents and pests.
  2. All composting operations shall be maintained so as to inhibit the generation of odors associated with anaerobic decomposition.
  3. All composting operations shall be conducted at least three (3) feet behind the front of the main residential structure.
  4. Composting sites shall be located so as to prevent leachate from discharging onto adjacent property and shall not be located in natural or manmade stormwater channels.
  5. Compost piles abutting adjacent property shall be made site-proof to adjacent property owners and all enclosed compost structures shall comply with local zoning regulations.
  6. The following materials are prohibited from use in residential yard waste composting:
    - a. Meat and dairy products.
- B. Composting established in accordance with this Section is for private use only. There shall be no commercial provision of material to be composted or commercial use of the product from such composting.
- C. Every owner and/or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1403: LICENSE TO OPERATE YARD WASTE COMPOSTING FACILITY**

No person shall construct or operate a yard waste composting facility without a current and valid license for the construction and operation thereof. (Ord. No. 01-061 §§1--8, 5-30-01)



## SECTION 240.1406: LICENSE--HOW ACQUIRED--APPLICATION FEES

An initial license (as opposed to the annual renewal license) for the construction and operation or expansion of a yard waste composting facility may be issued by the Division Director following the procedures declared in this Chapter. An applicant for a license shall file three (3) copies of an application addressed to the Division Director and filed with the Division. The application shall consist of:

1. A request for issuance of a license, and
2. A materials facility plan as described below.

The application shall be accompanied by an application fee of one thousand dollars (\$1,000.00) and the Division Director shall not process an application which is not accompanied by that fee. (Ord. No. 01-061 §§1--8, 5-30-01)

*Editor's Note--Permit application fees and license fees authorized by Sections 240.415, 240.610, 240.840, 240.1406 and 240.1454 of this chapter 240 shall be effective upon approval of those fees by the qualified voters of St. Charles County.*

## SECTION 240.1409: APPLICATION FOR YARD WASTE COMPOSTING FACILITY LICENSE

An application to the Division Director for a license to construct and operate a yard waste composting facility shall contain a written request for the issuance of a license for the construction and operation of a yard waste composting facility and shall include a plan for the construction/ operation and closure of the facility, which plan shall be consistent with the provisions of this Chapter pertaining to construction and operation of a yard waste composting facility and shall include the following:

1. A legal description and outboundary survey of the property on which the facility is to be located.
2. A plan for the construction and operation of the yard waste composting facility which includes:
  - a. A description of the type of materials the yard waste composting facility will accept.
  - b. The maximum storage capacity of material to ensure management.
  - c. The technology utilized to process and store the materials.
  - d. Drawings detailing the operation of the yard waste composting facility.



- e. Location of the nearest available potable water source.
  - f. A description of windrow construction and operating equipment (or other approved methodology) to achieve a marketable finished compost product.
  - g. A description of construction of processing and storage bases. Bases shall be designed to shed stormwater and maintain integrity through continued use of heavy equipment.
  - h. Discussion of intended product end-use markets.
  - i. Description of management practices to control stormwater courses, minimize leachate operation and dispose of wastewater in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).
3. Closure plan for the facility.
  4. A schedule for the commencement and completion of facility construction stated with respect to the time of the issuance of a license for construction and operation of the facility.
  5. Zoning authorizations including a copy of an approved conditional use permit (if applicable).
  6. Multi-locations of the same organization shall file separate information for each location. Application and annual license fees shall apply to each separate location in accordance with Sections 240.1406 and 240.1409.
  7. Other information as the Division Director may require to assess suitability of the proposed yard waste composting facility. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1412: INITIAL DETERMINATION OF SUFFICIENCY OF APPLICATION**

The Division Director shall notify an applicant who has submitted an application and application fee for a license to operate a yard waste composting facility in writing either that the application is certified as meeting all pertinent requirements regarding the form of the application or that the application is deficient with respect to its form and specifically in what manner the application does not comply with minimum application requirements. The Division Director shall determine whether the representation made in



the materials facility plan regarding application for zoning approval has been met. If the application has been determined not to comply with minimum application requirements or the representation concerning application for zoning approval is determined to be false, the applicant so notified shall be required to submit additional information or otherwise correct any noted deficiencies within ninety (90) calendar days from receipt of the Division Director's letter. If the deficiencies are not corrected within the ninety (90) day period, the Division Director shall return the application and fee to the applicant, unless the applicant and the Division Director mutually agree to an extension of the ninety (90) days response period. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1415: INVESTIGATION BY DIVISION DIRECTOR

The Division Director shall examine the premises of the site described by the application and shall perform such tests and direct the preparation of such studies as will assist him in determining:

1. Whether the facts contained in the application are accurate.
2. Whether the criteria set forth below regarding the standards of issuance of a license are satisfied to the benefit of the residents of St. Charles County for protection of public health and the environment. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1418: MODIFICATION OF MATERIALS FACILITY PLAN

- A. The Division Director may require that the applicant modify the materials facility plan for the purposes of:
  1. Bringing the application into compliance with law, although issuance of a license, with or without modifications, is not evidence that the application complies with the requirements of any jurisdiction.
  2. Ensuring that the construction and operation of the yard waste composting facility is adequate to protect the health and welfare of the residents of St. Charles County.
- B. Prior to final approval or denial of the license, the Division Director shall notify the applicant of deficiencies or changes which must be addressed prior to approval of the materials facility plan. Within thirty (30) days, or such additional time as the Director may grant, the applicant shall submit modifications to address the deficiencies which the Division Director has indicated. The Division Director may continue to require reasonable additional changes to be made by applicant. In the event that the Division Director determines that there are no



modifications which can be made to the application which will make it satisfactory, or the Division Director determines that the modifications or responses proposed by the applicant do not substantially further the application process, the Division Director shall notify the applicant and permit thirty (30) days for response. Thereupon, the Division Director may terminate consideration of the materials facility application for failure to pursue submission of an acceptable materials facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1421: STANDARDS FOR APPROVAL OF MATERIALS FACILITY PLAN

- A. The Division Director shall approve the materials facility plan, with or without modifications, or disapprove the materials facility plan based on the following criteria:
  - 1. Possible adverse environmental effects on properties in the vicinity of the proposed facility.
  - 2. Whether the approval of the materials facility plan would in any way create a hazard menace or nuisance to the public health.
  - 3. Whether the approval of the materials facility plan would violate the provisions of this Chapter, other laws, or other ordinances or regulations of St. Charles County.
- B. Any materials facility plan submitted which does not satisfy the above criteria shall not be approved by the Division Director.
- C. The Division Director shall notify the applicant of his decision by certified mail, whether approving or disapproving the materials facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1424: ISSUANCE OF LICENSE BY DIVISION DIRECTOR

If a materials facility plan is finally approved by the Division Director, a license shall be issued by the Division Director upon payment to the Division of the annual licensing fee described in Section 240.1454 and a showing satisfactory that the insurance requirement of Section 240.1475 and the bonding requirement of Section 240.1478 have been met. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1427: LICENSE PERSONAL TO APPLICANT--HOW TRANSFERRED

The license issued by the Division Director shall be personal to the applicant and may only be transferred by compliance with Section 240.1457. (Ord. No. 01-061 §§1--8, 5-30-01)



#### SECTION 240.1430: TERM OF LICENSE

The license issued by the Division Director shall be for a fixed number of years equal to the estimated life of the facility as projected in the approved materials facility plan. Notwithstanding the issuance of a license for a fixed number of years, the materials facility plan and the license must be reviewed annually subject to the provisions of Section 240.1418 et seq., and the modifications proposed by the operator in the annual application may include a request that the term of the license be amended. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1433: COOPERATION WITH OTHER COUNTY DEPARTMENTS PERMITTED

In the event that St. Charles County ordinances require the Division of Planning and Zoning of the Department of Community Development to hold a hearing regarding the issuance of a conditional use permit (CUP) or regarding a rezoning which must be approved before the materials facility plan may be lawfully implemented on a site, the Division of Environmental Services, the Division of Planning and Zoning of the Department of Community Development may develop and implement a procedure whereby the application submitted to the Division Director pursuant to Section 240.1409 and the application for a conditional use permit or for an amendment of the applicable zoning pursuant to Title IV of the Ordinances of St. Charles County, Missouri ("OSCCMo"), as the case may be, be consolidated into a single application for the convenience of the applicant, the County and the public. Despite such consolidation for convenience, such applications shall still satisfy the requirements of this Article and of Title IV, OSCCMo. (Ord. No. 01-061 §§1--8, 5-30-01)

*Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.*

#### SECTION 240.1436: COOPERATIVE AGREEMENTS AUTHORIZED

The Division Director is authorized to cooperate with the Missouri Department of Natural Resources, municipalities in St. Charles County and any other relevant jurisdiction, individually or in combination, for the purposes of:

1. Developing and implementing a procedure or procedures whereby the application submitted to the Division Director pursuant to Section 240.1409 and an application concerning the same development submitted in another jurisdiction be consolidated into a single application for the convenience of the applicant, the County and the other jurisdiction or jurisdictions. Despite such consolidation for convenience, such applications shall still satisfy the requirements of Section 240.1409.



2. Dividing responsibility for investigation and verification of the information contained in an application, and the impact of implementation of the materials facility plan on the County and the environment, shall be undertaken for the purpose of avoiding duplication of effort by various jurisdictions. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1439: APPLICANT BECOMES OPERATOR UPON RECEIPT OF LICENSE

Upon receipt of a license issued by the Division Director, and upon payment to the Division of the annual licensing fee described in Section 240.1454 and a showing satisfactory that the insurance requirement of Section 240.1475 and the bonding requirement of Section 240.1478 have been met, the applicant becomes the operator of the facility for which the license was issued. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1442: EXISTING YARD WASTE COMPOSTING FACILITIES

- A. Yard waste composting facilities which operated or were licensed to construct or operate pursuant to ordinances and rules in effect prior to the effective date of this Chapter are exempted from the requirement of presenting an initial materials facility plan pursuant to Sections 240.1406 and 240.1409. Renewal applications and licenses are required on an annual basis pursuant to Section 240.1451. Notwithstanding the foregoing, however, the first (1st) renewal application made by the operator of such an existing facility shall contain a plan for closure in compliance with the closure requirements of this Chapter imposed upon applications for new facilities.
- B. With the exception of the matters discussed in Subsection (A) of this Section, yard waste composting facilities existing at the effective date of this Chapter must comply with all other provisions of this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1445: LICENSE TO BE RENEWED ANNUALLY

Despite the approval of a materials facility plan for a yard waste composting facility for a fixed number of years, and the issuance of a license for the construction and operation of the facility, the operator of each facility shall apply to renew such license annually for each operating year beginning with each anniversary date of the issuance of such initial license, whether the construction of the facility is completed or not. The renewal application as set forth in the schedule in Subsection (2) of this Section shall be addressed and delivered to the Division Director at least thirty (30) days prior to each anniversary date of the initial license and shall contain:



1. A request that a renewal license be issued for a period of one (1) year, and
2. A report containing the information required in Section 240.1448. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1448: CONTENTS OF REPORT FILED WITH APPLICATION FOR ANNUAL RENEWAL LICENSE FOR OPERATING A YARD WASTE COMPOSTING FACILITY**

Every application for a renewal license for a yard waste composting facility shall contain the following information:

1. Any changes in the materials facility plan which must be made to reflect actual usage or conditions.
2. Volumes of yard waste in cubic yards received by the facility during the previous year.
3. Volume and disposition of end-use product produced.
4. A listing of operating problems encountered and solutions pursued/corrective actions. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1451: ISSUANCE OF RENEWAL LICENSE BY DIVISION DIRECTOR**

Upon receipt of the renewal application described in Sections 240.1445 and 240.1448 and of the basic annual licensing fee set forth in Section 240.1454, the Division Director shall issue a renewal license for the compost facility. The Division Director shall not issue the renewal license if the license to operate the facility has been revoked pursuant to this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1454: ANNUAL LICENSING FEE**

The basic annual licensing fee shall be one thousand dollars (\$1,000.00). (Ord. No. 01-061 §§1--8, 5-30-01)

*Editor's Note--Permit application fees and license fees authorized by Sections 240.415, 240.610, 240.840, 240.1406 and 240.1454 of this chapter 240 shall be effective upon approval of those fees by the qualified voters of St. Charles County.*



SECTION 240.1457: MODIFICATION OF MATERIALS FACILITY PLAN DURING EFFECTIVE PERIOD OF LICENSE UPON REQUEST OF OPERATOR--TRANSFER OF LICENSE TO ANOTHER

- A. If the operator believes that an error has been made in the materials facility plan, such that the materials facility plan cannot be effectuated without injury to the public health or welfare, or that the materials facility plan can better be implemented by changes in provisions approved by the Division Director, the operator may submit a request to the Division Director containing the reasons for the belief and the information required in Section 240.1448 for a renewal application. The Division Director shall consider the request and may modify the materials facility plan to reflect such changes if he determines that such changes are necessary to make or continue to make the facility comply with this Chapter or other laws, rules, regulations or ordinances, or to make or continue to make such facility operate in a manner that protects the public health, welfare and the environment.
- B. If the operator desires to transfer his license to operate a yard waste composting facility to another party, and that party agrees to accept the transfer of the license, the operator shall file a statement with the Division Director so stating the intent to make such transfer. The person proposing to operate the facility shall file an application containing the information required by Section 240.1448 along with a statement that such person desires to assume the rights, duties and obligations of operation of the facility. The application shall be processed as an application under Subsection (A) of this Section. Upon issuance of the license with modifications, which shall include an indication that the license is transferred to the parties desiring to assume operations of the facility, such parties shall become the operator of the facility; however, nothing herein shall relieve the prior operator of any liability connected with events occurring during the period in which the prior operator operated or was licensed to operate such facility. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1460: LICENSE SUSPENDED OR REVOKED--WHEN--HOW

- A. A license for operation of a yard waste composting facility may be suspended or revoked, following hearing before the Division Director, for any one (1) or more of the following reasons:
  - 1. Failure to comply with the provisions of the materials facility plan.
  - 2. Failure to comply with the provisions of this Chapter applicable to the facility.



3. Failure to operate the facility in a manner consistent with the public health, welfare and the environment and health and welfare of persons operating and using the facility.
- B. For a violation of any of the above, the Division Director shall suspend the license of the operator to operate the facility during the period such violation continues to exist; or, if the violation can only exist during active operations, the suspension shall be until such time as the operator establishes a procedure satisfactory to the Division Director which remedies the violation.
  - C. For a willful misstatement of facts contained in any application or renewal application, the Division Director may revoke the license or renewal license. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1463: PROCEDURE FOR SUSPENSION OR REVOCATION HEARING

The Division Director shall provide at least thirty (30) calendar days' notice to the operator of the hearing to be held to consider the suspension or revocation of the license of the operator to operate a yard waste composting facility. The hearing shall be open to the public. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1466: CONSTRUCTION TO CONFORM TO REQUIREMENTS OF MATERIALS FACILITY PLAN AND THIS CHAPTER

No person shall construct a yard waste composting facility in a manner that does not comply with the materials facility plan approved by the Division Director for such facility or with the requirements of this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1469: INSPECTIONS DURING CONSTRUCTION

During any period of construction (initial, expansion or modification) of a yard waste composting facility, the Division Director shall be permitted access to the facility at reasonable times for the purpose of determining whether the construction of the facility conforms to the materials facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1472: FINAL APPROVAL OF DIVISION DIRECTOR REQUIRED PRIOR TO OPERATION OF FACILITY

Notwithstanding the final approval of a materials facility plan and issuance of a license to construct and operate a yard waste composting facility, the facility shall not begin to operate and accept material until receipt of final approval by the Division Director indicating that a final inspection of the facility following construction has been completed and that the facts then in possession indicate that the facility has been constructed



according to the materials facility plan. Final approval in writing by the Division Director is also required for final construction of facility modification prior to the continued operation in an area affected by the construction. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1475: OPERATORS OF YARD WASTE COMPOSTING FACILITY TO HAVE INSURANCE**

- A. No license for the construction and operation of a yard waste composting facility shall be issued nor shall such a facility be operated until and unless the applicant acquires public liability insurance approved by the Division Director governing all proposed operations of the applicant pertaining to the business of constructing and operating a yard waste composting facility. The insurance shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the Division. The minimum limits of insurance for public liability and auto liability shall be three hundred thousand dollars (\$300,000.00) for bodily injury to each person; one million dollars (\$1,000,000.00) for total bodily injury for each occurrence; and one million dollars (\$1,000,000.00) for property damage for each occurrence. Municipalities engaged in the business of yard waste composting are exempted from procuring the minimum limits of insurance required by this Section.
- B. No license for the construction and operation of yard waste composting facility shall be issued nor shall such a facility be operated until and unless the applicant provides insurance with Workers' Compensation insurance, with minimum limits as set by law. The insurance must be approved by the Division Director and shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business.
- C. No insurance policy required by this Section shall be approved by the Division Director unless it provides that notice will be given by the insurer in the event the policy is terminated or canceled.
- D. The insured shall give notice to the Division Director if any policy required by this Section is terminated or canceled. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1478: CLOSURE BOND**

No person shall construct or operate a yard waste composting facility without providing a bond required for closure as provided by this Section for closure. The bond provided



pursuant to this Section shall be in an amount, based upon the active composting area of the facility during the following twelve (12) months and modified by the renewal license process, which assures that the facility will be properly closed if events occur within the two (2) year period following the beginning of the most recent licensing or renewal period which require that the facility be closed. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the St. Charles County Director of Finance, who shall provide a receipt therefor. If a cash bond is offered, the interest may be used to fulfill the bond obligation if necessary; however, to the extent such interest remains unused at the expiration of the bond, it shall be returned to the person providing the bond. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri and filed with the St. Charles County Director of Finance. The bond must be approved by the County Counselor. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1481: FACILITY'S OPERATION TO COMPLY WITH MATERIALS FACILITY PLAN**

No person shall operate a yard waste composting facility in a manner that does not comply with the materials facility plan approved by the Division Director for such facility and which does not comply with the requirements of this Article pertaining to operation of such facility. Failure to comply with the materials facility plan or with the requirements of this Article pertaining to operation of a yard waste composting facility shall be a violation by the person in whose name the license is issued, as well as every agent, employee or contractor assigned to construct or operate the facility who:

1. Performs acts precluded by the materials facility plan or this Article;
2. Fails to perform acts required by the materials facility plan or this Article;
3. Fails to maintain conditions required by the materials facility plan or this Article; or
4. Maintains conditions prohibited by the materials facility plan or this Article. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1484: ADDITIONAL STANDARDS FOR OPERATION OF A YARD WASTE COMPOSTING FACILITY**

Yard waste composting facilities shall adhere to the following requirements:

1. A sign listing materials accepted and not accepted must be visible at the entrance of the facility.



2. A facility shall not accept material quantities beyond that which can be properly managed.
3. Materials for composting shall be stored in a manner that will minimize the generation of odor and aesthetic problems, prevent spontaneous combustion and the harborage of vectors, and does not create a public health nuisance.
4. Vector control programs shall be implemented to prevent or rectify problems.
5. Non-contact, uncontaminated surface watercourses and runoff shall be diverted to storm sewers, detention ponds or other approved collection methods and the management of such watercourses and runoff shall also comply with all applicable provisions of the Missouri Clean Water Law (Chapter 644, RSMo., as amended) and any regulations adopted pursuant to it. The Missouri Clean Water Law and the regulations adopted pursuant to it shall also govern the management of any and all contaminated runoff and leachate generated by material decomposition.
6. Contingency plan shall be implemented for collection, destruction and deposition of any leachate, by-product, effluent or emission.
7. Materials easily moved by wind shall be stored in such a manner so as to prevent such material from becoming airborne and scattered.
8. Fire extinguishers shall be provided and accessible.
9. Persons not authorized shall not be permitted to remove or scavenge in the materials deposited at the facility.
10. Facility must meet all zoning restrictions.
11. Records shall be maintained on site addressing the following matters:
  - a. Major problems and complaints.
  - b. Vector control efforts.
  - c. Records on litter control efforts.
  - d. Records on quantity (volume/tons) of materials received.
  - e. Records on quantity (volume/tons) of end product distributed.



12. Compliance with handling, storage and disposal requirements for materials regulated under Federal, State and/or local jurisdictions shall be met. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1487: SIGNS REQUIRED AT ENTRANCES TO YARD WASTE COMPOSTING FACILITY

There shall be displayed at each entrance to each yard waste composting facility a sign containing the following information in letters at least two (2) inches high and one-half (1/2) inch wide:

1. The words "Approved Yard Waste Composting Facility operated under License No. issued by the Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment".
2. The words "The following materials will be accepted at this facility:" followed by a list of materials which will be accepted at the facility. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1490: RIGHT OF ENTRY FOR INSPECTION AND TO REMEDY DANGEROUS CONDITIONS

- A. The Division Director is authorized, with or without probable cause to believe that a specific violation exists, to enter and inspect yard waste composting facilities at any time to ensure that they are operated consistently with the materials facility plan, this Chapter, and in the interests of the health and welfare of the residents of St. Charles County. Routine inspections shall be made during normal operational hours of the facility. Where there is a suspected hazard, entry may be made at any time.
- B. If the Division Director is or becomes aware of a violation of the provisions of the materials facility plan pertaining to the construction or operation of a yard waste composting facility or is or becomes aware of a violation of a provision of this Chapter pertaining to construction or operation of such a facility; or is or becomes aware of a condition which threatens the health and welfare of the residents of the County or the environment, he may make a reasonable attempt to notify the operator, or owner of the premises or person in possession if there is no license, and direct such person to correct the violation within twenty-four (24) hours. In the event the operator or owner or person in possession cannot be found or refuses to correct or address the violation within twenty-four (24) hours after notice in writing, the Division Director may, if deemed it necessary to



protect the interest of public health, enter upon the premises of the facility and, either with the equipment and employees of the operator or owner or person in possession, or with County-owned or leased equipment and County employees, perform such work as is necessary to correct any condition so noticed.

- C. Upon completion of such work, the Division Director shall cause the total cost of such work to be determined and certify the same to the St. Charles County Director of Finance, the report, with the approval of the Director of Finance endorsed thereon, shall be transmitted to the County Collector, who shall assess the same as a special tax against each lot or parcel of ground chargeable therewith, in the name or names of the owner or owners thereof.
- D. All such special tax bills issued for such work shall be collectible by suit brought by the County Counselor in the name of the County. Such special tax bills and any action thereon shall be prima facie evidence on the regularity or the proceedings for such special assessment, the validity of the bill, the conductance of the work, and of the furnishing of the materials charged for, and of the liability of the property to the charge stated in the bill, including the costs of bringing the action as a part of the cost performing the work. Each said special tax bill shall include a charge of fifty dollars (\$50.00) for inspecting the same and providing the notice and further charge of fifty dollars (\$50.00) for issuing and recording the tax bill. Such tax bills if not paid within thirty (30) days after issuance shall bear interest at the rate of eight percent (8%) per annum. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1493: CLOSURE OF YARD WASTE COMPOSTING FACILITIES

A yard waste composting facility shall be closed in accordance with the methods and procedures shown in the materials facility plan. Yard waste composting facilities which were licensed to operate prior to the effective date of this Chapter shall be closed in accordance with the methods required by that facility's original operating permit. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1496: NOTIFICATION OF INTENT TO CLOSE YARD WASTE COMPOSTING FACILITY

The operator shall notify the Division Director three (3) months prior to permanent or planned closure of his intent to close a yard waste composting facility. (Ord. No. 01-061 §§1--8, 5-30-01)



## **ARTICLE XV. RECYCLING CENTERS**

### **SECTION 240.1505: CONSTRUCTION AND OPERATION OF RECYCLING CENTERS**

- A. All sites proposed to operate as recycling centers must submit certification of compliance with applicable zoning and conditional use permit (CUP) provisions recognized by the County Division of Planning and Zoning of the Department of Community Development. Such certification shall be sent to the Division of Environmental Services prior to or concurrent with annual registration.
- B. Recycling center sites shall be operated in such a manner as to not cause nuisance conditions or violations of any Code, standard or regulation administered by any applicable unit of local, County or State Government.
- C. Property buffer/setback distances shall conform to applicable CUP conditions and verified with operating application submittal. In all cases, however, the minimum required distance shall be not less than one thousand (1,000) feet. (Ord. No. 01-061 §§1--8, 5-30-01)

*Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.*

### **SECTION 240.1510: RECYCLING CENTERS TO REGISTER ANNUALLY**

At least once per year, every recycling center shall file a statement with the Division Director. The statement shall contain the information as follows:

- 1. Volume/tons of recovered material by type (i.e. glass, ferrous metals, paper fiber grades, etc.) received by the facility during the previous calendar year.
- 2. Volume/tons of recovered material by type (i.e. glass, ferrous metals, paper fiber grades, etc.) shipped from the facility for the purpose of resource recovery during the previous calendar year. Such statement shall be filed for the previous year period by January thirty-first (31st) of the current calendar year. (Ord. No. 01-061 §§1--8, 5-30-01)

### **SECTION 240.1520: HAULERS OF RESIDENTIAL SOURCE-SEPARATED MATERIAL TO REGISTER ANNUALLY**

At least once per year, every hauler of residential source-separated material who hauls such material from its point of origin shall file a statement with the Division Director registering the hauler to haul source-separated material. The statement shall contain such other information as the Division Director may request, including:



1. Volume/tons of source-separated material by type (i.e. glass, ferrous metal, paper fiber grades, etc.) received by the hauler during the previous calendar year.
2. Volume/tons of recovered material by type (i.e. glass, ferrous metal, paper fiber grades, etc.) deposited at a facility for the purpose of resource recovery during the previous calendar year. (Ord. No. 01-061 §§1--8, 5-30-01)



## **ARTICLE XVI. SPECIAL WASTES AND DEMOLITION WASTES**

### **SECTION 240.1610: APPLICATIONS FOR PERMITS FOR DISPOSAL OF SPECIAL WASTES**

- A. Applications for permits for the disposal of special waste (including asbestos) shall be submitted to the Division Director by both the person generating the special waste and the facility intending to receive the waste for disposal. The authorized application fee of one hundred dollars (\$100.00) shall be submitted with each application.
- B. The application made by the person possessing the special waste or the person who will generate the special waste shall include a description of the waste, generation process and intended rate, transportation, handling, and, if required by the Division Director, a lab analysis or other evidence verifying the composition of the special waste. The application shall also contain such other information as the Division Director may require, either before or after the initial submission of the application. (Ord. No. 01-061 §§1--8, 5-30-01)

### **SECTION 240.1620: APPLICATION FOR PERMITS TO GENERATE DEMOLITION WASTES**

- A. Application for permits to generate demolition waste (resulting from the destruction/removal of any institutional, commercial, public, industrial or residential structure or building within the unincorporated areas of the County) shall be submitted to the Division Director by the person possessing or generating the demolition waste. The authorized application fee of one hundred dollars (\$100.00) shall be submitted with each application. Owner-occupied residential property owners conducting their own demolition/construction activities at their own residences shall be exempt from payment of the fee authorized by this Section.
- B. The application made by the person possessing or generating the demolition waste shall include a description of the waste, estimated volume, transportation, handling, and disposal/processing/transfer station resource recovery/recycling facility location. The application shall also contain such other information as the Division Director may require, either before or after the initial submission of the application. (Ord. No. 01-061 §§1--8, 5-30-01)

### **SECTION 240.1630: AUTHORIZATION BY THE DIVISION DIRECTOR**

Based on the merit and competence of the submittal, the Division Director shall approve or deny the applications for permits to dispose of special wastes or to generate demolition wastes and, if the applications are approved, may attach any conditions deemed necessary to protect the public health and welfare and environment. Copies of



the approval document shall be sent to the Missouri Department of Natural Resources. Approval may be granted for specific disposal events identified in the application, or approval may be granted for recurring, similar disposal needs. In no event, however, shall a permit's effective period extend beyond one (1) year from the date of approval. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1640: COMPLIANCE REQUIRED WITH THE TERMS OF APPROVED PERMITS

The applicants, their agents and employees shall comply with the statements made in the application regarding anticipated means of handling and disposing of waste and shall comply with the additional terms and conditions attached by the Division Director. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1650: INSPECTIONS BY DIVISION DIRECTOR-REVOCATIONS OF PERMITS

- A. The Division Director shall conduct periodic inspections as necessary to insure compliance with the terms of approved permits. Failure of the applicants, their agents or employees to cooperate with any such inspections or to comply with statements made in the application or with any additional terms and conditions imposed by the Division Director shall result in immediate revocation of the permit to dispose of special waste or to generate demolition waste.
- B. The Division Director shall have the right of entry for inspection to insure compliance with the authorization granted by the Division Director and to insure the public health and welfare in the same manner as indicated in Section 240.1190. For a violation of the terms of the authorization of the Division Director or for a condition which threatens the health and welfare of the residents of the County, the Division Director may take those remedial steps indicated in Section 240.1190; and the cost incurred by the Division Director for such work shall be a special tax on the property as indicated in that Section. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1660: INFECTIOUS WASTE MAY BECOME SPECIAL WASTE

Infectious waste rendered innocuous shall be disposed of as a special waste. (Ord. No. 01-061 §§1--8, 5-30-01)

#### SECTION 240.1670: INFECTIOUS WASTE GENERATED BY ACTIVITY OUTSIDE OF MEDICAL FACILITIES

Unless determined otherwise by the Division Director for special cases requiring more stringent safeguards to protect public health, generators of infectious waste outside of medical facilities shall be exempt from the special waste provisions of the Chapter



provided such waste is generated on-site and disposed of with the generator's ordinary solid waste. Sharps to be disposed of outside of medical facilities may be disposed of with the generator's ordinary solid waste; however, such waste shall be packaged in rigid, leakproof and puncture resistant containers which are sealed prior to disposal. (Ord. No. 01-061 §§1--8, 5-30-01)



## **ARTICLE XVII. ADMINISTRATION AND ENFORCEMENT**

### **SECTION 240.1710: RULEMAKING**

The Division Director is authorized to make necessary rules and regulations as will implement the purposes of this Chapter. Such rules and regulations shall only be promulgated following notice to the public of the public hearing to be held and the subject matter of the proposed rule or regulation. The Division Director shall hold this public hearing. Upon issuance of any rule or regulation, the text of same shall be filed with the County Registrar. Failure to comply with provisions of such rule or regulation shall be a violation of this Chapter and subject to the penalty provisions of Section 240.1760. (Ord. No. 01-061 §§1--8, 5-30-01)

*Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.*

### **SECTION 240.1720: VARIANCE BY DIVISION DIRECTOR**

The Division Director may grant a variance from the terms of this Chapter to a holder of or an applicant for a permit or license issued pursuant to this Chapter upon a showing that strict application of the provisions of this Chapter will impose practical difficulties or particular hardships upon the aforementioned applicant or holder without corresponding benefit to the public health, but only when the Division Director finds that the granting of the variance will not serve merely as a convenience to the aforementioned applicant or holder but will alleviate some demonstrable hardship or difficulty sufficient to warrant a variance. In granting any such variance, the Division Director may impose such limitations and conditions as he deems necessary to protect the public health, and any violation of or failure to adhere to such limitations or conditions shall constitute a violation of this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

### **SECTION 240.1730: ADMINISTRATIVE APPEALS**

- A. Except as provided in Subsection (B) of this Section, any person aggrieved by a decision of the Division Director pursuant to Article IV, Articles V through XI, Articles XIV through XVI, or Section 240.1720 of this Article (variances) of this Chapter may within ten (10) days of that decision file with the Director an appeal stating why the decision is unauthorized by this Chapter. The appeal shall be filed on a form prepared by the Director, signed by the aggrieved person or that person's agent, and a copy of the appeal shall be served on the Division Director. The Director shall schedule and conduct a hearing within thirty (30) days of the filing of the appeal and may affirm, modify or reverse the decision of the Division Director. The decision of the Director shall be final.



- B. Any person aggrieved by the denial of a license by the Division Director or by the Division Director's modifications of a proposed waste facility plan pursuant to Article VII may appeal that decision to the County Council as provided in Article VII of this Chapter. The decision of the County Council shall be final. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1740: CITATION FOR VIOLATIONS OF PROVISIONS OF THIS CHAPTER--FORM OF CITATION

- A. Any person designated by the Division Director to enforce provisions of this Chapter may issue a citation to any person when having probable cause to believe that such person has committed a violation of this Chapter. The citation shall require the person in whose name the citation is issued to pay a fine either by mail or in person at the offices of the Division of Environmental Services within ten (10) days after receipt of the citation.
- B. The citation issued pursuant to Subsection (A) of this Section shall be in substantially the following form:

STATE OF MISSOURI            )

) SS.

COUNTY OF ST. CHARLES    )

ST. CHARLES COUNTY, MISSOURI, Complainant,

vs. \_\_\_\_\_, Violator

Race \_\_\_\_\_ Sex \_\_\_\_\_ Date of birth \_\_\_\_/\_\_\_\_/\_\_\_\_ Height \_\_\_\_\_

Weight \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_

Address

\_\_\_\_\_  
\_\_\_\_\_

Employer \_\_\_\_\_

Business Address \_\_\_\_\_  
\_\_\_\_\_

The undersigned complaints and states that the violator, did, on or about



\_\_\_\_/\_\_\_\_/\_\_\_\_ at or about \_\_\_\_\_ .m., commit the following offense:

\_\_\_\_\_  
\_\_\_\_\_

occurring at or near:

\_\_\_\_\_  
\_\_\_\_\_

in violation of Section 240.\_\_\_\_\_, Ordinances of St. Charles County, Missouri ("OSCCMo"), as amended.

\_\_\_\_\_

Signature

\_\_\_\_\_

Title

\_\_\_\_\_

Date

The Division Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment to the above-named violator: You are to appear at the Offices of the Division at 201 North Second Street, St. Charles, Missouri 63301 on or before \_\_\_\_/\_\_\_\_/\_\_\_\_, between the hours of 8:00 A.M. and 5:00 P.M. to either pay a fine for this violation or to state that you are not guilty. If you fail to appear, a report of this violation will be referred to the County Counselor, who will institute legal proceedings against you without further notice. Fines may be paid by mail. To inquire about this possibility, you may call between the hours of 8:00 A.M. and 5:00 P.M.

Without admitting guilt, I hereby acknowledge receipt of this notice.

\_\_\_\_\_

Signature

\_\_\_\_\_



Date

- C. Nothing in this Section shall require that any prosecution for any violation of this Chapter need be preceded by a citation permitted by this Section. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1750: AUTHORIZATION FOR DIVISION DIRECTOR TO ACCEPT PAYMENT FOR PENALTIES ASSESSED HEREIN--PROSECUTION OF VIOLATIONS**

- A. In cases where citations have been issued pursuant to Section 240.1740, the Division Director is authorized to and shall have and perform the following duties:
1. Accept payment of fines as provided below.
  2. Maintain records of all violations of the provisions of this Chapter indexed by name of the person violating any provision during the preceding twenty-four (24) months, whether such violation was established in court or by payment of a fine pursuant to this Section.
  3. Refer to the County Counselor for prosecution any matter where a person charged with an offense which may be paid to the Division Director under this Section fails to appear and pay the fine within the time or in the manner prescribed herein.
- B. Penalties for violations for which citations under this Section are written and which may be paid to the Division Director pursuant to this Section are as follows:

<b>Section</b>	<b>Description</b>	<b>Penalty for First Violation</b>	<b>Penalty for Recurring Violations</b>
240.310	Failure to have sufficient number or size waste containers	\$50	\$100
240.310	Failure to have sufficient waste containers at single-, two- and three-family residential premises	\$25	\$50
240.310	Failure to have sufficient waste containers at multi-family residential and at non-residential premises	\$50	\$100
240.310	Failure to secure covers on waste containers at single-, two- and three-family residential premises	\$25	\$50



240.310	Failure to secure covers on waste containers at multi-family residential premises and at non-residential premises	\$50	\$100
240.325	Failure to keep area surrounding waste containers at single-, two- and three family residential premises or the exterior of such containers in clean, neat, odor-free and sanitary condition	\$25	\$50
240.325	Failure to keep area surrounding waste containers at multi-family residential premises or at non-residential premises or the exterior of such containers in clean, neat, odor-free and sanitary condition	\$50	\$100
240.325	Storage of solid waste containers and containers for recyclables from one-, two- or three-family residential premises on property other than where waste and recyclables were originally generated	\$25	\$50
240.325	Storage of solid waste containers and containers for recyclables from multi-family residential premises or non-residential premises on property other than where waste and recyclables were originally generated	\$100	\$300
240.335	Deposit waste in the container of another without permission of owner of container	\$50	\$100
240.340	Failure to place infectious, hazardous or special waste in containers clearly marked "Infectious Waste", "Biohazard Waste", "Hazardous Waste", as the case may be	\$300	\$500
240.340	Failure to store infectious waste in sealed leakproof containers	\$300	\$500
240.340	Failure to store sharps in rigid and puncture resistant containers	\$300	\$500
240.340	Failure to label infectious containers and storage area with the universal biohazard symbol	\$300	\$500
240.340	Failure to contain all infectious waste and keep outside of container free of contamination	\$300	\$500
240.340	Failure to keep exterior storage areas locked or otherwise secure	\$300	\$500
240.340	Failure to label medical special waste with the words "Medical Special Waste" and with the special waste registration number	\$300	\$500
240.345	Failure to remove a mobile/roll-off waste container when full	\$100	\$300



240.345	Failure to secure demolition waste or construction waste in secure container to prevent dispersal by wind	\$100	\$300
240.345	Store demolition or construction waste in flood plain while not in waste container	\$100	\$300
240.350	Failure to register as a medical waste generator	\$300	\$500
240.355	Failure to have agreement for collection of waste with hauler having licensed vehicles where waste collection service is reasonably available for the premises	\$50	\$100
240.355	Failure to have infectious waste pickup weekly unless generation rate is four and one-half (4.5) cu. ft. or less per month whereas pickup frequency is quarterly	\$300	\$500
240.355	Failure to remove medical special waste at regularly scheduled intervals, as specified in special waste disposal application	\$300	\$500
240.355	Failure to remove industrial/commercial special waste and sewage sludge at regularly scheduled intervals, as specified in special waste disposal application	\$300	\$500
240.355.1a	Place solid waste containers, containers for recyclables, or bulky/non-containerized waste at point of collection designated by waste hauler before dusk prior to the regularly scheduled collection day	\$25	\$50
240.355.1b	Failure to return solid waste containers or containers for recyclables to place of storage on the same day as collection of waste	\$25	\$50
240.401	Engage in the business of hauling waste, sewage, sludge, human excrement or any other waste of any kind whatsoever on County streets without annual permit for collecting and transporting solid waste	\$100	\$300
240.435	Enter into an agreement for disposing of residential waste without providing for collection of bulky residential waste at least once every six (6) months	\$100	\$200
240.435	Failure to give persons having agreement for disposal of residential waste reasonable notice of scheduled collection of bulky residential waste	\$100	\$200
240.440	Failure to label waste transportation vehicles or mobile/roll-off waste containers permitted under annual permit for collecting and transporting solid waste	\$100	\$300
240.445.1	Failure to maintain waste hauling vehicles and mobile/roll-off waste containers in safe, clean and sanitary condition	\$100	\$300



240.445.1	Failure to maintain waste hauling vehicle or mobile/roll-off waste container so as to prevent waste from spilling or leaking or blowing from vehicle or mobile/roll-off waste container	\$100	\$300
240.445.2	Transport waste in hoppers of waste transportation vehicle where such hoppers have defective hopper seals which create spillage or leakage of liquid	\$100	\$300
240.445.3	Failure to secure covers when transporting waste capable of blowing from vehicle or mobile/roll-off waste container or in fact blowing from vehicle or mobile waste container	\$100	\$300
240.450(A)	Failure of permittee to allow inspection of waste transportation vehicle or mobile/roll-off waste container	\$100	\$300
240.450(D)	Failure of permittee to comply with Division Director's order to correct violations in waste transportation vehicle or mobile/roll-off waste container by the time and date stated in order	\$100	\$500
240.455	Failure of permittee to provide semi-annual reports required by this Section	\$100	\$300
240.460(A)	Engage in business of hauling waste without required insurance	\$1,000	\$2,000
240.460(B)	Engage in business of handling waste without Workers' Compensation in amounts required by law	\$1,000	\$2,000
240.465	Haul sewage, sludge, human excrement or special wastes without \$1,000 bond for each vehicle hauling such waste	\$100	\$500
240.470	Haul infectious, hazardous or special waste in transportation vehicle or mobile/roll-off waste container used for transporting waste that is not infectious, hazardous or special, as the case may be, or which cannot safely transport such waste	\$1,000	\$2,000
240.470	Transport waste that is clearly marked as infectious, hazardous or special waste, or which the hauler knows in fact is infectious, hazardous or special waste, unless the hauler has the capability to legally and safely transport such waste to an appropriate facility	\$1,000	\$2,000
240.510	Deposit waste on real estate which does not have a valid and current license for a sanitary landfill, demolition landfill, waste processing facility or transfer station issued by Division Director	\$500	\$1000



240.510	Permit waste to be deposited on real estate which does not have a valid and current license for a sanitary landfill, demolition landfill, waste processing facility or transfer station issued by the Division Director	\$2,000	\$4,000
240.510	Deposit waste on or at facility in a manner which does not comply with the plan for operation pertaining to such facility or in a manner which does not comply with the provisions of this Chapter pertaining to operation of such facility	\$2,000	\$4,000
240.510	Conduct open burning of timber/vegetative waste without the appropriate permit	\$100	\$300
240.510	Conduct open or containered burning of solid waste	\$100	\$300
240.510	Deposit waste in waters of County	\$1,000	\$2,000
240.540	Deposit or cause or permit to be deposited infectious, hazardous or special waste at a facility which is not licensed and approved to accept such waste safely	\$1,000	\$2,000
240.1140	Failure to operate facility in a manner required by waste facility plan	\$1,000	\$2,000
240.1150	Failure to operate sanitary landfill in accordance with standards set forth in this Section	\$1,000	\$2,000
240.1150	Failure to submit required reports on environmental monitor data to Division of Environmental Services	\$500	\$1,000
240.1150	Failure to submit CAP in response to documented monitor data excursion of regulatory limit	\$1,000	\$2,000
240.1150	Failure to implement CAP developed in response to documented monitor data excursion of regulatory limit	\$1,000	\$2,000
240.1160	Failure to operate demolition landfill in accordance with standards set forth in this Section	\$1,000	\$2,000
240.1160	Failure to submit required reports on environmental monitor data to Division of Environmental Services	\$500	\$1,000
240.1160	Failure to submit CAP in response to documented monitor data excursion of regulatory limit	\$1,000	\$2,000
240.1160	Failure to implement CAP developed in response to documented monitor data excursion of regulatory limit	\$1,000	\$2,000
240.1170	Failure to operate waste proceeding facility or transfer station in accordance with standards set forth in this Section	\$1,000	\$2,000
240.1170	Failure to submit required reports on environmental monitor data to Division of Environmental Services	\$500	\$1,000
240.1170	Failure to submit CAP in response to documented monitor data excursion of regulatory limit	\$1,000	\$2,000



240.1170	Failure to implement CAP developed in response to documented monitor data excursion of regulatory limit	\$1,000	\$2,000
240.1180	Failure to have sign as required by this Section at each entrance to facility	\$100	\$300
240.1310	Scavenge, excavate, disrupt or remove deposited material from facility without approval of Division Director	\$100	\$300
240.1401	Failure to operate residential yard waste composting facility according to standards of this Section	\$25	\$50

(Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1760: PENALTIES AND ENFORCEMENT**

- A. Every person who shall be convicted of violating any of the provisions of this Chapter shall be fined not more than one thousand dollar (\$1,000.00) or imprisoned in the St. Charles County Jail for not more than one (1) year, or punished by both such fine or imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense; however, no notice is required to prosecute and convict a person of any violation of this Chapter.
- B. In addition to the penalties hereinabove authorized and established, the County Counselor shall take such other actions at law or in equity as may be required to halt, terminate, remove or otherwise eliminate any violations of this Chapter.  
(Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE XVIII. POLICY ON INTER-JURISDICTIONAL COOPERATION**

**SECTION 240.1801: PARTICIPATION IN SOLID WASTE MANAGEMENT DISTRICTS**

St. Charles County may enter into contractual agreement with any Solid Waste Management District established pursuant to Sections 260.300 et seq., RSMo., as amended, as provided by applicable law. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1805: PARTICIPATION IN OTHER INTER-JURISDICTIONAL INITIATIVES**

The Division may represent St. Charles County in all matters pertaining to any Solid Waste Management District and act to protect and advance the County's interests in regional partnerships and agreements. (Ord. No. 01-061 §§1--8, 5-30-01)



**ARTICLE XIX. WASTE MANAGEMENT ZONES AND AUTHORITY TO GRANT FRANCHISES IN THEM FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE**

**SECTION 240.1910: AUTHORITY TO DESIGNATE SOLID WASTE MANAGEMENT ZONES**

The Division Director is hereby authorized to designate geographic sections of unincorporated St. Charles County as solid waste management zones if they have sufficient population density for franchised hauling and recycling within the zone. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1920: AUTHORITY TO ESTABLISH MANAGEMENT PROCEDURES FOR SOLID WASTE MANAGEMENT ZONES**

The Division Director may establish procedures to manage the following functions within the zones established pursuant to Section 240.1910: designating zonal boundaries, notifying impacted public and waste service providers, soliciting requests for proposals and competitive bids, submitting recommendations on accepting bids and awarding contracts, monitoring performance of and compliance with contracts. The Division Director shall implement zoning procedures. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.1930: FRANCHISES AND INTERGOVERNMENTAL COOPERATIVE AGREEMENTS WITH OTHER MUNICIPALITIES OR GOVERNMENTAL BODIES WITHIN SOLID WASTE MANAGEMENT ZONES**

Pursuant to Sections 2.521, 2.527 and 2.528 of the St. Charles County Charter (1992), the Governing Body of St. Charles County may grant franchises for waste and recyclables collection within solid waste management zones and enter into intergovernmental cooperative agreements with duly incorporated municipalities or other governmental bodies within such zones to delegate the implementation of the procedures as set out in Section 240.1920 above within the corporate limits of those municipalities or government bodies. A franchise or agreement established pursuant to this Section may if appropriate expand the boundaries of a designated solid waste management zone. Administrative protocol will be established in such cases of delegation of contract management and oversight to ensure service efficiency and eliminate duplication of effort. (Ord. No. 01-061 §§1--8, 5-30-01)



## **ARTICLE XX.           TRANSITION PROVISIONS**

### **SECTION 240.2010: PERMITS**

- E.     If the applicant shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this Chapter, the Coordinator shall issue the permit authorized by this Chapter. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefore a fee of seventy-five dollars (\$75.00) for each solid waste processing or disposal facility to be operated and a fee of two and one-half dollars (\$2.50) for each transportation vehicle to be used. If in the opinion of the Coordinator modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the Coordinator shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

*Editor's Note--This Section recodifies Section 240.060 in force prior to the adoption, by St. Charles County Ordinance No. 01-061, of the current Solid Waste Management Code, Chapter 240, Ordinances of St. Charles County, Missouri. Section 2 of Ordinance No. 01-061 provides in pertinent part that: "Permit application fees presently authorized by Section 240.060 of the Ordinances of St. Charles County, Missouri, shall remain in force and shall apply to applications for permits and licenses to be issued pursuant to the new Solid Waste Management Code..., until such time as new permit application fees or license fees are approved by the qualified voters of St. Charles County..." See Section 240.415.*



## CHAPTER 243: COUNTY RECYCLING CENTER

### SECTION 243.010: FEES FOR RECYCLING OF WHITE GOODS (HOUSEHOLD APPLIANCES), ELECTRONIC DEVICES AND FLUORESCENT BULBS

The St. Charles County Department of Community Health and the Environment, Division of Environmental Services shall charge fees, based upon the Division's actual expenses, not to exceed the fee schedule herein set out, for recycling the white goods, electronic devices and fluorescent bulbs listed below at the St. Charles County Recycle Works Central and Recycle Works West facilities:

1.	White goods, namely, household appliances such as refrigerators, stoves, dishwashers, hot water heaters, air conditioners and other similar household devices not capable of being directly disposed of in a sanitary landfill	\$15.00
	<i>Exceptions:</i>	
	Surcharge for appliances or devices with more than one (1) compressor	\$15.00
	Special rate for microwave ovens	\$5.00
2.	Electronic devices as follows:	
	Computer monitors/CRTs (19" or smaller)	\$5.00
	Computer monitors/CRTs (20" or larger)	\$10.00
	Computer printers (0-25 lbs.)	NO CHARGE
	Computer printers (26 lbs. or more)	\$10.00
	Copiers (desk-top)	\$10.00
	Copiers (oversized)	\$0.50 per pound
	Facsimile-transmission machines	NO CHARGE
	Flat screens (any size)	\$5.00
	Laptops	NO CHARGE
	Scanners	NO CHARGE
	Televisions (19" or smaller)	\$5.00
	Televisions (20" through 29")	\$10.00
	Televisions (30" or larger)	\$15.00
	Typewriters	NO CHARGE
	Other electronic devices not listed above may be accepted at the discretion of the facility at the following rate:	\$0.50 per pound
3.	Fluorescent bulbs as follows:	
	<i>For residents:</i>	



	All items	NO CHARGE
	<i>For commercial establishments:</i>	
	Straight fluorescent	\$0.25 per foot
	Utube/circular/compact	\$0.50
	HID/mercury/halide/sodium	\$1.50
	Shatter-shield/power groove	\$1.50
	Incandescent/quartz/halogen	\$0.50
	Ultraviolet/arc lamps	\$3.00
	Total cost will be rounded up to the next full dollar amount.	
	Fluorescent bulbs presented for recycling may be refused at the discretion of the facility.	

(Ord. No. 01-058 §1, 5-30-01; Ord. No. 03-179 §1, 11-26-03; Ord. No. 07-079 §1, 5-31-07)

