

CERTIFIED COPY OF ORDER NO. 01-2022-#1841

STATE OF MISSOURI  
COUNTY OF PETTIS

} ss.

Term, 2022

In the Pettis County Commission of said County, on the 24<sup>th</sup> day of February, 2022, the following, among other proceedings, were had, viz:

**COMMISSION ORDER 01-2022 #1841**

**ESTABLISHMENT OF SOLID WASTE MANAGEMENT REGULATIONS**

Be it ordained by the County of Pettis as follows:

WHEREAS, pursuant to § 260.215.2, RSMo., Pettis County may adopt ordinances or orders, rules, regulations, or standards for the storage, collection, transportation, processing, or disposal of solid wastes;

WHEREAS, § 260.215.2, RSMo, provides, inter alia, "Nothing in sections 260.200 to 260.245 shall usurp the legal right of a city or county from adopting and enforcing local ordinances, rules, regulations, or standards for the storage, collection, transportation, processing, or disposal of solid wastes equal to or more stringent than the rules or regulations adopted by the department pursuant to sections 260.200 to 260.245"; and

WHEREAS, environmental standards and criteria for solid waste disposal areas consistent with State law ("Environmental Standards") have been prepared based upon State law and professional studies presented to and considered by the Pettis County Commission as well as the experience of the members of the Pettis County Commission with local conditions; and

WHEREAS, the adoption and enforcement of Environmental Standards and criteria are hereby found to be necessary in order to enhance and protect the air, water, and environment, and to provide for orderly solid waste management in Pettis County; and

WHEREAS, in accordance with § 260.215.4, RSMo, notice of public hearing on the Environmental Standards was published not less than twenty days' before the public hearing by publishing a copy of the notice in a newspaper qualified to publish legal notices once each week for three consecutive weeks;

WHEREAS, a public hearing was held on February 24, 2022, regarding this Order; and

WHEREAS, after public hearing and providing the public an opportunity to be heard, Pettis County Commission hereby adopts this Order for Environmental Standards for Solid Waste Management to establish requirements for the permitting and licensing of solid waste facilities, for the collection of service charges for services, and other requirements and procedures necessary to provide for proper and effective solid waste management in Pettis County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF PETTIS COUNTY, MISSOURI, AS FOLLOWS:

**Section 1. Purpose**

The purpose of this Order is to establish local rules and regulations to Solid Waste Management Facilities and Landfills as provided by § 260.215.2.

**Section 2. Definitions**

1. "City" or "Town" or "Village" – Any incorporated City, Town or Village established within the County of Pettis, Missouri as defined by §260.200, RSMo.
2. "County" – The government of Pettis County, Missouri, governed by the Pettis County Commission.
3. "Church" – A building or a place dedicated for congregation for the purposes of worship, teaching, and all activity protected under the Free Exercise Clause of the United States Constitution.
4. "Eligible Loads" – All solid waste volume delivered for disposal at the Solid Waste Management Facility in fully and properly tarped trailers, motorized vehicles or substantially comparable vehicles used for the transportation of solid waste tonnage for disposal at a permitted Solid Waste Management Facility.
5. "Law Enforcement" – Any person having jurisdiction to enforce the criminal laws within the unincorporated areas of Pettis County, Missouri.
6. "Missouri Department of Natural Resources" or "MDNR" – The terms Missouri Department of Natural Resources or MDNR shall mean the Missouri Department of Natural Resources created on July 1, 1974 under the Omnibus State Reorganization Act of 1974 and § 640.010, RSMo.
7. "Occupied Dwelling" – Any residence which has been occupied a minimum of one hundred and twenty (120) days during the twelve (12) month period

immediately prior to the date upon which a permit is issued by the MDNR for the construction of a Solid Waste Management Facility, which has been in use at any time during the twelve (12) month period of time immediately prior to the date upon which a permit is issued by MDNR.

8. "Park" – A section of public land designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation.
9. "Populated Area" – Any circular area inscribed by a radius of 750 feet and a circumference of 4,712.39 feet that is not located on a Solid Waste Management Facility, and which includes a platted subdivision and/or has at least five (5) Occupied Dwellings located within the area.
10. "School" – Any elementary or secondary educational institution and any institution of higher education or any technical or vocational school above the secondary school level.
11. "Setback" – The required distance from the Solid Waste Management Facility to locations described in Section 3, paragraph 1 of this Order.
12. "Solid Waste" – The term Solid Waste shall mean (i) all waste defined as solid waste by the SWDA or regulations promulgated thereunder and (ii) all waste defined as solid waste by MDNR and/or other agencies of the State of Missouri having jurisdiction over solid waste generated within the State. Moreover, the term "Solid Waste":
  - a.) is intended to mean and include only those substances which are normally expected to be disposed of by employing generally accepted sanitary landfill disposal methods;
  - b.) shall exclude Hazardous Waste;
  - c.) shall exclude Special Wastes and sewage sludges, except for those Special Wastes and sewage sludges which are permitted to be accepted at the Solid Waste Management Facility, and which Special Wastes and sewage sludges Solid Waste Management Facility elects, in its discretion, to accept at the Solid Waste Management Facility;
  - d.) shall exclude radioactive wastes, PCBs, explosives, or other residue from wastewater treatment facilities; and
  - e.) shall be construed to have the narrower, less expansive definition where there exists a conflict in the definitions employed by two or more governmental agencies having concurrent or overlapping jurisdiction over Solid Waste generated within the State of Missouri.
13. "Solid Waste Management Facility" – Facility or property where solid wastes are salvaged and processed, including:
  - a.) A transfer station; or

- b.) An incinerator which operates with or without energy recovery but excluding waste tire end-user facilities; or
- c.) A sanitary landfill; or
- d.) A utility waste landfill; or
- e.) A waste tire processor; or
- f.) A special waste landfill; or
- g.) An infectious waste processor; or
- h.) A demolition landfill; or
- i.) A material recovery facility which operates with or without composting.

**Section 3. Environmental Standards**

1. In addition to the specific requirements as hereinafter set forth, all Solid Waste Management Facilities shall be designed and constructed in accordance with all applicable solid waste landfill regulations currently in effect or as may hereafter be adopted by MDNR. Specific design and construction requirements are:
  - a.) No Solid Waste Management Facility shall be located less than three (3) miles from:
    - i.) The defined incorporated limits of a City, Town, or Village within the limits of the County of Pettis.
    - ii.) A School or property owned and operated by any of the School Districts or educational institutions within Pettis County.
    - iii.) Any Church or place of worship.
    - iv.) Any Populated Area or platted subdivision.
    - v.) Parks, ball fields, and public areas designated for recreational activity.
  - b.) No Solid Waste Management Facility shall be located closer than three quarters (3/4) of a mile of any Occupied Dwelling.
  - c.) No Solid Waste Management Facility shall be located closer than two hundred (200) feet of the property line of the Solid Waste Management Facility, excluding, however, any Occupied Dwelling owned by the holder of the permit for the Solid Waste Management Facility.
2. For the purposes of these regulations, all distances shall be measured from the nearest foundation of an Occupied Dwelling, nearest Occupied Dwelling within a Populated Area, Church, School, Park and/or other location listed in Section 3.1.a. in a straight line to the property line of the nearest Solid Waste Management Facility.

3. The Setback distances set forth in this Section may be modified through existing or future written leases, easements, or other agreements between the Solid Waste Management Facility and the affected residence or adjoining landowner, as the case requires.
4. There shall be no more than one (1) Solid Waste Management Facility operating at the same time in the County of Pettis. This limitation shall not apply to (i) any Solid Waste Management Facility operating pursuant to Section 8 of this Order or (ii) any ancillary facility, including a solid waste transfer station or a materials recovery or recycling facility that is owned and/or operated by the holder of the permit for a Solid Waste Management Facility that is located on the same property site as the Solid Waste Management Facility.

#### **Section 4. Road Use**

1. Solid Waste Management Facility shall provide the County with a map identifying any access roads connecting the Solid Waste Management Facility with public roads or any public road that is the primary access for vehicles to the Solid Waste Management Facility ("Access Road"). It shall be the duty of the Solid Waste Management Facility to monitor the Access Road for trash and litter. The Solid Waste Management Facility shall remove all trash and litter on the Access Road and right-of-way.

Prior to Solid Waste Management Facility accepting Solid Waste for disposal, Solid Waste Management Facility shall seek the approval of County of all routes used to access the Solid Waste Management Facility by vehicles owned by Solid Waste Management Facility and its contactors, agents, employees, members as well as all companies, entities, and individuals which contract with or disposes of Solid Waste at a Solid Waste Management Facility. Routes used to access the Solid Waste Management Facility shall be subject to the prior written approval by County, which approval shall not be unreasonably withheld ("Approved Routes"). Solid Waste Management Facility shall use all commercially reasonable efforts to ensure that Approved Routes are used by companies, entities, and individuals travelling to and from Solid Waste Management Facility and delivering Eligible Loads for disposal at Solid Waste Management Facility.

#### **Section 5. Permit and Fees**

1. Prior to a Solid Waste Management Facility accepting Solid Waste for disposal, Solid Waste Management Facility shall apply and obtain an operating permit from County. An initial permit for the construction, operation or expansion of any Solid Waste Management Facility may be issued by the County following the procedures and requirements established in this Order. An application for an initial operating permit and

for any expansion to an existing facility shall include all of the information submitted to MDNR by Solid Waste Management Facility, a request for issuance of a permit, and the payment of the permit application fee to County. A public hearing on the permit application shall be held by the County Commission. At the time of application, and upon January first of each year after a permit is issued and the Solid Waste Management Facility continues to accept Eligible Loads for disposal, Solid Waste Management Facility shall pay to County Two Thousand Dollars (\$2,000) ("Permit Fee"). The Commission shall not issue any initial permit pursuant to this Ordinance before MDNR has issued a State permit authorizing facility operation pursuant to the Missouri Solid Waste management law, § 260.205, RSMo., et seq., as amended.

2. In the event that a Solid Waste Management Facility is issued a permit pursuant to Section 5, paragraph 1, Solid Waste Management Facility shall pay to County a fee of One Dollar and Fifty Cents (\$1.50) per ton of Eligible Loads delivered for disposal at the Solid Waste Management Facility ("Load Fee"), subject to voter approval. This Load Fee shall be paid quarterly, so long as the Solid Waste Management Facility continues to accept Solid Waste for disposal. The first Load Fee shall be paid to County within one hundred twenty (120) days after the Solid Waste Management Facility commences accepting Solid Waste. Following the first payment of the Load Fee, the Load Fee shall be paid by the Solid Waste Management Facility to County, by check, on or by thirty (30) days following the last date of the last month in a calendar quarter.

In the event that Solid Waste Management Facility fails to pay the Permit Fee or Load Fee to County, Solid Waste Management Facility shall have thirty (30) days from the deadline to pay County the respective fees. ("Violation Period"). In the event of the failure of Solid Waste Management Facility to pay the Permit Fee or Load Fee within the Violation Period, Solid Waste Management Facility will be fined in the amount of Five Hundred Dollars (\$500.00) per day for each additional day Solid Waste Management Facility continues the violation.

#### **Section 6. Location of Solid Waste Management Facility**

1. No Solid Waste Management Facility shall be located on a site known to have one (1) or more of the following geologic or hydrologic conditions within its boundaries that are considered unsuitable for the development of a solid waste disposal area:
  - a.) Groundwater that must be pumped in order to keep the wastes within the proposed solid waste disposal area isolated above the water table;
  - b.) Permeable geologic media, including soil or bedrock with karst terrane features, faults, joints, fractures, or voids, that provide a

- pathway for the rapid migration of groundwater from the site to a surface water body outside of the site;
- c.) Permeable geologic media, including soil or bedrock with karst terrane features, faults, joints, fractures, or voids that provide a pathway for the migration of landfill-derived gases outside of the site;
  - d.) A fault that has experienced movement during the Holocene epoch that is located within the boundaries of the proposed solid waste disposal area;
  - e.) Groundwater that cannot effectively be monitored on-site due to karst terrain conditions; or
  - f.) The presence of subsurface voids or conditions that present a significant potential for catastrophic collapse.

**Section 7. Enforcement and Abatement**

- 1. It shall be the duty of law enforcement to enforce this Order. The Deputy is authorized to perform inspections in the furtherance of fulfilling his/her duty to enforce this Order. Any person violating any provision of this Order shall be subject to fines or other injunctive action as specified by MDNR.
- 2. The Commission shall send copies of any order establishing a Solid Waste Management Order to the Regional Director of MDNR that oversees Pettis County, the Pettis County Sheriff, and to the Pettis County Prosecuting Attorney.

**Section 8. Exclusions.**

- 1. Any Solid Waste Management Facility in operation prior to the implementation of this Order shall be excluded in its entirety of all sections of this Order.
- 2. Incorporated areas of Cities, Towns and Villages, and municipal operations under MDNR operating permits within Pettis County shall be excluded from all sections of this Order.

**Section 9. Penalties and Sanctions**

- 1. Any person or company violating the provisions of this section shall not be permitted to establish and operate a Solid Waste Management Facility within Pettis County.
- 2. Any person or company violating the provisions of this section shall be subject to fines and violations as set forth by MDNR.

**Section 10. Nontransferability**

1. Permits issued under this Ordinance are not assignable or transferable. In the event of any lease, sale, or other transfer of the business, ownership interest, or operations covered by the permit or license, the successor must apply for and obtain a new permit from the County before commencing business or operations.

**Section 11.** This Order shall apply to the entirety of Pettis County, except as specifically set forth herein. All portions of former Orders, in conflict herewith are hereby repealed or superseded. This Order shall be in full force and effect from and after the date of its passage and approval. Read, passed and approved on the 24<sup>th</sup> day of February, 2022.



**David D. Dick**  
Presiding Commissioner

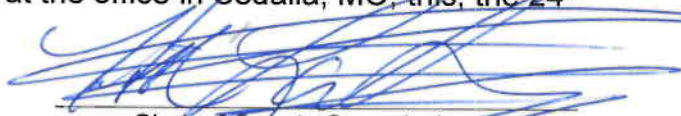
**Jim Marcum**  
Western Commissioner

**Israel Baeza**  
Eastern Commissioner



I, Nick La Strada, Clerk of Pettis County Commission, in and for said County, do hereby certify the above and foregoing to be a true copy of the proceedings of our said Pettis County Commission, on the day and year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County Commission, at the office in Sedalia, MO, this, the 24<sup>th</sup> day of February, 2022.

  
Clerk of County Commission

By  D. C.

