

LANDFILL SITE ORDINANCE



CITY OF GAUTIER, MISSISSIPPI

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LANDFILL SITE ORDINANCE

ARTICLE I: SCOPE AND PURPOSE

SECTION 1.0: Scope and Purpose

The purpose of these regulations is to provide for the new and continued use of lands as waste handling and/or disposal facilities, and to regulate and control said use for the preservation of public health, safety and welfare of the citizens of the City of Gautier, and for the protection of the City's natural resources. To further these purposes, it is deemed necessary that these uses and activities be regulated, that standards and operating requirements be established, and that a permitting process be provided.

These regulations provide a minimum standard for the information required in a permit application. Pursuant to all municipal, state and federal codes, the City of Gautier may request additional information, if necessary, due to the complexity of the facility or to ensure that public health, safety, and welfare are protected.

The requirements of this ordinance are in addition to any such permits, licenses, statutes or mandates enforced by federal or state agencies, including but not limited to the Mississippi Department of Environmental Quality (MDEQ), and the Jackson County Board of Supervisors. Similarly, these requirements are in addition to conditions imposed, if any, upon such lands as terms of any conditional use permit granted by the City of Gautier.

The City Manager may issue policy statements to define the interpretation of these regulations. Such policy statements shall be delivered to permit holders and shall be available for review at Gautier City Hall.

ARTICLE II: DEFINITIONS

SECTION 2.0: Definitions

2.1. Rules for Words and Phrases.

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied"; the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation, as well as an individual; the word "lot" includes "building lot" or "parcel."

2.2. Interpretation of Definitions.

For the purpose of this Ordinance certain words, phrases, and terms used herein shall be interpreted as stated in this *Article II*. Any word, phrase, or term not defined herein shall be defined by the Economic Development Department, the interpretation based on its common and ordinary usage.

2.3. Definitions.

APPLICANT: means the person, submitting an application to the City of Gautier to handle, treat, dispose or otherwise manage waste.

BACKUP CAPACITY: means the quantity of waste or recyclable material a facility can process, dispose of, or store during an emergency situation, equipment failure, or maintenance downtime.

BUFFER ZONE: means any natural or undeveloped area or existing open space which separates the facility from the surroundings.

CLOSURE: means, with respect to landfills, the permanent cessation of waste acceptance at a facility or the unplanned cessation of waste acceptance for longer than 30 consecutive days unless an alternate time frame is approved in a closure plan or operating permit modification; or the process of terminating facility operations beginning upon permit expiration without filing for renewal. "Closure" means, with respect to transfer stations, the process of terminating facility operations beginning upon permit expiration without filing for renewal; or cessation of waste acceptance for greater than 90 consecutive days, unless an alternate time frame is approved in a closure plan or operating permit modification.

CLOSURE PLAN: means a written plan describing the proposed engineering and other technical measures to be undertaken to terminate operation of a site or facility and to render the site or facility stable and safe for the public health and welfare as well as a description of the proposed utilization of the site after terminating use of the facility as a waste handling facility.

COMMERCIAL WASTE: means waste generated by commerce as a subset of municipal waste; however, it does not include any potential infectious medical waste, non-hazardous special waste, or hazardous waste.

CONDITIONAL USE: Specific uses which are enumerated within the City of Gautier's Unified Development Ordinance, which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district.

CONDITIONAL USE PERMIT: Permits granted by the City of Gautier in accordance with the Unified Development Ordinance, which allows specified uses upon lands subject to certain conditions placed upon the landowner.

CONSTRUCTION AND DEMOLITION DEBRIS: means solid waste generated from construction or demolition activities.

DEMONSTRATE: means to provide sufficient documentation to validate that the representations made in the application are accurate. A demonstration may include reports, analyses, calculations, modeling, studies, or other information necessary to validate the accuracy and truth of representations made in the application.

DISPOSE: means to discard, discharge, deposit, inject, dump, spill, leak or place any waste into or on any land or water or into any well. If the waste is accumulated or there is no certain plan for its disposal elsewhere, such accumulation shall constitute disposal.

DISTURBED AREAS: means those areas within a facility that have been physically altered during waste disposal operations or during the construction of any part of the facility.

DOCUMENTATION: means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, that are used to support facts or hypothesis, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds and financial records.

EXISTING FACILITY: means a facility that holds a current and valid operating permit issued by the City of Gautier or a facility lawfully existing and actively operating at the time of the adoption of this Ordinance.

EXPANSION: means, with respect to any Landfill, an increase in the horizontal boundary and/or vertical boundary of the area permitted for disposal by the City of Gautier which allows an increase of waste disposal capacity at the landfill.

FACILITY: means a site and all structures, equipment, and ancillary fixtures on a site used to treat, store, dispose, or transfer wastes. All structures used in connection with or to facilitate the operations of the facility shall be considered a part of the facility. A facility may include, but is not limited to: structures, buildings, scales, roadways, parking areas, queuing areas, fences, tipping floors, treatment systems, processing areas, staging areas, disposal units or areas, and monitoring stations.

GROUNDWATER: means naturally occurring underground water which occurs within the saturated zone and within geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

LANDFILL: means a unit or part of a facility in or on which waste is placed and accumulated over time for disposal, or otherwise functions as a waste handling and/or disposal facility.

LANDSCAPE WASTE: means grass or shrubbery cuttings, leaves, tree limbs, and other similar materials accumulated as the result of the care of lawns, shrubbery, vines, and trees.

LEACHATE: means any liquid, including stormwater run-on, and any suspended components in the liquid, that comes in direct contact with, or percolates through, or drains from waste materials.

MALODOR: means a noxious odor caused by one or more contaminant emissions into the atmosphere that is in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

MUNICIPAL WASTE: means garbage, general household and commercial waste, landscape waste, and construction and demolition debris. Municipal waste includes industrial waste but does not include non-hazardous special waste, hazardous waste or potentially infectious medical waste.

NEW FACILITY: means a landfill, or unit in a landfill that does not hold a current or valid operating permit issued by the City of Gautier. This definition does not apply to landfills, or units in landfills which were actively engaging in landfill operations prior to the effective date of this ordinance, and continue to operate with no expansions or modifications.

ODOR NUISANCE: see Malodor.

ONE HUNDRED (100) YEAR FLOOD PLAIN: means any land area which is subject to a one percent or greater chance of flooding in a given year from any source.

ONE HUNDRED (100) YEAR, 24 HOUR PRECIPITATION EVENT: means a precipitation event of 24 hour duration with a one percent or greater chance of occurring in a given year.

OPERATING PERMIT: A permit required under this ordinance to utilize property as a landfill, or for modification or expansion of a landfill. An Operating Permit may only be granted by City Council after a complete application is made and the requirements of this Ordinance are satisfied.

OPERATOR: means a person who has charge, care or control of the site; who is responsible for the operation and maintenance of the site; or who is entitled to control or direct the management of the site.

OWNER: means a person who is an interest, directly or indirectly, in land, including a leasehold interest, on which a person operates and maintains a facility. The owner is the operator if there is no other person who is operating and maintaining a facility.

PERMIT AREA: means the entire horizontal and vertical region occupied by a permitted waste disposal, handling or treatment facility.

PERSON: means any individual natural person, trustee, court-appointed representative, syndicate, association, partnership, co-partnership, joint stock company, limited liability

company, trust, estate, firm, club, company, corporation, business trust, institution, agency, Government Corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency, or instrumentality of federal, state or local government, contractor, supplier, vendor, installer, operator, user, or owner, or any officers, agents, employees, factors, or any kind of representative thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstance.

PROFESSIONAL ENGINEER: means a registered professional engineer, licensed in the State of Mississippi whose seal shall appear on all required professional engineer stamped submittals and/or other required documentation.

PROFESSIONAL SURVEYOR: means a registered professional surveyor, licensed in the State of Mississippi whose seal shall appear on all required professional surveyor stamped submittals and or other required documentation.

PROPERTY: means the land described by a legal description that may include a facility and all ancillary structures and/or features associated with that facility.

RUN-OFF: means water resulting from precipitation that flows from a facility, over land before it enters a defined stormwater receptor (e.g. ditch, pond, sewer, stream, channel), any portion of such overland flow that infiltrates into the ground before it reaches the stormwater receptor, and any portion that falls directly into a stormwater receptor.

RUN-ON: means water resulting from precipitation that drains over land onto any part of the facility.

SETTLEMENT: means subsidence or compaction caused by gravity, waste loading, changes in groundwater level, chemical changes within the soil and/or adjacent operations involving excavation or other earth moving activities.

SITE: means all areas of property that are available for use or are used in the operations of a facility.

SOLID WASTE: means abandoned or discarded materials that are not defined as a liquid, special or hazardous waste.

STORAGE: whenever used in connection of any waste, "storage" means the containment of such waste on a temporary basis.

STORE: whenever used in connection with any waste, "store" means to contain the waste for future processing or removal from the site.

TREATMENT: means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste, or to render such waste non-hazardous, safer for transport, amenable for recovery, or reduced in volume.

TWENTY-FIVE (25) YEAR 24 HOUR PRECIPITATION EVENT: means a precipitation event of 24 hours duration with a probable recurrence interval of once in 25 years.

UPPERMOST AQUIFER: means the first geologic formation above or below the bottom elevation of a constructed liner or wastes – where no liner is present – which is an aquifer, and includes any lower aquifer that is hydraulically connected with this aquifer within the facility's permitted area.

UNIT: means any device, mechanism, equipment or area used for storage, treatment or disposal of waste.

UTILITIES: means any service provided to the site that has a dedicated system of service. Utilities may include, but are not limited to: electricity, potable water, sanitary sewer, process water, telephone, and natural gas.

VALUE: Value shall be determined as the true value as provided by the Tax Assessor, for tax purposes, or the property owner may provide an appraisal obtained from a certified licensed appraiser completed within the past three (3) months or less.

VECTOR: means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

WASTE: means any discarded or abandoned material in solid, semi-solid, liquid, or contained gaseous form, including but not limited to, industrial process waste, hazardous waste, liquid waste, municipal waste, special waste, garbage, sludge from wastewater treatment plant, water supply treatment plant, or air pollution control facility, but excluding: (1) sewage collected and treated in a municipal or regional sewage system; or (2) recyclable materials managed in compliance with the provisions of the City of Gautier and all other applicable regulations.

WETLAND: means "wetlands" as defined in 40 CFR 232.2.

WORKING FACE: means any part of a landfill where waste is currently being disposed.

ARTICLE III: PERMITS AND REQUIREMENTS

SECTION 3.0 OPERATING PERMITS:

3.1 Entities Requiring an Operating Permit.

Pursuant to this ordinance, and in compliance with all State and Federal Regulations and Guidelines, the following waste handling and disposal facilities within the City of Gautier are required to apply for and receive an operating permit and/or renewal from the City of Gautier:

1. New facilities.
2. Existing facilities which seek to expand or modify their activities. Modifications which will require approval of the City of Gautier include, but are not limited to, changes in capacity, changes in the nature of the facility's operations, changes in facility ownership, changes in facility configuration, and changes in the nature of the process.
3. Permitted facilities must apply to renew their permit on an annual basis prior to the expiration of their current permit. If the renewal application is submitted prior to the current permit's expiration, the current permit will remain in effect until the City of Gautier acts upon the pending permit application.

3.2 Prerequisites for Obtaining and Maintaining an Operating Permit

1. New facilities, modifications and expansions must be included in the Jackson County Solid Waste Management Plan.
2. If required under City zoning regulations, a conditional use permit must be obtained for the relevant site prior to obtaining an Operating Permit.
3. A valid and effective permit from the Mississippi Department of Environmental Quality is required prior to obtaining an Operating Permit.
4. Complete Application. Applications for an Operating Permit shall contain sufficient evidence to demonstrate that the facility is designed and will be operated in such a manner that the public health, safety, and welfare of the citizens of the City of Gautier are protected, in addition to City's natural resources. To the extent applicable, documentation submitted to other regulatory agencies may be used.

ARTICLE IV: OPERATING PERMIT APPLICATION REQUIREMENTS

SECTION 4.0: Application Requirements.

A complete, detailed permit application must contain, at a minimum, narratives, drawings, diagrams, analyses, and calculations necessary to satisfy the requirements of these regulations and demonstrate that the landfill facility will be designed and operated to protect the public health, safety, and welfare, and to preserve the natural resources of the City of Gautier.

4.1 Form of the Application.

The Applicant shall submit one (1) bound original and one (1) unbound copy of all documents. The Applicant shall submit one (1) set of full-size scale drawings along with 11" by 17" or similar size reductions of all drawings in each set of application documents.

4.2. Owner's Authorization.

The application for a permit shall include a notarized letter, signed by the property owner that authorizes use of the property for a landfill. This letter is required even if the applicant is the owner of the property.

4.3. Applicant Summary.

The application for a permit shall clearly identify the person, partnership, or corporation that is applying for the permit. In the case of a sole-proprietorship, the application for a permit shall include the name, address, and phone number of the owner of the proprietorship. In the case of a partnership or corporation, the application for a permit shall include the name, address, contact names, and phone number of the partnership or corporation.

4.4. Property Taxes.

The application for a permit shall include evidence of payment of real estate property taxes by providing copies of the most recent tax bill and check; or by providing a copy of the most recent tax bill that has been stamped paid by the Jackson County Assessor's office. The PIDN numbers for all areas of the facility shall also be provided.

4.5. Conditional Use.

If the property is subject to a Conditional Use Permit, application shall contain copies of the conditions issued by City Council and a demonstration that the landfill facility is in compliance with the Conditional Use Permit.

4.6. Design Report.

The application for permit shall contain a design report for the landfill facility that includes the following components, in order:

1. Facility Summary. A facility summary shall be included with the application for a permit. This facility summary shall contain the following information:
 - a. Name of the applicant, including address and phone number.
 - b. Street address and phone number of the facility for which a permit is requested.

- c. A list of the types and sources of waste to be brought to the facility (e.g. residential waste, commercial waste, liquid waste, solid waste, and/or industrial waste) including a brief description of the composition of each waste stream.
- d. The average and maximum daily quantities of each type of material anticipated to be brought to the facility during the term of the permit.
- e. The estimated daily volume of site generated truck traffic including the numbers of inbound and outbound trucks by vehicle type (e.g. packer truck, transfer trailer, tanker truck, roll-off, etc.) and the anticipated peak hour site traffic.
- f. The total number of full-time and part-time employees at the facility.
- g. The current zoning district of the facility.
- h. A brief description of the operations at the facility.
- i. The facility operating hours.

2. Facility Safety Overview. A facility safety overview shall be included with a permit application. The purpose of the facility safety overview is to provide city personnel who may inspect the facility with a basic understanding of potential hazards and safety procedures. The facility safety overview shall include the following information:

- a. A description of the personal protective equipment to be worn by non-employees to the facility.
- b. A description of the potential hazards present at the facility.
- c. A summary of facility check-in and escort procedures.
- d. A summary of facility evacuation procedures.
- e. A summary of any other applicable facility safety procedures.

3. Plot Plan. The design report shall contain a plot plan drawing(s) of the landfill facility. This drawing(s) shall be prepared at a legible scale, no smaller than one inch equals 200 feet. The plot plan drawing(s) shall include the following components, at a minimum:

- a. The new landfill facility and/or expansion site boundaries and the location of all facility buildings, access roads, parking areas, and any ancillary structures or features.
- b. Include topographic contours at a minimum two-foot contour interval of the facility property. In areas of steep relief, a minimum 10 foot contour interval may be used to enhance clarity.
- c. For new facilities include a minimum buffer zone as required by MDEQ and the Conditional Use permit, whichever is more stringent.
- d. Indicate the limits of waste disposal, waste storage, and/or waste handling areas.

- e. Indicate all streams, rivers, ponds, lakes, and wetlands.
- f. Indicate all residence and property zoned as residential within 1000 feet of the property boundary.
- g. Indicate that extent and composition of the buffer zone required by the City of Gautier.
- h. Any special characteristic or feature of the property. The plans shall identify the characteristic or feature and indicate the setback distance from the landfill facility boundary.

4. USGS Site Location Map. The design report shall contain a USGS 7.5 Minute Quadrangle Map that provides sufficient coverage to include the following:

- a. The delineated boundaries of the landfill site.
- b. A clearly marked one-mile radius around the entire site to identify features including residential property, streams, rivers, ponds, lakes, wetlands, roads, highways, schools and parks within this one-mile perimeter.

5. Aerial Photograph Drawing(s). For new and expanding facilities the design report shall contain an aerial photograph drawing(s) that provides sufficient coverage to include the following:

- a. The delineated boundaries of the landfill facility and site property.
- b. A clearly marked 1/2-mile radius around the entire site to identify features including residential property, streams, rivers, ponds, lakes, wetlands, roads, highways, schools and parks within this 1/2-mile perimeter.
- c. Zoning districts clearly delineated with a 1/2-mile radius of the facility site. The district boundaries and their respective designations shall be clearly marked.

6. General Layout of the Facility. The design report shall contain sufficient scale drawings to describe the general layout of the facility. These drawings, at a minimum, shall illustrate the following:

- a. A scale no smaller than 1 inch equals 200 feet. The scale shall be represented on each sheet in graphical format.
- b. The external layout of buildings and structures.
- c. The layout and location of all fixed equipment.
- d. The limits of waste disposal, waste storage, and/or waste handling areas.
- e. All pertinent features of the stormwater management system.
- f. All pertinent features of the wastewater management system.

- g. The locations of the primary utilities within and adjacent to the landfill.
- h. The locations of the primary water sources and water distribution system components for employee consumption, fire suppression, facility cleaning, and dust control.
- i. The locations of all fire suppression equipment and flammable material storage areas.
- j. The locations of all site control features and all screening devices such as fences, gates, and signage.
- k. The locations and layout of all parking and queuing areas.
- l. The locations and layout of all employee facilities.
- m. The location of all first-aid equipment and other emergency supplies and equipment.

7. Survey. The design report shall contain a Legal Plat of Survey, prepared by a Professional Surveyor that depicts the landfill facility boundaries and the boundaries of the disposal unit or units. The landfill site shall have a minimum of two permanent survey monuments. The plat of survey shall illustrate the coordinates of these monuments in state plane coordinates and on-site coordinates. The elevation of each monument shall be determined in mean sea level and Gautier City Datum.

- a. Wetlands. The survey shall contain a Wetlands Delineation or a statement from the engineer that no Wetlands exist on the property.
- b. 100-Year Flood Plain. The survey shall reflect that the landfill facility or expansion is located outside of the 100-Year Flood Plain, unless the landfill facility can demonstrate compliance with the City of Gautier's Flood Damage Prevention and Control Ordinance and all other state and federal requirements.

8. Legal Description. The design report shall contain legal descriptions, prepared by a Professional Surveyor, that describe the landfill facility boundaries and the boundaries of disposal unit or units. The legal descriptions shall include the area contained within each boundary.

9. Utilities. For new and expanding facilities, the design report shall demonstrate that adequate utility capacity is readily available for the operations of the landfill facility. Utilities may include, but are not limited to: electricity, potable water, process water, telephone, and natural gas. The information in the design report regarding utilities shall include:

- a. A plan scaled drawing showing the location of all utilities within and adjacent to the landfill facility.
- b. Calculations demonstrating what the peak utility demands are for proper operation of the landfill facility. This shall include, but is not limited to, peak water, sewage and gas and/or electrical demands.

- c. A demonstration that sufficient utility capacity is available. Such documentation may be in the form of an approval letter or permit from the utility provider.

10. Water Sources. The design report shall demonstrate that sufficient quantities of water or other appropriate materials for employee's consumption, fire protection, dust control, and cleaning are available. For this demonstration, the design report shall include:

- a. The locations of each source of water and/or other material.
- b. The total amount of water and/or other materials available from each source.
- c. The rate at which water and/or other materials can be obtained from each source.
- d. A listing of equipment and its specifications that is used to pump, distribute and/or convey water and/or other materials.

11. Site Security. The design report shall demonstrate that the landfill facility is secure from unauthorized access at all times. This demonstration shall include at a minimum:

- a. A description and specifications of the fences, gates, and other barriers that prevent unauthorized access to the landfill facility.
- b. A description of the security measures taken when the landfill facility is opened and closed.

12. Back-up Capacity. The design report shall demonstrate that the facility has provisions for the removal, storage, or covering of wastes in the event of an equipment failure or emergency situation. This demonstration shall include at a minimum:

- a. Details and calculations demonstrating that provisions exist for the removal, storage, or covering of wastes in the event of an equipment failure or emergency situation.
- b. A plan for restricting the flow of material into the facility during emergencies, equipment failures or maintenance including the decision criteria for implementing the plan.
- c. Detailed descriptions of procedures necessary to remove, containerize, or otherwise dispose of waste in the event that disposal in the current operating area is restricted or stopped.

13. Geotechnical Data. The applicant must provide Geotechnical Data and a Soils Report.

14. Water Drainage. The design report shall demonstrate that adequate systems exist to handle stormwater and wastewater flows from the landfill facility. This demonstration shall include:

- a. Drawings, specifications, and design calculations to demonstrate effective control of run-on and run-off from the landfill facility.

- b. Copies of the facility's MDEQ discharge permits or anticipated submittal date, if applicable and/or any other applicable permits issued.
- c. Documentation that any receiving sewer system has sufficient capacity to handle the quantity of stormwater generated by the landfill facility. Such documentation may be in the form of an approval letter or permit from the utility provider.
- d. Drawings, specifications, and design calculations to demonstrate effective handling, storage, treatment, and/or disposal of leachate generated by the landfill facility.
- e. Demonstration that the landfill facility or expansion will not impact existing outfalls, natural or man-made drain ways, or conveyances.
- f. Demonstration that any receiving sewer system has sufficient capacity to handle the quantity of leachate generated by the landfill facility.

15. Traffic. The design report shall demonstrate that traffic generated by the landfill facility will not significantly affect existing traffic flows, and that the points of ingress and egress are designed according to Mississippi Department of Transportation (MDOT) standards. For new, expanding, and existing facilities, this demonstration shall include, but not be limited to:

- a. Calculations of the average and maximum number of vehicles generated by the landfill facility as well as an hourly breakdown of vehicle traffic.
- b. Diagrams of the points of ingress and egress depicting the layout of the ingress/egress points, sight distances, and improvements necessary to minimize accidents at the ingress/egress points.
- c. A listing of roads and highways designated for use by traffic generated by the landfill facility.
- d. A demonstration that traffic generated by the landfill facility will not interfere with the flow of traffic or exceed the intended level of service of any public street or right-of-way.
- e. A description of the measures taken to reduce the impact of the landfill facility generated traffic on the existing traffic flows.

16. Parking. The design report shall demonstrate that sufficient parking exists at the facility. This documentation shall include, but not be limited to:

- a. A listing of the number of employees at the landfill facility and the corresponding number of parking spaces.
- b. A layout of all parking areas including short-term truck parking and truck queuing areas. This layout may be shown on the general layout required in Section 4.6(6).

17. Employee Facilities. The design report shall contain a description of the employee facilities available at the site. At a minimum, these employee facilities shall include washrooms, toilets, and potable water.
18. Screening. The design report shall demonstrate that the screening or fencing of the facility will adequately control noise, dust, blowing litter, and will prevent unauthorized access to the site. This demonstration shall include, but not be limited to:
 - a. A description of the screening or fencing for the landfill facility.
 - b. A detailed drawing of the construction of the screening or fencing and the placement around the landfill facility. This drawing may be included in the general layout required in Section 4.6(6).
 - c. A demonstration that the screening or fencing will control noise, dust, blowing litter, and unauthorized access.
19. Buffer Zone. The design report shall describe the buffer zone surrounding the facility and shall demonstrate that it meets the definition of a buffer zone required for a landfill by this ordinance. This demonstration shall include:
 - a. A description of the buffer zone required for this facility by this ordinance.
 - b. A drawing clearly depicting the extent of the buffer zone and identifying the applicable characteristics of the buffer zone.
 - c. An analysis of the effectiveness of the buffer zone.
20. Monitoring Wells. The operating plan shall contain the locations of proposed monitoring wells for the facility and specific details concerning the monitoring well construction and locations. This shall include, but not be limited to:
 - a. Drawings indicating the location of all monitoring wells and piezometers for the facility.
 - b. Construction details for all monitoring wells and piezometers.
 - c. A demonstration that the location and the horizontal and vertical spacing of well screens is sufficient to detect a release from the landfill. The application shall demonstrate that the well screens are located such that if a release is detected, there is sufficient area and time to implement remediation measures that will minimize or prevent the release's impact beyond the property boundary.
 - d. A description of monitoring well abandonment procedure which detail any backfilling or sealing including a demonstration that an abandoned well will not serve as a potential contaminant pathway.
 - e. If monitoring wells are not proposed, applicant must demonstrate an alternate plan which must achieve the same result and which has been approved by Mississippi Department of Environmental Quality as part of their permitting process.

21. Liner. The design report shall contain documentation to demonstrate that the liner system is designed and constructed to prevent contamination of the surrounding environment.
22. Cover. The design report shall contain information regarding the various cover materials intended for use at the facility. This information shall demonstrate that the cover materials effectively contain the waste and minimize infiltration of stormwater into the landfill.
23. Landfill Grade. The design report shall contain a final grading plan and a demonstration that the final slopes are stable and are designed to prevent erosion of the final cover system. This plan and demonstration shall include, but not be limited to:
 - a. A topographic map of the proposed final contours of the facility.
 - b. A topographic map of the existing grades at the facility.
 - c. An erosion control plan describing the methods used to prevent erosion of the final cover system. This plan shall also include inspection, maintenance, and repair procedures for maintaining the integrity of the final cover system.
 - d. A demonstration that the maximum elevation of waste placement at the landfill shall not exceed the maximum elevation established in the permit at any time during the life of the facility.

4.7 Mississippi Department of Environmental Quality (MDEQ). Applicant must apply for a permit with MDEQ and provide the City of Gautier with a copy of the application and each and every document supporting the application, including but not limited to, all comments, letters, and correspondence from MDEQ regarding the application.

4.8. Operating Plan.

The application for permit shall contain an operating plan for the landfill facility that shall include, at a minimum, the following components, in this order:

1. Types of Waste. The operating plan shall include a detailed description of the types of waste and volumes of each waste type accepted at the facility. It shall also include the waste screening measures employed by the facility to ensure that unauthorized wastes are not accepted. This discussion shall include, but not be limited to:
 - a. A list of all the types of waste and the daily volumes of each waste type accepted or proposed to be accepted at the landfill facility. The list shall be specific and shall not include terms such as "other", "general", "miscellaneous", or similar terms that are vague in nature. Each item included in the list of waste types shall be accompanied by a description of the materials.
 - b. A description of the service area from which the different types of waste will be accepted.
 - c. A waste screening plan that provides for monitoring and random inspection of waste entering the landfill facility.

- d. An emergency response plan for the immediate segregation and removal of all unauthorized wastes from the landfill facility.
- 2. Fire Prevention. The landfill facility shall comply with the requirements of the City of Gautier and all applicable local, State and Federal laws and regulations relating to fire prevention. The operating plan shall include a Fire Prevention and Response Plan. At a minimum, the Fire Prevention and Response Plan shall include:
 - a. A description of the safety measures employed to prevent fires.
 - b. The location and handling procedures for flammable liquids and chemicals stored at the landfill facility.
 - c. Details and specifications for a fire detection system for the landfill facility.
 - d. Specifications and locations of all fire suppression equipment including, but not limited to, extinguisher, pumps, hoses, soil stockpiles, etc.
 - e. A description of the responsibilities of all employees in the event of a fire.
- 3. Emergency Communications. The operating plan shall contain a description of an emergency communication system. This description shall include, but not be limited to:
 - a. A listing of all equipment available for routine communications and emergency communications.
 - b. A listing of authorities that may be contacted in the event of an emergency situation.
 - c. A description of the internal chain-of-command in the event of an emergency, including a description of responsibilities.
- 4. Bird, Rodent and Vector Control. The operating plan shall contain a plan for the effective prevention and control of rodents and vectors. At a minimum, this plan shall include:
 - a. A minimum of monthly inspections of the entire landfill facility for rodents and other vectors. A record of the most current inspection and eleven previous inspections shall be maintained at the landfill facility.
 - b. A detailed description of all measures employed to prevent infestation by rodents and vectors, including good housekeeping practices used to control rodents and vectors.
 - c. A detailed description of all measures and controls employed (e.g. bait stations and traps) to provide for the control of rodents and vectors.
- 5. Odor Control. The operating plan shall provide a plan for the prevention and treatment of malodors from the landfill facility. This plan shall include, but not be limited to:

- a. A description of the methods employed at the facility to prevent malodors from migrating off-site, including an assessment of the effectiveness of such methods.
- b. A description of the response measures taken once malodors are detected off-site including an assessment of the effectiveness of such measures.
- c. A plan for the handling of extremely noxious waste materials.

6. Litter. The operating plan shall describe all methods used to curtail windblown materials, including the following:

- a. The use of structures, fences, natural barriers, or other devices used to prevent material from blowing off-site.
- b. Operational plans for the prevention of material blowing off-site. This may include the use of manual labor pickers, mechanical collection devices, the use of portable fences, or the temporary closure of the facility on windy days.
- c. A plan to prevent litter on traffic arteries to and from the landfill facility.

7. Dust Control. The operating plan shall describe in detail all methods used to adequately control and minimize any dust emissions occurring both on-site and off-site, including the following:

- a. A detailed description of available staffing and all equipment/devices that are maintained on-site and are dedicated for dust control (e.g. location of water sources, water hoses, mechanical street sweepers, water truck, and brooms.)
- b. Operational plans for the prevention or minimization of dust emissions on-site and offsite. This may include the use of watering devices, water truck, brooms, and mechanical street sweepers.

8. Hours of Operations. The operating plan shall specify the hours of operation of the landfill facility. Those facilities requesting authorization for 24-hour per day operations shall provide information justifying the need for said authorization.

9. Groundwater Monitoring Plan. The operating plan shall contain a comprehensive groundwater monitoring plan demonstrating that the groundwater monitoring system is capable of detecting a release from the facility.

10. Erosion Control. The operating plan shall demonstrate that erosion at the site is minimized. This demonstration shall include:

- a. Descriptions of the methods used to prevent erosion at the site.
- b. Drawings, design details, calculations, and specifications of drainage structures at the site. The drainage structures shall be sized and designed to accommodate the 25 year, 24 hour precipitation event without damage to the drainage structures or erosion of the facility.

4.9. Closure Plan.

The application shall contain a closure plan to be implemented when waste activities cease at at the landfill facility. The closure plan shall include, but not be limited to:

1. Closure Plan Activities. The closure plan shall include a listing of activities that will occur when waste related activities cease at the landfill facility including a listing of materials necessary for closure and a schedule for the completion of the closure activities.
2. Waste Removal Plan. A plan for the removal of all waste material that is not intended to be disposed of at the facility.
3. Equipment Decommissioning. The closure plan shall include a plan for the decommissioning and cleaning of all equipment and structures at the facility that contacted waste materials.
4. Construction Quality Assurance Plan. A construction quality assurance plan for the construction of the final cover system and any other structures associated with closure. These shall include a gas management system, leachate collection system, erosion control, and groundwater monitoring system.
5. Third-Party Procedures. Procedures for the certification of closure by a third-party, independent professional engineer.
6. Aerial Photo. A provision for a color aerial photo of the landfill upon completion of the closure activities including establishment of vegetation on the landfill.
7. Cost Estimates. The closure plan shall include cost estimates for the completion of all closure activities. The cost estimates shall be based on the cost necessary for closure at anytime during the life of the facility and shall not be discounted to current values. The cost estimate should reflect a worst case scenario.
8. Financial Assurance. Documentation that financial assurance is available to complete all closure activities. The financial assurance must be greater than or equal to the closure cost estimate total determined in Section 4.6.7.
9. Post-Closure Activities. A listing of post-closure activities that will occur when closure of the facility is complete including a schedule and cost estimates for the implementation of the proposed post-closure activities.
10. MDEQ Closure Plan Certification. The City Manager may require additional information be submitted if it is determined that the information in the application is insufficient or if the nature of the landfill facility warrants additional information to ensure the facility can be operated as proposed.

4.10. Permit Fee.

An applicant for an Operating Permit shall deposit such fees and/or costs as required by Resolution or Order of City Council of Gautier.

4.11. Professional Engineer.

The application for a permit shall be prepared under the direction of a Professional Engineer and shall contain the name, address, registration number, seal, and signature of the Professional Engineer.

4.12. Demonstration of Financial Security.

The application for a permit shall be accompanied by a demonstration of financial security in the amount required by the City of Gautier and shall be provided in a form acceptable to the City Comptroller and the City Manager and as may be defined by rule and regulation. This may be in the form of a bond or by a documented demonstration of fiscal soundness.

4.13. Additional requirements.

The City manager may require additional information be submitted if it is determined that the information in the application is insufficient or if the nature of the landfill facility warrants additional information to ensure the facility can be operated as proposed.

ARTICLE V: PROCEDURE AND PROCESS

5.0. Procedure and Process

Any and all zoning matters must first be addressed by the City of Gautier for the proposed land in question, including issuance of a conditional use permit. Following this, MDEQ must approve the new facility, expansion, or modification. Once MDEQ approves the plan, an applicant may submit to the City an application for Operating Permit.

The application shall be submitted to the Planning Director who will review the application for completeness. Upon receipt of an application, the City of Gautier will provide an initial completeness review as follows:

1. Within 30 days for landfills which are renewing their permits with no modifications.
2. Within 90 days for new, expanding, or modifying landfills.

Notwithstanding the above time frames, the City of Gautier may require additional information at any time during the application review process. The applicant's responsiveness in providing such additional information to the City of Gautier may impact the review time frames.

If the application is sufficient, the Planning Director will submit a recommendation to the City Council of Gautier for consideration at the next available public meeting.

5.1. Basis for Issuance

The City Council of Gautier may consider the following factors in approving or denying an Operating Permit:

1. Whether the proposed activities will be injurious to the public health, safety and welfare of the City and its residents;
2. Whether the proposed activities will pollute, impair, or destroy natural resources;
3. Whether the proposed activities will create an unreasonable hazard, annoyance, inconvenience, or nuisance to the owners or occupants of nearby property;
4. Whether the proposed activities will significantly change the character of the neighborhood or unreasonably reduce the value of nearby property;
5. Whether there has been compliance with all other requirements and standards of the codes and ordinances adopted by the City of Gautier;
6. Whether there has been compliance with all other requirements, statutes, and regulations of the state and federal government;
7. Whether the proposed activities will create any significant obstacle to the implementation of the City's Comprehensive Plan; and
8. Council may consider any other factor, or combination of factors that may have a negative impact on the City.

5.2. Reconsideration and Mitigation

If the Council denies the Operating Permit, the Applicant has one opportunity to apply for reconsideration within 6 months. The Application for Reconsideration shall outline the manner in which the Applicant intends to mitigate or ameliorate the negative impacts upon which the City denied the original application.

The fee for submission of an Application for Reconsideration will be set by Resolution or Order of the City Council of Gautier.

5.3. Duration, Expiration, and Renewal

The term of any Operating Permit shall be for one (1) year, renewable annually upon application for renewal. A simple application for renewal, without modification or expansion, shall be approved or denied by the Planning Director upon review of the application and inspection, if necessary. If the renewal is denied, the Applicant may request consideration of the denial by City Council.

If the term of an Operating Permit expires prior to filing an Application for Renewal, the Applicant shall be deemed a new facility for purposes of this ordinance.

5.4. Permission and/or License to Inspect Facilities

Submission of an application under this ordinance constitutes permission and/or license for City agents to inspect the facility to ensure the representations in the permit application are accurate and unchanged during the term of the Operating Permit. Notice will be made to the Applicant, in writing, at least five (5) days prior to the scheduled inspection. The inspections shall be satisfied by the permit fees referenced herein.

5.5. Revocation of Permit

If a violation of local, state or federal law is discovered in the facility, or if the Applicant fails to comply with any conditions placed upon the facility by the City, either through the terms of a Conditional Use Permit or under the requirements of this ordinance, the City will inform the Applicant of the violation. The Applicant will have thirty (30) days to cure the violation. If, upon inspection, the violation remains after the thirty (30) day cure period, the Planning Director will revoke the Operating Permit immediately. Any Applicant aggrieved by the revocation may request, in writing, a hearing before the City Council to determine whether the revocation should stand.



LANDFILL SITE ORDINANCE



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