

ORDINANCE 95 - 10

AN ORDINANCE AMENDING ORDINANCE 90-13, WHICH ESTABLISH THE CONTROL OF THE SOLID WASTE FLOW IN NASSAU COUNTY; SPECIFICALLY AMENDING SECTION 2, DEFINITIONS; SECTION 4, DESIGNATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to amend Ordinance 90-13; and

WHEREAS, the Board of County Commissioners has been made aware that the existing definition of "Solid Waste", pursuant to Ordinance 90-13, is not the same as the definition of "Solid Waste" pursuant to Florida Statutes, Chapter 403.703; and

WHEREAS, the Board of County Commissioners has been made aware of problems for individuals and companies hauling yard trash and, therefore, the possibility of being in violation of Ordinance 90-13; and

WHEREAS, given the need to amend Ordinance 90-13 so that the State definition of "Solid Waste" and the County definition of "Solid Waste" are the same, the Board has declared the necessity to amend the definition as an emergency.

NOW, THEREFORE, BE IT ORDAINED this 11th day of May, 1995, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 90-13 shall be amended as follows:

1. SECTION 2. DEFINITIONS

1. "County" shall mean the County of Nassau as constituted and existing under the laws of the State of Florida.

2. "Disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous

waste into or upon any land or water so that solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any water, including groundwaters or otherwise enter the environment.

3. "Person" shall mean any and all persons, natural or artificial, including any individual, firm or association; any municipal or private corporation organized or existing under the laws of this or any other state; any county of this or any other state; and any governmental agency of this or any other state or the Federal government or any of its agencies or departments.

4. "Solid waste" ~~includes garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, sludge, or other discarded material including solid, liquid, or semisolid, or other contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations~~ means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plan, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined herein are not solid waste.

5. "Solid waste management" shall mean the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an

orderly, purposeful, and planned program, which includes closure and long-term maintenance.

6. "Resource recovery" shall mean the process of recovering materials or energy from solid waste, excluding those materials or solid waste under the control of the Nuclear Regulatory Commission.

7. "Solid waste management facility" shall mean any solid waste disposal area, volume reduction plant, transfer station, or other facility, the purpose of which is the recovery of resources or the disposal, recycling, processing, or storage of solid waste. The term does not include facilities which use or ship recovered materials unless such facilities are managing solid waste.

8. "White goods" shall include inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

9. "Biohazardous waste" shall mean any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue or body parts; laboratory and veterinary waste which contain human-disease-causing agents; used disposable sharps; human blood, and human blood products and body fluids; and other materials which in the opinion of the Department of Health and Rehabilitative Services represent a significant risk of infection to persons outside the generating facility.

10. "Clean debris" shall mean any solid waste which is virtually inert and which is not a pollution threat to groundwater or surface waters and is not a fire hazard and which is likely to

retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the Florida Department of Environmental Regulation.

11. "Solid waste disposal facility" shall mean any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

12. "Construction and demolition debris" shall mean materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, tree remains, trees and other vegetative matter which normally results from land clearing or land development operations for a construction project. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

13. "Operation" with any respect to any solid waste management facility, shall mean the disposal, storage or processing of solid waste at and by any facility.

14. "Special wastes" shall mean solid waste that can require

special handling and management, including, but not limited to white goods, whole tires, used oil, mattresses, furniture, lead-acid batteries, biological wastes and sludges.

15. "Tipping Fee" shall mean the fee charged to the customer by the facility for the receipt, or disposal, processing or management of solid waste.

16. "Class I - solid waste disposal area" shall mean the Nassau County disposal facility.

17. "Yard trash" shall mean vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as shrub trimmings, grass clippings, palm fronds, trees and stumps.

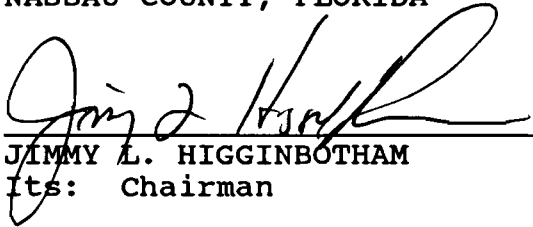
18. "Recovered materials" means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as defined herein are not solid waste.

2. SECTION 4. DESIGNATION

1. No person shall dispose of or receive solid waste, as defined herein, generated within or brought into the County, except at the Nassau County solid waste disposal or management facility designated by the Board of County Commissioners.

3. This Ordinance shall become effective upon its being filed in the office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



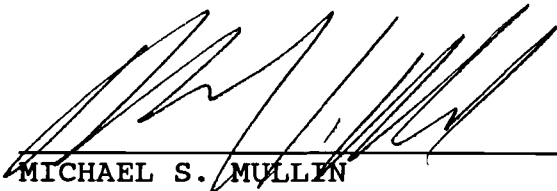
JIMMY L. HIGGINBOTHAM
Its: Chairman

ATTEST:



T. J. GREESON
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLEN

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