

## **Section 6.13 Sanitary Landfill Regulations**

### **6.13.01 Intent**

It is hereby found and declared that unsanitary disposal of garbage and refuse creates health and sanitary hazards, promotes the breeding of rats, flies and other vermin, pollutes water and the atmosphere, produces noxious odors and insults the aesthetic values of the citizens of Perkins County. It is hereby further found and declared that the elimination of open dumps and the prevention of health, sanitation and aesthetic nuisances in the future is in the best interests of the citizens of Perkins County and the State of Nebraska; and that the accomplishment of this end will be fostered and encouraged by the enactment and enforcement of this Regulation. The enactment and enforcement of this Regulation is hereby declared to be essential to the public interest and it is intended that the Regulation be liberally construed to effectuate the purposes as stated herein.

### **6.13.02 Definitions**

For the purpose of this Regulation, certain terms and words are herewith defined, as set forth in this Section. All words used in the present tense shall include the future tense, all words in the plural number shall include the singular number and all words in the singular number shall include the plural number; unless the natural construction of the wording indicates otherwise.

**APPLICANT** means an individual, firm, corporation or any political subdivision of the State including any governmental authority created by statute.

**AQUIFER** Means a geological formation, group of formations, or part of a formation capable of yielding water for a well. Spring or other discharge in usable amounts.

**BEST MANAGEMENT PRACTICES (BMP)** means schedules of activities, prohibitions, maintenance procedures, and other management practices found to be the most effective and practicable methods for specific sites to prevent or reduce the discharge of pollutants to waters of the State or control odor where appropriate. Best management practices also include operating procedures and practices to control site runoff, spillage, leaks, sludge or waste disposal or drainage from raw material storage.

**BUFFER ZONE** means an area of land, including, but not limited to, landscaping, berms, walls, fences, and building setbacks, that are located between land uses of different character and is intended to mitigate negative impacts of the more intensive use.

**CLOSURE** means those actions, which are taken upon the cessation of the use of a Solid Waste Management Facility, which prepares the facility for post-closure care, and assures the protection of human health and the environment.

**COLLECTION** means the act of removing and conveying solid waste from the storage area to a Solid Waste Management Facility.

**COMMENCEMENT OF CONSTRUCTION** means any substantial action, such as clearing of land, excavation or other action that reflects a substantially irreversible commitment to physically construct a facility, or that may affect the environment of a facility. The term does not include: site exploration, necessary roads for site exploration, borings to determine foundation conditions, or other pre-construction monitoring, or testing to establish background information related to the suitability of the site for the protection of the environment.

**COMMERCIAL SOLID WASTE** means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes..

**CONSTRUCTION FOR SOLID WASTE FACILITIES** means the erection or building of new structures or containment systems for Solid Waste Management Facilities, or the remodeling, alteration, modernization or extension of existing structures.

**CONSTRUCTION AND DEMOLITION WASTE** means waste which results from land clearing, the demolition of buildings, roads or other structures, including, but not limited to, beneficial fill materials, wood (including painted and treated wood), land clearing debris other than yard waste, wall coverings (including wall paper, paneling and tile), drywall, plaster, non-asbestos insulation, roofing shingles and other roof coverings, plumbing fixtures, glass, plastic, carpeting, electrical wiring, pipe and metals. Such waste shall also include the above listed types of waste that result from construction projects. Construction and demolition waste shall not include friable asbestos waste, special waste, liquid waste, hazardous waste and waste that contains polychlorinated biphenyl (PCB), putrescible waste, household waste, industrial solid waste, corrugated cardboard, appliances, tires, drums, and/or fuel tanks.

**CONSTRUCTION AND DEMOLITION WASTE DISPOSAL AREA** means any Solid Waste Disposal Area used for the sole purpose of disposal of construction and demolition waste.

**CONTAINMENT SYSTEM** means the system of engineered and designed barriers surrounding the solid waste in a Solid Waste Disposal Area unit which is intended to encapsulate and contain the emplaced solid waste and any leachate.

**COVER MATERIAL** means six inches of earthen material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging. Other materials may qualify if approved by NDEQ and Perkins County.

**DELISTED WASTE** means hazardous waste which has been delisted pursuant to the procedures outlined in Title 128 - Rules and Regulations Governing Hazardous Waste Management in Nebraska.

**DELISTED WASTE DISPOSAL AREA** means any solid waste disposal area used for the sole purpose of disposal of delisted waste.

**DEPARTMENT** means the Nebraska Department of Environmental Quality.

**DISCARDED HOUSEHOLD APPLIANCES** means discarded clothes washers and dryers, water heaters, heat pumps, air conditioners, dehumidifiers, refrigerators, freezers, trash compactors, dishwashers, conventional ovens, ranges, stoves, and wood stoves.

**DISCHARGE** means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of pollutants into any waters of the State or in a place which will likely reach waters of the State.

**DISEASE VECTORS** means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting disease to humans.

**DISPOSAL OF NUCLEAR WASTE** means the isolation and final disposition of low-level radioactive wastes from the biosphere by emplacement in a facility that employs technology dictated by a zero-release objective.

**DISPOSAL SITE** means that portion of a facility used for disposal of waste. It consists of disposal units and a buffer zone.

**DISPOSAL OF SOLID WASTE** means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air, land or water of the state.

**DISPOSAL UNIT** means a discrete portion of the disposal site into which waste is placed for disposal.

**DISTRICT** means a natural resources district created pursuant to Chapter 2, article 32 of Nebr. RRS 1997.

**DIVERSION TERRACE** means an individually designed grade channel with a supporting ridge on the lower side, constructed across the slope with a non-erosive grade.

**ENGINEERED BARRIER** means a man-made structure or device that is intended to improve the facility's ability to meet the performance objectives in Chapter 4 of Title 194 of the Nebraska Administrative Code.

**EXISTING SOLID WASTE DISPOSAL AREA** means any solid waste disposal area that is permitted to receive solid waste.

**EXPLOSIVE MATERIAL** means any chemical compound, mixture, or device which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

**FOSSIL FUEL COMBUSTION ASH** means fly ash, bottom ash, slag, and flue gas emission control ash generated from utility plants or other facilities in which coal is the primary fuel source.

**FOSSIL FUEL COMBUSTION ASH DISPOSAL AREA** means any area or site used for the sole disposal of fossil fuel combustion ash.

**GARBAGE** means rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables and dead animals rejected by rendering plants.

**GROUNDWATER** means water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

**HAZARDOUS WASTE** means any waste designated or defined as a hazardous waste by N.A.C. Title 128 - Rules and Regulations Governing Hazardous Waste Management in Nebraska, which for purposes of general definition is a solid waste which, because of its quantity, concentration, or physical, chemical or infectious characteristics may:

1. Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HAZARDOUS WASTE, CONVERTED (TREATED)** means any waste defined as hazardous which has been processed in a manner that would either eliminate or dilute the level of the hazardous material. These include soils contaminated by lead, arsenic, chemicals used in the manufacturing of ballistics and

munitions, and other items as declared by the Environmental Protection Agency, Corps of Engineers, Nebraska Department of Environmental Quality or another controlling agency.

**HIGH LEVEL RADIOACTIVE WASTE** means:

1. Irradiated reactor fuel;
2. Liquid wastes resulting from the operation of the first cycle solvent extraction system or equivalent and the concentrated wastes from subsequent extraction cycles or equivalent in a facility for reprocessing irradiated reactor fuel;
3. Solids into which such liquid wastes have been converted; and
4. Other highly radioactive waste material as defined by the U.S. Nuclear Regulatory Commission.

**HOST AGREEMENT** means any agreement that pertains to the operation of the landfill within the County by said operator. A Host Agreement may include but is not limited to road maintenance, tipping fees, cleanup of blowing waste, closure and other negotiated terms.

**HOUSEHOLD WASTE** means any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

**HYDROGEOLOGIC UNIT** means any soil or rock unit or zone which by virtue of its porosity or permeability, or lack thereof, has a distinct influence on the storage or movement of groundwater.

**INDUSTRIAL SOLID WASTE** means solid waste generated by manufacturing or industrial processes that is not a hazardous waste.

1. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing and foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment.
2. This term does not include mining waste or oil and gas waste.

**INDUSTRIAL WASTE DISPOSAL AREA** means any solid waste disposal area used for the sole purpose of disposal of industrial waste.

**INFECTIOUS WASTE** means a solid waste capable of causing an infectious disease to humans. For a waste to be deemed infectious, consideration will be given to those elements required in order for infection to occur. These elements include the presence of a pathogen or causative organism, of significant virulence, in an adequate dose, which is able to gain a portal of entry in a susceptible host. Infectious waste shall include, but not be limited to, substances from the following classifications:

1. Blood, Blood Products and Body Fluids. This classification includes fluid blood, blood products and body fluids, and any items contaminated with any of these fluids, if a pourable quantity (ability of a liquid or semi-solid form to drip or flow) is present. The term blood and blood products includes serum, plasma, and other blood components. The term body fluid includes semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, amniotic fluid and any other body fluid visibly contaminated with blood.
2. Infectious Sharps Waste. This classification includes all discarded items from diagnosis, treatment, or immunization which can potentially transmit disease by breaking the human skin, and includes hypodermic needles, scalpels, razor blades, breakable glass containers,

blood vials, culture dishes, used slides, glass products and broken glass or other sharp items that have come into contact with or have been contaminated by material considered infectious.

3. Laboratory Waste. This classification includes all cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.
4. Contaminated Animal Waste. This classification includes blood and body fluids, carcasses, body parts, excrement and bedding from animals contaminated with agents that may cause human disease.
5. Waste Identified by Infectious Waste Generators. This classification includes those wastes determined by the infectious waste generator or the infectious waste generator's infectious control staff/committee to be treated as infectious waste because of the risk of disease posed by such waste.

**INTEGRATED SOLID WASTE MANAGEMENT** means solid waste management which is focused on planned development of programs and facilities that reduce waste toxicity and volume, recycle marketable materials, and provide for safe disposal of residuals.

**JUNK** means materials which will not be utilized if not collected and processed for reuse or recycling, including but not limited to mean: old scrap; copper; brass; iron; steel; rope; wire; glass; rags; batteries; paper trash; rubber; debris; demolition waste; abandoned mobile homes, dismantled or wrecked; untaxed, untitled or unlicensed vehicles or parts thereof; and other old or scrap ferrous or nonferrous material.

**LANDFILL** means a disposal site employing a method of disposing of solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

**LANDFILL UNIT** means a discrete area of land which has been developed and constructed with containment features according to an operational plan and designed for disposal of solid waste.

**LATERAL EXPANSION** means a discrete area of land which has not previously been permitted to receive solid waste, or any discrete area of land which has previously received solid waste and which has been certified closed by NDEQ, and is proposed for development as a landfill unit.

**LEACHATE** means liquid that has passed through or emerged from solid waste and contains soluble, suspended or miscible materials removed from such waste.

**LEAD-ACID BATTERY** means an electrical storage battery with cells that contain lead electrodes and an acidic electrolyte, such as those commonly used in motor vehicles.

**LONG-TERM STORAGE** means the keeping of materials on a permanent basis. This shall not include the temporary storage of materials that are awaiting transport to another facility.

**LOW-LEVEL RADIOACTIVE WASTE** means radioactive waste not classified as high-level radioactive waste, spent nuclear fuel, or byproduct material and classified by the federal government as low-level radioactive waste but shall not include waste which remains a federal responsibility as designated in section 3(b) of the low-level Radioactive Waste Policy Act as amended, 42 U.S.C. 2021C(b).

**LOWER EXPLOSIVE LIMIT** means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at twenty-five (25) degrees centigrade and one atmosphere pressure.

**MATERIALS RECOVERY FACILITY** means any facility at which solid waste is processed for the purpose of resource recovery.

**MINIMUM DESIGN CRITERIA** means the minimum storage criteria plus the calculated open lot and contributing drainage area runoff for the month of June, plus the net precipitation on the holding pond surface for the month of June, plus solid accumulations of at least one-half inch per acre of open lot and other sources of waste water.

**MINIMUM STORAGE CRITERIA** means the calculated runoff produced by a 25 year - 24-hour rainfall event per acre of drainage, for open lots and contributing drainage areas.

**MIXED WASTE** means low-level radioactive waste that also contains hazardous waste that is identified in Title 128 of the Nebraska Administrative Code.

**MONITORING** means the combination of activities designed to assess the impact of any the solid waste or nuclear disposal area upon the environment.

**MUNICIPAL SOLID WASTE** means household waste and/or the combination of household waste with industrial or commercial solid wastes.

**MUNICIPAL SOLID WASTE DISPOSAL AREA** means a publicly or privately owned discrete area of land or excavation that receives household waste, alone or in combination with other types of wastes such as commercial solid waste, industrial solid waste, nonhazardous sludge, or conditionally exempt small quantity generator waste, and which is not a land application unit, surface impoundment, injection well, or waste pile.

**NATURAL DISASTER** means the occurrence of widespread or severe damage or loss of property resulting from any natural cause, including but not limited to, flood, earthquake, wind or storm.

**NEAR-SURFACE DISPOSAL FACILITY** means a facility in which waste is disposed of on the earth's surface or within approximately the upper 30 meters of the earth's surface. Near surface disposal includes disposal in engineered facilities which may be built totally or partially above-grade provided there is a protective earthen cover at or before the time of facility closure.

**NEW SOLID WASTE DISPOSAL AREA** means any solid waste disposal area or lateral expansion that has not been permitted to receive waste.

**ODOR** means that characteristic of a substance which makes it offensive to the human sense of smell, as determined by the majority of three (3) or more people; such people shall include the Zoning Administrator, a representative of the owner of the use being investigated for odor impact, and one or more other neutral persons as agreed upon by the Zoning Administrator and the owner of the use being investigated for odor impact.

**OPEN BURNING** means the combustion of solid waste without:

1. Control of combustion air to maintain adequate temperature for efficient burning;
2. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; or
3. Control of the emission of the combustion products.

**OPEN DUMP** means a site for the disposal of solid waste which does not comply with the requirements of these regulations.

**OPERATING RECORD** means a record or file maintained by an owner or operator to contain documents and records pertaining to the solid waste management facility.

**OPERATIONAL LIFE OF THE FACILITY** means the period of time commencing when waste is initially received at the facility and ending when the facility permanently ceases to receive such waste for disposal.

**PERFORMANCE GUARANTEE** means a financial guarantee to ensure that all improvements, facilities, or work required by these regulations will be completed in compliance with these regulations.

**PERSON** means any person, firm, partnership, association, corporation, company or organization or other entity.

**PLASTIC** means any material made of polymeric organic compounds and additives that can be shaped by flow.

**PLASTIC BOTTLE** means a plastic container intended for a single use that has a neck smaller than the body of the container, is designed for a screw-top, snap cap, or other closure, and has a capacity of not less than sixteen fluid ounces or more than five gallons.

**POST-CLOSURE CARE** means the continued observation, maintenance and monitoring, for a period of time, of a closed solid waste management facility in order to protect human health and the environment.

**POST-CONSUMER MATERIAL** means those products or other materials generated by a business or consumer that have served their intended end uses, and that have been recovered from or otherwise diverted from the solid waste stream for the purpose of recycling. Post-consumer material does not include manufacturing or converting scrap or by-products generated from, and commonly reused within, an original manufacturing process.

**PRACTICABLE WASTE MANAGEMENT ALTERNATIVE** means another solid waste disposal area, transfer station materials recovery facility, or other facility that may serve as a viable substitute for the solid waste management method(s) currently employed for solid waste management.

**PUBLIC WATER SUPPLY** means a water supply system designed to provide public piped water fit for human consumption, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system; and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

**PUTRESCIBLE** means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors, gases, or otherwise. Kitchen wastes, offal, and dead animals are examples of putrescible components of solid waste.

**PYROPHORIC LIQUID** means any liquid that ignites spontaneously in dry or moist air at or below 130°F (54.4°C).

**PYROPHORIC SOLID** means any solid material, other than one classed as an explosive, which under normal conditions, is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and, when ignited, burns so vigorously and persistently as to create a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.

**QUALITY ASSURANCE PROGRAM** means a multi-disciplinary system of management controls backed by quality verification and overview activities that demonstrate completeness and appropriateness of achieved quality. Quality assurance comprises all the planned and systematic actions necessary to provide adequate confidence that a structure, system, or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises the quality assurance actions related to the physical characteristics of a material, structure, component, or system which provide a means to control the quality of the material, structure, component, or system to predetermined requirements.

**QUALITY CONTROL** means a procedure or set of procedures intended to ensure that a process meets the required/established standards and/or best practices agreed upon by all parties.

**RADIOACTIVE MATERIAL** means any material, solid, liquid, or gas, which emits ionizing radiation spontaneously, including accelerator-produced, byproduct, naturally occurring, source, and special nuclear materials.

**RECOVERABLE** means the capability and likelihood of being recovered from solid waste for commercial or industrial use.

**RECOVERY** means the acts, actions, and processes necessary to cleanup contaminants; defined as radioactive material or hazardous substances from low-level radioactive waste that, when released to the environment outside the disposal unit and combined with air, soil, biota, or water, may cause the concentrations of that material or substance to exceed the levels specified in Title 180, or which is reportable as a hazardous substance release in Title 126, Chapter 18 that are no longer isolated by the disposal unit and whose migration beyond site boundaries could result in failure to meet the performance objectives of Chapter 4 of Title 194 of the Nebraska Administrative Code.

**RECYCLED** means recovered waste materials, such as post-consumer material used, in the manufacture or production of new items.

**RECYCLING** means the process by which recovered waste materials are transformed into new products in such a manner that the original products may lose their identity.

**RECYCLING CENTER** means any facility which is maintained and operated for the purpose of receiving, collecting and processing source-separated recyclable materials for resale or transfer. For the purposes of this definition, "processing" shall mean the modification of materials by baling, crushing, grinding, chipping or other means to prepare the materials for markets.

**RECYCLING COLLECTION SITE** means a premises which is maintained and operated for the purposes of receiving and collecting source separated recyclable materials, and shall not include on site activities for significantly processing or modifying the collected materials.



**REFUSE** means putrescible and non-putrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, industrial wastes, and other such wastes.

**RELEASE** means, but is not limited to, any discharging, spilling, leaking, pumping, emitting, emptying or dumping of pesticide, fertilizer or materials containing pesticide or fertilizer, upon land, beneath the surface of the land or into waters of the State, either by accident or otherwise, except that this definition shall not apply to normal field applications or the normal rinsing and washing activities of the loadout facility.

**RESOURCE CONSERVATION** means reduction of the amounts of solid wastes that are generated, reduction of overall resource consumption and utilization of recovered resources.

**RESOURCE RECOVERY SYSTEM** means a solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of non-recoverable waste residues.

**RETRIEVABILITY** means the capability to, in a deliberate, planned manner, remove or retrieve waste from containment in the disposal unit.

**REUSE** means the reintroduction of a commodity into the economic stream without change.

**RIGID PLASTIC CONTAINER** means any formed or molded container intended for a single use, composed predominately of plastic resin that has a relatively inflexible finite shape or form with a capacity of not less than eight ounces or more than five gallons. Rigid plastic container shall not include a plastic bottle.

**RUBBISH** means non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety.

**RUN-ON** means any precipitation, leachate, or other liquid that drains over land onto any part of a facility.

**SANITARY LANDFILL** means a type of operation in which garbage, rubbish, and refuse is deposited by plan on a specified portion of land, is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material over individual cells of garbage and refuse or garbage or refuse, which are closed at the end of each day, and to a depth of at least three feet over the finished landfill.

**SALVAGE OPERATION** means the controlled and safe removal and collection of valuable or useful waste materials at any point in the solid waste stream.

**SATURATED ZONE** means that part of the earth's crust in which all voids are filled with water.

**SCAVENGING** means the uncontrolled and unsafe removal of materials at any point in the solid waste stream.

**SECONDARY CONTAINMENT** means a device or structure designed, constructed, and maintained to hold or confine a release of a petroleum product from a storage facility.

**SET ASIDES** means that percentage of the total annual purchase of a product or material that contains post-consumer material.

**SINGLE RETENTION STRUCTURE** means an impoundment made by excavation or embankment which functions to collect and store all runoff (liquid and solid) from the livestock operation and any contributing drainage area for subsequent removal.

**SITE STABILIZATION** means those actions that are taken upon completion of operations which prepare the disposal site for custodial care and that assure that the disposal site will remain stable and will not need ongoing active maintenance.

**SOLID WASTE COMPOST SITE** means a tract of land, location, area or premises used for composting solid waste.

**SOLID WASTE DISPOSAL** means the disposal of solid waste, including any household waste, commercial solid waste, fossil fuel combustion ash, special waste, industrial solid waste, and construction and demolition waste.

**SOLID WASTE DISPOSAL AREA** means a discrete area of land or excavation which receives solid waste and includes all contiguous land and structures, other appurtenances and improvements on the land used for the disposal of solid wastes or improvements necessary to carry out the disposal of solid wastes. Solid waste disposal areas shall include, but not be limited to the following disposal areas: municipal solid waste disposal areas, construction and demolition waste disposal areas, fossil fuel combustion ash disposal areas, industrial waste disposal areas, delisted hazardous waste disposal areas and land application units for repeated disposal and/or treatment of special wastes.

**SOLID WASTE MANAGEMENT** means the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

**SOLID WASTE MANAGEMENT FACILITY** means a public or private site, location, tract of land, installation or building which has been used for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste, and shall include solid waste disposal areas and solid waste processing facilities.

**SOLID WASTE MANAGEMENT PLAN** means a plan adopted by a county or municipality, including a joint plan adopted by an agency, for integrated solid waste management.

**SOLID WASTE PROCESSING** means the process by which solid wastes are physically or chemically changed, temporarily stored, or salvaged prior to being transferred to a solid waste disposal area or to a secondary materials recovery facility.

**SOLID WASTE PROCESSING FACILITY** means any facility where solid wastes are processed, and shall include, but not be limited to, solid waste compost sites, materials recovery facilities, recycling centers and solid waste transfer stations.

**SOLID WASTE TRANSFER STATION** means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off of the premises of the facility from vehicles or containers, into other vehicles or containers for transportation to a solid waste disposal area or solid waste processing facility.

**SOURCE MATERIAL** means:

1. Uranium or thorium or any combination thereof in any chemical or physical form; or
2. Ores which contain by weight one-twentieth of one per cent or more of uranium or thorium or any combination thereof. Source material does not include special nuclear material.

**SOURCE SEPARATED MATERIALS** means the waste products, for which a market exists, that have not been commingled with solid waste but have been kept separate from other wastes from the point of generation to final disposition.

**SPECIAL NUCLEAR MATERIAL** means:

1. Plutonium, uranium 233, and uranium enriched in the isotope 233 or in the isotope 235 but not including source material; or
2. Any material artificially enriched by any of the foregoing, but not including source material.

**SPECIAL WASTE** means a solid waste, except waste which is regulated as a hazardous waste, which possesses physical, chemical, or biological characteristics that make it different from general municipal solid waste, or construction and demolition waste, and which requires special handling, treatment, or disposal methodologies in order to protect public health, safety, and the environment.

**SPENT NUCLEAR FUEL** means irradiated nuclear fuel that has undergone at least one year of decay since being used as a source of energy in a power reactor, including the special nuclear material, byproduct material, source material, and other radioactive material associated with fuel assemblies.

**STATE** means the State of Nebraska.

**SURVEILLANCE** means the monitoring and observation of the disposal site for purposes of detection of need for maintenance, custodial care, evidence of intrusion, and compliance with other license and regulatory requirements of this Title.

**TOTALLY COVERED OR ENCLOSED** means protected from precipitation and any subsequent drainage so that unwanted moisture does not enter the structure.

**TRANSFER** means the act of transporting the solid waste from the point of storage to a processing facility or final disposal site.

**TRANSURANIC WASTE** means radioactive waste containing alpha emitting transuranic elements at levels determined by the U.S. Nuclear Regulatory Commission to be transuranic waste.

**TSCA REGULATED PCB WASTE** means polychlorinated biphenyl (PCB) wastes in concentrations greater than or equal to 50 ppm as regulated by Toxic Substances Control Act (TSCA). PCB wastes less than 50 ppm are not regulated by TSCA and shall be considered special wastes.

**UNREGULATED HAZARDOUS WASTES** means a hazardous waste generated by a conditionally exempt small quantity generator, which contains free liquids, or is in solid form in a quantity greater in size or volume than 5 gallons or in a quantity greater in weight than 19.5 kilograms (43 pounds), provided, however, that these quantity limits are daily maximum values.

**UPPERMOST AQUIFER** means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary

**WASTE MANAGEMENT UNIT BOUNDARY** means a vertical surface located at the hydraulically downgradient limit of the landfill unit. This vertical surface extends down into the uppermost aquifer.

**WASTE OIL** means any oil that has been refined from crude oil, used, and as a result of such use, is contaminated by physical or chemical impurities, or used oil as defined in Title 128 - Rules and Regulations Governing Hazardous Waste Management in Nebraska.

**WATER POLLUTION** means the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

**WATER TABLE** means the surface of underground gravity-controlled water.

**ZERO-RELEASE OBJECTIVE** means a goal of preventing the release into the environment of any detectable radioactive material resulting from the disposal of low-level radioactive waste at the facility.

### **6.13.03 Permits**

1. It shall be unlawful for any person to use any land, premises or property within Perkins County for the disposal of any garbage, rubbish, and refuse, or garbage, rubbish, or refuse without first making application for and securing a conditional use permit (CUP) to operate a new or expanded Sanitary Landfill.
2. The application for a CUP to operate a sanitary landfill shall be filed with the Perkins County Zoning Office and shall contain:
  - a. A description and plat of the land on which the disposal of garbage and refuse or garbage or refuse is proposed;
  - b. A description of the sequence and plan of operation;
  - c. Type and capacity of equipment to be used for operations;
  - d. Plans for fire, nuisance and vermin control;
  - e. A diagram and written statement showing existing and proposed roadways and easements;
  - f. A diagram and written statement showing existing topography and water courses;
  - g. A diagram and written statement explaining the proposed location and extent of earthwork and fill operations, as well as fencing of the premises;
  - h. Proposed measures to control storm drainage and estimated daily or weekly volume of garbage and refuse, or garbage or refuse to be placed in the sanitary landfill;
  - i. Subsoil data including percolation tests, ground water, and soil types; and
  - j. Planned locations for monitoring wells to monitor leachate and other hazardous materials as defined herein and in Perkins County's Health and Safety Resolution.
3. No CUP to operate a sanitary landfill will be issued unless the applicant has first complied with the requirements of the Nebraska Department of Environmental Quality for operation of a sanitary landfill and all requirements of the Nebraska Department of Environmental Quality.
4. No CUP to operate a new, or expansion of existing sanitary landfill will be issued unless the applicant has successfully negotiated a Host Agreement with the County Board of Commissioners.

5. Any CUP to operate a sanitary landfill will become null and void whenever the Nebraska Department of Environmental Quality revokes a license or does not renew a license.

#### **6.13.04 Disposal Conditions**

1. No person shall dump or otherwise dispose of any refuse, garbage, junk, or rubbish at any place except a licensed and permitted sanitary landfill area; however, this does not prohibit a person from disposing of refuse and rubbish from his own household upon his own land as long as such disposal does not create a nuisance or hazard to health of the landowners or others; and provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP shall be exempt from the requirements of this Section.
2. No CUP to operate a sanitary landfill shall be granted by the Perkins County Board of Commissioners until the following conditions have been met:
  - a. The permittee, and the agents, employees and independent contractors of the permittee, will comply with all of the terms, conditions, provisions, requirements and specifications contained in these regulations.
  - b. The permittee, and the agents, employees and independent contractors of the permittee, will faithfully operate the sanitary landfill for which the permit is issued in accordance with the provisions of these Regulations.
  - c. The permittee, and the agents, employees and independent contractors of the permittee, will save harmless Perkins County from any expense incurred through the failure of the permittee, and the agents, employees and independent contractors of the permittee to operate and maintain the sanitary landfill as required by these Regulations, including any expense Perkins County may be put to for correcting any condition or violation of these Regulations, including Perkins County's own labor and equipment whenever the Perkins County Board of Commissioners determines, upon providing the permittee with reasonable opportunity to cure any condition or violation, it is necessary for Perkins County to correct any unsanitary condition or conditions that violate any of these Regulations or from any damages growing out of the negligence of the permittee or the agents, employees and independent contractors of the permittee or servants.
  - d. The permittee and the agents, employees and independent contractors of the permittee as further assurance for the operation of the sanitary landfill, shall provide, that in the event, the permittee and the agents, employees and independent contractors of the permittee fails to comply and fails to operate the sanitary landfill within the terms, requirements, and conditions of these Regulations for any period of time, the Perkins County Board of Commissioners may then, upon resolution, and after providing Permittee reasonable opportunity to cure any non-compliance, have the right to hire the necessary equipment and labor to adequately bring the landfill operation to a satisfactory closing at the permittee's expense.

#### **6.13.05 Physical Improvements**

The following physical improvements shall be made before new, or expansion of existing sanitary landfill site is approved for operation:

1. The property shall be fenced as shown on the application for a CUP with an entrance gate that can be locked. A temporary inner fence shall be installed bordering all active areas of landfill areas to reasonably control or to stop blowing paper and other materials.
2. Operating procedures and time schedules shall be clearly listed on signs posted at the site entrance.
3. Where employees or personnel will be on duty for more than four consecutive hours, convenient sheltered toilet facilities shall be provided.

#### **6.13.06 Regulations**

The following regulations shall be observed by any person, firm or corporation to whom a permit is granted for the operation of a sanitary landfill. These regulations shall govern the operation of all sanitary landfills in Perkins County and any failure to observe these regulations shall be sufficient grounds for suspension or revocation of the permit as hereinafter provided.

1. All garbage and other refuse accepted by the permit holder shall be thoroughly compacted by equipment of a size and weight capable of carrying out all necessary operations. Sufficient auxiliary equipment shall be available on the site or otherwise available to permit operation in case of equipment breakdown.
2. No alternate daily cover may be used on the landfill unless the NDEQ has approved the material for use and has determined its equivalence in performance to application of a minimum 6 inches of daily cover.
3. The area of the landfill shall be policed as necessary to prevent fire and smoke and to collect all scattered materials, and shall be neat and orderly at all times and shall be covered at the end of each day's operation, as well as when wind conditions warrant it through the day, with sufficient material to prevent blowing litter, fly and rodent attraction and breeding, release of odor, fire hazard, and unsightly appearance.
4. A minimum depth, as required by NDEQ, of compacted cover and final spread cover material shall be kept on all inactive faces of the landfill at all times. The active faces of the landfill shall be covered at the end of each day's operation, with cover material.
5. For any area where wastes will not be disposed for a period of one hundred eighty (180) days or longer, that area shall be covered with the required daily cover material and an additional twelve (12) inches of intermediate cover. Vegetative cover shall be established as soon as possible on these areas.
6. Where the trench system of sanitary landfill is used, successive parallel trenches must be at least two feet apart.
7. Where the landfill operation is conducted in a ravine, the sides of the ravine shall be terraced prior to landfilling if the slope of the sides of the ravine is 1:1 or greater.
8. In the event that refuse material exists on the site at the time the permit is issued, whether in the form of an open dump or any other form, such refuse material shall be collected, compacted, and covered with cover material as required by NDEQ. This cover operation shall be completed within 15 working days after the issuance of a permit for the sanitary landfill, unless some other period of time is specified in the permit.
9. Access roads to the disposal area within the Solid Waste Disposal Area shall be maintained and surfaced so as to be negotiable by trucks and other motor vehicles at all reasonable times.
10. The salvage or scavenging of materials from the landfill is prohibited.
11. The burning of garbage and refuse, or garbage or refuse, on the landfill site, without prior approval from the appropriate Fire District and NDEQ, is prohibited.

12. No landfill operations shall be conducted so that fill will be placed in streambeds or other areas where streams would be obstructed or where erosion by the stream would remove cover material. There shall be no seepage or drainage of any material from the fill of such a nature as would constitute an odor nuisance or health hazard, or pollute any water course or underground water aquifer.
13. The permittee shall provide surface drainage facilities on the landfill site which will permit the drainage of storm water. The existence of standing pools of water on the finished face of the landfill six hours after the last precipitation shall constitute evidence of inadequate surface drainage.
14. The permittee shall take such measures as are necessary and agreed to by the County Board of Commissioners as part of the CUP to control dust.
15. No hazardous waste, contaminated or radioactive material, infectious waste, converted hazardous waste or polluted liquids or hazardous substance shall be deposited within the facility.
16. All reasonable measures shall be taken to control insects and rodents.
17. Noncombustible and non-putrescible waste such as cinders, broken paving or materials resulting from construction or demolition work may be deposited in the landfill provided that such materials shall be leveled and spread at sufficient intervals to prevent unsightly appearance or rodent harborage and shall be covered as required for a completed sanitary landfill; provided, however, that the placement of broken concrete for rip-rap and fill material for embankment reconstruction and erosion retardation only, with a County approved CUP, shall be exempt from the requirements of this Section.
18. The discharging of firearms is prohibited.
19. Before any site is abandoned, all exposed refuse shall be covered with a layer of suitable cover material, to minimum compacted depth of at least three feet. The site otherwise shall be left in a reasonably neat condition so as not to offend adjacent property owners and incite opposition to the establishment of new sites.

#### **6.13.07 Enforcement - Permit Suspension and Revocation**

The officers responsible for the enforcement of the provisions of this Regulation shall be the Zoning Administrator and County Sheriff, or other designees as set by the Board of Commissioners.

The officers will notify in writing any permit holder who is violating the provisions of this Section, or of the Zoning Regulations, of the specific manner in which the Regulations are being violated and the time frame within which the violation must be remedied. Unless said violation is corrected within the reasonable time set forth in the notice, the officers shall notify the County Board of Commissioners in writing stating the non-compliance or violation.

In the case of an extremely hazardous situation, the County Board of Commissioners may, in the interest of public health, direct the proper individuals to remedy the situation either with the equipment and employees of the permit holder or with equipment and employees of Perkins County.

The cost of correcting such conditions, including any cost to Perkins County, shall be the responsibility of the permit holder who is required to pay all costs and expenses. The County

Board of Commissioners may, after the permit holder is given an opportunity for a hearing, revoke the permit for the violation of any of the provisions of this Regulation.

**6.13.08 Permit Reinstatement**

Whenever any sanitary landfill permit provided for in this Regulation has been revoked, a request for reinstatement shall be treated the same as the initial CUP application.