

Revision to Chapter 607 Waste Management Code, Subchapter U, Section 607.1200 (Recovered Material and Recycling Centers)

The current version of Section 607.1200 of the Waste Management Code was established in Ordinance No. 23023 on December 12, 2006. Since that time, it has become apparent to the Department of Public Health (DPH) that the current version does not adequately provide the means of regulatory enforcement necessary to ensure the health and safety for the citizens of Saint Louis County. The proposed revision to this section will afford the tools needed by DPH to provide oversight and remain consistent with other sections with the Waste Management Code.

Additionally, the current version does not adequately address the wide variety of recovered material and recycling centers that are licensed to operate in the area. Presently, there are some 23 individual recovered material and recycling facilities licensed by DPH. These facilities range from very small to quite large in operation and waste type. The proposed revision includes rules that will allow DPH to be more flexible dealing with different types and varieties of operations.

DEFINITION REVISIONS & ADDITIONS:

607.040.**NEW**. *Speculative Accumulation* means acquisition and/or storage of material(s) for the purpose of sale, use, reuse or recycling without a viable outlet or market for the material(s). Speculative accumulation refers to false claims that wastes will be recycled and/or the indefinite storage of waste before recycling.

For the accumulation of recovered materials to be legitimate, all of the following conditions must be met. If any one of these conditions is not met, then the material(s) may no longer be considered as Recovered Materials and are subject to the waste provisions of this section:

1. The material is potentially recoverable;
2. The material has a feasible means of being recovered; and
3. During the calendar year, a minimum of 75 percent of total recovered materials received by weight has been recycled or sent off site to be recovered.
4. Maximum storage capacity is not exceeded.

607.040.**NEW**. *Residual Waste* means waste material removed from incoming recovered material that will not be further recovered, recycled and/or converted by any other process or technology and will subsequently be disposed of in a landfill or in an otherwise approved waste disposal facility.

607.040.**New**. *Ancillary Recycling Operation* means the recycling portion of a facility's operations which constitutes less than fifty (50) percent of the facility's volume, weight, or gross revenue (whichever is less).

607.040.46. *Recovered Material Facility* means any collection (not manufacturing) facility or system that accepts recovered materials for on-site processing to resale to downstream

markets for conversion to raw materials or new products or reuse, for example, aluminum cans and scraps, tin, copper, glass, paper products, tires, plastics, bimetal and steel containers, ferrous and nonferrous metals, electronics and similar materials, and from which residual waste from the material does not exceed twenty five percent by weight. Activities such as book or clothing exchanges, and ancillary recycling operations are not recovered material facilities. Does not include organic processing facilities.

RECYCLING CENTER ORDINANCE REVISION:

Subchapter U.-Recovered Material Facilities

607.1200 Recovered Material Facility to be Licensed Annually. –

Any facility receiving recovered material(s) must apply for and receive an annual operating license. The license must be renewed annually by the anniversary date of the initial license. The initial fee for the facility shall be five hundred dollars (\$500.00). A license shall be issued by the Director upon submittal and approval of the following:

1. A request by the owner/operator for the issuance of a license;
2. Payment of license fee;
3. Written verification from the property owner of consent to operate a Recovered Material Facility on the property.
4. Written verification, including applicable zoning ordinances and conditional use permits, that the Facility complies with existing land use regulations.
5. A Recovered Material Facility Operations Plan as described below; and
6. A Closure bond.
7. Any additional information requested by the Director.

607.12XX – Annual Renewal

Despite the approval of a waste facility plan for a Recovered Material Facility for a fixed number of years, and the issuance of a license for the construction and operation of such facility, the operator of each facility shall apply to renew such license annually for each year beginning with each anniversary date of the issuance of the Director's approval to operate the facility. The renewal application shall be addressed and delivered to the Director at least thirty (30) days prior to each anniversary date of the initial approval to operate, and shall contain:

- (i) A request that a renewal license be issued for a period of one (1) year, and
- (ii) A report containing at least the following information:

1. Any changes in the Recovered Material Facility operation plan which must be made to reflect actual usage or conditions.
2. Total recovered materials received by weight at the facility during the previous year.
3. Total recovered materials re-claimed or processed by weight into usable materials from waste, during the previous calendar year.
4. Total offal or residual waste not re-claimed or processed into usable materials by weight, during the previous calendar year.
5. Any additional information requested by the Director.

The basic renewal licensing fee shall be assessed based on the previous year's reporting of weight of recovered material received by the facility according to the following schedule:

<u>0 to 25,000 tons</u>	<u>\$500</u>
<u>25,001 to 50,000 tons</u>	<u>\$1,000</u>
<u>50,001 tons and over</u>	<u>\$2,500</u>

607.12XX Recovered Material Facility Operations Plan. –An application to the Director for a license to operate a Recovered Material Facility shall contain a Recovered Material Facility Operations Plan for the construction, operation and closure of a Recovered Material Facility which shall include the following:

1. A legal description of the property on which the facility is to be located.
2. A description of the type of materials the Recovered Material Facility will accept.
3. A description of whether the accepted materials are potentially and feasibly recyclable.
4. The maximum storage capacity of material that will be allowed for proper management of the material.
5. The technology utilized to process and store the materials.
6. Drawings detailing the layout and operation of the Recovered Material Facility.
7. A description of the methodology to be employed to achieve a marketable recycled commodity or product.
8. Proposed days and hours of operation and how general operations are performed.
9. Closure cost for the facility.
10. Any additional information requested by the Director.

607.12XX Standards for Approval of Recovered Material Facility Operations Plan (Facility Plan).

1. The Director shall approve the Facility Plan, with or without modifications, or disapprove the Facility Plan based on the following criteria:

- a) The possible environmental effect on the properties nearby the proposed facility.
 - b) Whether the approval of the Facility Plan would in any way create a hazard or menace to the public health, and whether it would create a nuisance.
 - c) Whether the approval of the Facility Plan would violate the provisions of this chapter, other laws, or other ordinances or regulations of St. Louis County.
 - d) Storage of speculative accumulation of materials
2. Any Facility Plan submitted which does not satisfy the above criteria shall not be approved by the Director.
 3. The Director shall notify the applicant of the decision, whether approving the Facility Plan or disapproving the Facility Plan.

607.12XX Closure Bond.

1. No person shall operate a Recovered Material Facility without providing a bond for closure. The bond provided pursuant to this section shall be in an amount, as set forth in the Facility Plan and modified during each license renewal process, which assures that the facility will be properly closed if events occur which would require that the facility be closed. The closure bond amount shall be calculated by determining the cost at the time of license issuance or renewal for landfill or other approved disposal (including associated costs such as trucking, labor, equipment rental, etc...) for the maximum amount of materials allowed at the Facility in the approved Facility Plan. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the St. Louis County Treasurer, who shall give a receipt there for. If a cash bond is offered, the interest may be used to fulfill the bond obligation if necessary; however, to the extent such interest remains unused at the expiration of the bond, it shall be returned to the person providing the bond. If a corporate bond is offered, it shall be executed by a Surety or Guaranty Company qualified to transact business in the State of Missouri and filed with the St. Louis County Treasurer. The bond must be approved by the County Counselor.
2. Notwithstanding any provision of this section, municipalities and not-for-profit organizations operating a recycling center are not required to satisfy the requirements of this section regarding bonding.

607.12XX Additional Standards for Operation of Recovered Material Facility. –In addition to other applicable standards, Recycling Centers shall adhere to the following requirements:

1. Trained personnel shall be on duty at all times during operation of the Recovered Material Facility to assure that unacceptable materials are not accepted.
2. Signage shall be posted at or near the main entrance telling incoming clients what is acceptable at the recycling center, hours of operation, ownership contact information, regulatory agencies and phone numbers.

3. Operations at all times shall be consistent with the approved Facility Plan and shall be protective of the public health and environment.
4. Storage and staging areas shall be clearly designated for incoming materials and processing. Staging areas used for processing shall have sufficient space to allow safe operation and storage.
5. Compliance with handling, storage and disposal requirements for materials regulated under Federal, State and/or local jurisdictions shall be met.
6. Waters discharged from the facility shall be appropriately monitored and shall be in compliance with all applicable water quality standards.
7. Unloading and loading areas shall be cleaned as spillage occurs or as approved in the Facility Plan.
8. The operator of the Recycling Center shall control dust, dirt, particulate matter, and litter due to roadway traffic and Facility operations from migrating off site.
9. The operator shall minimize the generation of odors and implement corrective action should offensive odors be detected beyond the licensed perimeter of the facility.
10. Litter shall not leave the perimeter of the facility and shall be collected daily and placed in a secure container.
11. Residues, litter and processed waste not recycled or recovered shall be placed in containers appropriate for transporting such waste which will prevent sifting, falling, leaking or blowing from the transportation vehicle used for residue, litter and processed waste.
12. Waste storage areas shall be cleaned and disposed of at least weekly.
13. Materials for recycling or resource recovery shall be stored in a manner that will prevent vectors or aesthetic problems.
14. Vector control programs shall be implemented to prevent or rectify vector problems.
15. Materials stored at the recycling center shall not exceed the maximum amount approved in the Facility Plan unless otherwise stated below.
16. Material pile heights shall not exceed fifteen (15) feet unless otherwise stated in the Facility Plan.
17. Material pile widths shall not exceed twenty-five (25) feet unless otherwise stated in the Facility Plan.
18. The operator of the Recovered Material Facility shall not permit persons to scavenge in the receiving or processing areas of the Recovered Material Facility unless otherwise stated in the Facility Plan.
19. Access to the Recovered Material Facility shall be limited to those times when responsible and trained personnel are on duty unless otherwise stated in the Facility Plan.
20. Fire extinguishers shall be provided on all equipment.
21. Provisions shall be made for extinguishing fires in or on the site. Unless otherwise stated in the Facility Plan, an isolated designated area shall be reserved at all times for the emergency dumping of "hot loads" or loads suspected of being on fire. This area shall be accessible to on-site and off-site firefighting equipment and shall have available on-site sand or water or extinguishers for fire control.

22. Unless otherwise specified in the approved Facility Plan on-site storage of recovered materials shall not exceed six (6) months.

607.12XX

1. Right of Entry for Inspection and to Remedy Dangerous Conditions. –Because the disposal of recovered materials in a Recovered Material Facility presents unique problems of enforcement and because the consequences of improper processing of materials are potentially severe, the Director is authorized, with or without probable cause to believe that a specific violation exists, to enter and inspect recycling premises at any time to insure that the facility is being operated consistently with the recovered materials facility plan, this Chapter, and in the interests of the health and welfare of St. Louis County. Routine inspections shall be made during normal operational hours of the facility. Where there is a suspected threat to the health, safety or welfare of the County, including a violation of County ordinance or regulation, or any state or federal law, entry may be made at any time.
2. In addition to the actions authorized in Section 1, if the Director is or becomes aware of a violation of the provisions of the waste facility plan pertaining to the construction or operation of a landfill, waste processing facility, transfer station, or compost facility; or is or becomes aware of a violation of a provision of this Chapter pertaining to construction or operation of such facilities; or is or becomes aware of a condition which threatens the health and welfare of the County, the Director may make a reasonable attempt to notify the operator, or owner of the premises or person in possession if there is no license, and direct such person to correct the violation within twenty-four (24) hours. In the event the operator or owner or person in possession cannot be found or refuses to correct the violation within twenty-four (24) hours after notice in writing by the Director, the Director may, if deemed necessary in the interest of public health, enter upon the premises of the facility and, either with the equipment and employees of the operator or owner or person in possession, or with County-owned or -leased equipment and County employees, do such work as is necessary to correct any condition so noticed.
3. Upon completion of such work, the Director shall cause the total cost of such work to be determined and certify the same to the Accounting Officer. Upon approval of such report by the Accounting Officer, the report, with the approval of the Accounting Officer endorsed thereon, shall be transmitted to the County Collector, who shall assess the same as a special tax against each lot or parcel of ground chargeable therewith, in the name or names of the owner or owners thereof.
4. All such special tax bills issued for such work shall be collectible by suit brought by the County Counselor in the name of the County. Such special tax bills and any action thereon, shall be prima facie evidence of the regularity of the proceedings for such special assessment, the validity of the bill, the doing of the work, and of the furnishing of the material charged for, and of the liability of the property to the charged stated in

the bill, including the costs of bringing the action as a part of the cost of doing the work. Each said special tax bill shall include a charge of Three Dollars (\$3.00) for inspecting the same and giving the notice, and further charge of One Dollar (\$1.00) for issuing and recording the tax bill. Such tax bills if not paid within thirty (30) days after issuance shall bear interest at the rate of eight percent (8%) per annum.

607.12XX License Suspended or Revoked; When; How.

1. A license for operation of a recycling facility may be suspended or revoked, following hearing before the Director, for anyone or more of the following reasons:
 - a) Failure to comply with the provisions of the recovered material facility operation plan.
 - b) Failure to comply with the provisions of this Chapter applicable to the facility.
 - c) Failure to operate the recycling center in a manner consistent with the public health and welfare and the health and welfare of persons operating and using the facility.
2. For a violation of any of the above, the Director shall suspend the license of the operator to operate the Recovered Material Facility during the period such violation continues to exist; or, if the violation can only exist during operation, the suspension shall be until such time as the operator establishes a procedure satisfactory to the Director which remedies the violation.
3. For a willful misstatement of facts contained in any application or renewal application, the Director may suspend or revoke the license or renewal license.
4. When a Recovered Material Facility which has previously been opened and has accepted recovered materials but has not received any recovered materials for a twelve-month period, the Director may revoke the license to operate such facility. In such event, the operator shall immediately begin the closure procedure established by the recycling center facility operation plan.

607.12XX Procedure for Suspension or Revocation Hearing. –The Director shall provide at least ten (10) calendar days' notice to the operator of the hearing to be held to consider the suspension or revocation of the license of the operator to operate a Recovered Material Facility. The hearing shall be open to the public.