

CHAPTER 10. SOLID WASTE MANAGEMENT

Article 1. GENERAL PROVISIONS	1
Article 2. DEFINITIONS	1
Article 3. SOLID WASTE STORAGE.....	4
Article 4. SOLID WASTE COLLECTION AND TRANSPORTATION.....	6
Article 5. SOLID WASTE PROCESSING FACILITIES	8
Article 6. PERMITS.....	9
Article 7. DOUGLAS COUNTY SOLID WASTE MANAGEMENT PLAN...	10
Article 8. REFUSE VEHICLE COVERS	11

ARTICLE 1. GENERAL PROVISIONS

- 10-101 SCOPE AND CONTENT. These rules and regulations establish minimum standards for the storage, collection, transportation, processing, utilization and final disposal of solid waste by any person, industry, or city in Douglas County. These regulations will not interfere with the right of incorporated areas to enact ordinances for control of solid waste management practices. (Res. 18-04, Sec. 1)

ARTICLE 2. DEFINITIONS

- 10-201 DEFINITIONS. For the purposes of this article the following terms are deemed to have the meaning indicated below:
- a) Board -- The Board of Commissioners of Douglas County, Kansas.
 - b) Bulky Waste -- Items of refuse too large to be placed in refuse storage containers, including, but not limited to, appliances, furniture, tires, large auto parts, motor vehicles, trees, branches and stumps.
 - c) Clean Rubble -- Materials defined by KSA 65-3402 (w), means the following types of construction and demolition waste: Concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the Secretary.
 - d) Clean Rubble Landfill – A permitted solid waste disposal area used solely for the disposal of materials defined by KDHE as ‘clean rubble’.
 - e) Commercial Solid Waste -- All solid waste emanating from establishments engaged in business including, but not limited to, solid waste originating in stores, markets, office buildings, school institutions, restaurants, shopping centers and theaters.

- f) Construction and Demolition Waste -- As defined in KSA 65-3402 (u) and amendments thereto; as solid waste resulting from construction, remodeling, repair or demolition of structures, roads, sidewalks and utilities. Construction and demolition waste must not include waste material containing friable asbestos, garbage, furniture, appliances, electrical equipment containing hazardous materials, tires, drums and containers, even though such wastes resulted from construction and demolition activities. Clean rubble that is mixed with other construction and demolition waste during demolition or transportation is considered to be construction and demolition waste.
- g) Construction and Demolition Landfill -- A permitted solid waste disposal area used exclusively for the disposal of construction and demolition wastes. This term does not include a site that is used exclusively for the disposal of clean rubble.
- h) County -- When used in reference to a geographical area, the entire area within Douglas County's boundaries as set out in K.S.A. 18-187, including any incorporated areas within Douglas County.
- i) Dump -- A collection or consolidation of solid waste from one or more sources at a central disposal site which has little or no management.
- j) Garbage -- Animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and includes unclean containers.
- k) Hazardous Wastes -- material determined to be hazardous waste as specified by KDHE regulations.
- l) Incineration -- The controlled process of burning solid, liquid and gaseous combustible wastes for the purpose of volume and weight reduction in facilities designed for such use and approved by KDHE.
- m) Incinerator -- Any device or structure used for the destruction, or volume reduction of solid waste by combustion pursuant to disposal or salvaging operations.
- n) Industrial Waste -- All solid waste normally generated by industrial and manufacturing operations, which may include metal, plastic or similar materials produced by commercial operations, but does not include garbage, construction and demolition waste, hazardous waste, bulky waste, manure or commercial solid waste.
- o) KDHE -- Kansas Department of Health and Environment.
- p) K.S.A. -- Kansas Statutes Annotated.
- q) Mixed Refuse -- A mixture of solid waste containing both putrescible and non-putrescible materials.

- r) Non-Putrescible Wastes -- Solid waste that contains no organic matter capable of being decomposed by microorganisms nor is capable of attracting or providing food from birds and disease vectors.
- s) Nuisance -- (1) a situation that is injurious to health or offensive to the senses or that obstructs the free use of property in a manner that interferes with the comfortable enjoyment of life or property or a situation that adversely affects the entire community or neighborhood, or (2) any substantial number of persons, even though the extent to the annoyance or damage inflicted upon individuals may be unequal, and (3) is caused by or is a result of the handling or disposal of solid wastes.
- t) Other landfill -- Any permitted type of landfill not specifically defined in these definitions.
- u) Processing of Wastes -- The extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal.
- v) Putrescible Wastes -- Solid waste that contains organic matter capable of being decomposed by microorganisms and that is capable of attracting or providing food from birds and disease vectors.
- w) Refuse -- Unwanted or discarded material resulting from commercial, industrial and agricultural operations and from normal community activities. Refuse includes in part the following: garbage; rubbish; ashes and other residue after burning; street refuse; dead animals; animal waste; motor vehicles; agricultural, commercial and industrial waste; construction and demolition waste, and sewage treatment residue; provided, however, that the term "refuse" does not include any uncontaminated earth, stone or minerals.
- x) Rubbish -- Non-putrescible solid waste consisting of both combustible and noncombustible wastes such as paper wrappings, cigarettes, cardboard, cans, yard clippings, leaves, wood, glass, rags, bedding, crockery, and similar materials.
- y) Salvaging -- The controlled removal of reusable materials from solid waste.
- z) Secretary -- The secretary of the Kansas Department of Health and Environment.
- aa) Solid Waste Management -- The entire process of storage, collection, transportation, processing, and disposal of solid wastes by any state agency, city, authority, county or any combination thereof, or by any person engaging in such process as a business.

- bb) Solid Waste -- as defined in K.S.A. 65-3402(a) as discarded materials including, but not limited to garbage, refuse, waste tires as defined by K.S.A. 65-3424, and amendments thereto, and other discarded materials including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous wastes as defined by subsection (f) of K.S.A. 65-3430, and amendments thereto, recyclables or the waste of domestic animals as described by subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.
- cc) Solid Waste Landfill -- Any permitted area used for the disposal of solid waste materials defined by K.S.A. 65-3402 from more than one residential premise, or one or more commercial, industrial, manufacturing, or municipal operation.
- dd) Solid Waste Processing Facility -- Incinerator, composting facility, waste-to-energy facility, transfer station, reclamation facility or any other location where solid wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being transported to a final disposal site. This term does not include a scrap material recycling and processing facility.
- ee) Vector (of Disease) -- Rodents, flies, mosquitoes, or other pests capable of transmitting disease to humans.

(Res. 18-04, Sec 1.)

ARTICLE 3. SOLID WASTE STORAGE

- 10-301 GENERAL. The owner and/or occupant of any dwelling, business establishment or industrial plant must provide sanitary storage for all solid waste not classified as hazardous wastes produced on his or her property which meets standards set forth in this chapter or standards in the municipality in which such is located. All solid waste must be stored so that (1) it does not attract rats, flies, mosquitoes or other vectors; (2) it does not provide shelter or a breeding place for vectors; (3) it does not create a health or safety hazard; (4) it is not unsightly; and (5) the production of offensive odors is minimized. Each premise must be provided with a sufficient number of acceptable containers to accommodate all solid waste materials other than bulky wastes that accumulate on the premises between scheduled removal of these materials. The containers and the area surrounding them must be maintained in a clean, neat and sanitary condition at all times. (Res. 18-04, Sec. 1)

10-302 **SOLID WASTE STORAGE CONTAINERS.** Solid waste from residential, commercial and industrial establishments must be stored in acceptable solid waste containers meeting these standards and of a size and configuration acceptable to the collection agency or company. Acceptable containers must be leak proof, waterproof, vector proof and equipped with a closefitting lid and handles or bails. On commercial and industrial premises where the quantity of waste generated is large and where the use of individual storage containers is impractical, bulk containers may be used for on-premise storage of waste. The bulk container may be equipped with compaction equipment and must be of such size, design, and capacity as to be compatible with the collection equipment. Containers are required to be constructed of durable metal or plastic material; be easily cleaned, and be equipped with tight-fitting lids or doors that can be easily opened and closed. (Res. 18-04, Sec. 1)

10-303 **SPECIFIC STORAGE STANDARDS FOR GARBAGE AND PUTRESCIBLE WASTE.** Garbage and putrescible wastes must be stored in:

- a) Rigid containers that are durable, rust resistant, nonabsorbent, water tight and rodent proof. The container must be easily cleaned, fitted with close fitting lids, fly tight covers, and provided with suitable handles or bails to facilitate handling; or
- b) Rigid containers equipped with disposable liners made of reinforced kraft paper or polyethylene or other similar material designed for storage of garbage; or nonrigid disposable bags designed for storage of garbage. The bag must be provided with a wall-hung or free standing holder which supports and seals the bag; prevents insects, rodents and animals from access to the contents; and prevents rain and snow from falling into the bag; or
- c) Other types of containers meeting the general requirements of section 10-301 and acceptable to the collection agency.

(Res. 18-04, Sec. 1)

10-304 **MIXED REFUSE.** When garbage and putrescible wastes and nonputrescible refuse are stored together, the container must meet the standards and requirements for garbage containers. On premises where the quantity of refuse generated is large and where the use of individual storage containers is impractical, bulk containers may be used for on-premises storage of refuse. The bulk container may be equipped with compaction equipment and must be of such size, design, and capacity as to be compatible with the collection equipment. Containers must be constructed of durable metal or other non-rusting material which does not become brittle in cold weather; can be easily

cleaned, and equipped with tight-fitting lids or doors that can be easily closed and opened. (Res. 18-04, Sec. 1)

10-305 HAZARDOUS WASTES. Hazardous wastes must be stored in compliance with KDHE requirements and in a manner which will prevent spillage, leakage of liquids, and/or the concentration or generation of harmful or explosive vapors or offensive odors from the stored materials. Containers for hazardous wastes must be durable, corrosion resistant, water-tight construction and must be provided with tight-fitting lids or covers. Containers must be properly labeled, and kept in safe location protected from tampering by unauthorized persons. Other types of storage containers may be used when written approval of KDHE has been obtained for use of a container at a specific location for a specific purpose. All piping, valves and other appurtenances associated with the storage and transfer of hazardous wastes must be constructed of corrosion-resistant materials and must be maintained in a leak-proof condition. (Res. 18-04, Sec. 1)

10-306 NONPUTRESCIBLE BULKY WASTES. Nonputrescible bulky wastes must be stored for collection in any manner that does not create a health hazard, fire hazard, rodent harborage, or permit any unsightly conditions to develop. (Res. 18-04, Sec. 1)

ARTICLE 4. SOLID WASTE COLLECTION AND TRANSPORTATION.

10-401 GENERAL. All solid waste generated within Douglas County must be removed from the premises on which it was generated at least once each week or more frequently as necessary to prevent nuisance conditions from occurring as determined by the Douglas County Health Department. (Res. 18-04, Sec. 1)

10-402 RESIDENTIAL SOLID WASTE COLLECTION.

- a) Incorporated Areas-- In the cities of Lawrence, Baldwin City, Eudora and Lecompton the collection of residential solid waste is left to the discretion of each municipality.
- b) Unincorporated Areas-- In the unincorporated areas of the county individual residents are responsible for the handling, disposal and cost of their own solid waste. Each resident has the option of transporting his or her solid waste to a KDHE permitted landfill, and be responsible for gate fee(s), or employing a licensed private solid waste collector of his or her choice.

- c) Frequency of Collection-- Garbage and putrescible materials must be removed from residential properties at least once each week or as often as necessary to prevent unhealthy or nuisance conditions. Bulky wastes, free of putrescible material, must be removed from properties as often as necessary to prevent nuisance conditions from occurring.

(Res. 18-04, Sec.1)

10-403 COMMERCIAL AND INDUSTRIAL SOLID WASTE COLLECTION. The owner and/or occupant of each commercial or industrial establishment is responsible for the collection of all solid waste generated upon any such premises. All such commercial and industrial solid waste must be collected and transported in accordance with sections 10-403 (a) or (b) whichever is applicable.

- a) Incorporated Areas -- In the cities of Lawrence, Baldwin City, Eudora and Lecompton, the collection and transportation of commercial and industrial solid waste is left to the discretion of each municipality.
- b) Unincorporated Areas -- In unincorporated areas of the county each commercial or industrial establishment has the option of transporting its own solid waste to a KDHE permitted landfill or employ a licensed private solid waste collector of its choice.
- c) Frequency of Collection -- Garbage and putrescible materials must be removed from commercial and industrial properties at least once each week or as often as necessary to prevent unhealthy or nuisance conditions. Non-putrescible materials must be removed from commercial and industrial properties as often as necessary to prevent overfilling of storage facilities or creation of fire hazards. Bulky wastes, free of putrescible material, must be removed from properties as often as necessary to prevent nuisance conditions from occurring.

(Res. 18-04, Sec. 1)

10-404 HAZARDOUS WASTES. Hazardous materials must be stored in compliance with KDHE requirements and be removed from commercial and industrial premises as often as is necessary to prevent explosions or fire hazards. Whenever hazardous wastes, in any quantity which could be reasonably expected to be hazardous to public health or the environment, are to be transported off the premises to a disposal site, the producer of such wastes: (1) must render them harmless, or issue a bill of lading to accompany each shipment of wastes; (2) provide such information as is necessary to insure safe handling; (3) and make prior arrangements with the management of the disposal area, processing facility, or salvage company, to permit the operation

of the disposal area to be altered as is necessary for safe handling. Every producer of hazardous wastes must provide labels for all containers. (Res. 18-04, Sec. 1)

- 10-405 **COLLECTION EQUIPMENT.** All vehicles and equipment used for collection and transportation of solid waste materials must be designed, constructed, maintained and operated in a manner that will prevent the escape of any solid, semi-liquid, or liquid wastes from the vehicle or container. No solid waste can be transported in the loading hopper of compaction-type bodies. All vehicles used for the collection and transportation of solid waste in Douglas County must be maintained in a safe, clean and sanitary condition.

Inspection of Collection Vehicles -- All vehicles used for solid waste collection must comply with state statutes relating to required inspections, mechanical safety of equipment and safe operation of motor vehicles.

(Res. 18-04, Sec.1)

ARTICLE 5. SOLID WASTE PROCESSING FACILITIES

- 10-501 **GENERAL.** Solid wastes must be disposed of at a processing facility or disposal site complying with all requirements of KDHE and appropriate zoning regulations of Douglas County. No person can dispose of any solid waste by depositing or dumping the same in or upon any street, alley, road, highway, park or public grounds, or along the banks, or in any river, stream, drainage canal, drainage ditch, creek, or natural water course, or any other place within Douglas County except at an approved processing facility or disposal site. All commercial private solid waste collectors must be able to prove, through dumping receipts, continuous use of such processing facility or disposal site.

(Res. 18-04, Sec. 1)

- 10-502 **INCINERATORS.** Combustible solid waste may be burned in incinerators that conform to the provisions of the air quality control act K.S.A. 65-3001 and all local zoning regulations, and which are approved by the KDHE and Douglas County zoning. (Res. 18-04, Sec. 1)

- 10-503 **TRANSFER STATIONS AND WASTE SHREDDING PLANTS.** Solid wastes may be shredded, separated, and consolidated at shredding or separating plants or transfer stations which are approved by KDHE and is subject to local

county requirements including local approval (zoning or land use) and local permits to operate the sites as a transfer station. (Res. 18-04, Sec. 1)

- 10-504 **SOLID WASTE DISPOSAL FACILITIES.** All nonhazardous solid wastes and residues from solid waste processing operations must be disposed of in registered solid waste landfills located on sites approved by KDHE and is subject to local county requirements including local approval (zoning or land use) and local permits to operate the sites as a solid waste disposal facility.

No materials of a hazardous nature, including but not limited to, sewage solids, oil sludge, dye concentrates, waste chemicals, pathological and biological wastes, radioactive materials or explosives, shall be disposed of in a solid waste landfill until the locations, method of disposal, and site factors have been evaluated by KHDE and the Douglas County Health Department and the specific arrangements for handling the materials have been approved.

Nonputrescible rubble and construction and demolition waste materials must be disposed of in an approved construction and demolition landfill holding valid permits from KDHE and is subject to local county requirements including local approval (zoning or land use) and local permits to operate the site as a construction and demolition landfill. (Res. 18-04, Sec. 1)

ARTICLE 6. PERMITS.

- 10-601 **CLEAN RUBBLE LANDFILL PERMIT.** State statutes do not require a solid waste permit for operation of a site that accepts only clean rubble. However, a clean rubble site is subject to local county requirements including local approval (zoning or land use) and local permits. Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment. (Res. 18-04, Sec.1)

- 10-602 **CONSTRUCTION AND DEMOLITION LANDFILL PERMIT.** Any person may establish and operate a private landfill for the disposal of construction and demolition wastes provided he or she must first apply for and obtain a permit from the Kansas Department of Health and Environment and is subject to local county requirements including local approval (zoning or land use) and local permits to operate the sites as a landfill for construction and demolition wastes and may do so as long as the permit remains in force and the site is operated in accordance with the provisions of this article and the specific

requirements of the permit. Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment. (Res. 18-04, Sec. 1)

10-603 OTHER LANDFILL PERMIT. Any type of landfill not specifically defined in these definitions. Disposal may require approval by KDHE through a permit process and is subject to local county requirements including local approval (zoning or land use) and local permits. Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment. (Res. 18-04, Sec. 1)

10-604 SOLID WASTE LANDFILL PERMIT. Solid waste disposal must be approved by KDHE through a permit process and is subject to local county requirements including local approval (zoning or land use) and local permits. Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment. (Res. 18-04, Sec. 1)

ARTICLE 7. DOUGLAS COUNTY SOLID WASTE MANAGEMENT PLAN

10-701 SOLID WASTE MANAGEMENT PLANNING REGION. As provided in K.S.A. 65-3405, Douglas County will participate with Jefferson County to comprise a Solid Waste Planning Region. (Res. 18-04, Sec.1)

10-702 SOLID WASTE MANAGEMENT PLANNING COMMITTEE. In accordance with K.S.A. 65-3405, the solid waste management planning region will establish a regional Solid Waste Planning Committee. The Douglas County Public Works Director will co-chair the regional committee. The Solid Waste Management Planning Committee: (1) is responsible for preparation of the regional solid waste management plan; (2) reviews the plan at least annually with a more thorough review and update every 5 years; and (3) provides each county a report to the Board containing the results of the annual reviews or 5-year updates, including recommendations for revisions to the plan. (Res. 18-04, Sec.1)

10-703 ADOPTION. The Douglas-Jefferson Counties Regional Solid Waste Management Plan, as most recently reviewed, updated and approved by

KDHE, is hereby adopted for implementation according to law in Douglas County. (Res. 18-04, Sec. 1)

ARTICLE 8. REFUSE VEHICLE COVERS

- 10-801 REFUSE VEHICLE COVERS; DEFINITIONS. The following words and phrases when used in this article have the meanings respectively ascribed to them in this section.
- a) Person means individual, partnership, firm, trust, company, association, corporation, institution, or political subdivision.
 - b) Solid waste means garbage, refuse, trash, debris or other discarded materials including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial (including construction activities), agricultural and domestic activities. Such term does not include agricultural products of any kind or materials used in the construction, maintenance or improvements of highways and roads.
 - c) Vehicle means every device in, upon or which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (Res. 18-04, Sec. 1)
- 10-802 TRANSPORTATION OF SOLID WASTE WITHOUT COVER PROHIBITED. It is unlawful for any person to operate or cause to be operated a vehicle containing solid waste unless the solid waste contained in such vehicle is fully covered by a metal, wood, canvas, plastic or other cover material adequate to secure such solid waste to the vehicle to prevent spilling, leaking, blowing or other loss of the solid waste from the vehicle. (Res. 18-04, Sec. 1)
- 10-803 SAME; PENALTY. Any person convicted of violating section 10-902 will be fined as follows:
- a) Upon a first conviction, the fine will not be less than \$50 nor more than \$1000; or
 - b) Upon a second or subsequent conviction, the fine will not be less than \$100 nor more than \$1000. (Res. 18-04, Sec. 1)
- 10-804 SAME; APPLICATION TO UNINCORPORATED AREAS AND CERTAIN CITIES. Article 9 is effective within the unincorporated areas of the county. The governing body of any city in Douglas County may consent to the operation of this article within the corporate limits of such city by adoption of a resolution.