ORDINANCE NO. 3

AN ORDINANCE ESTABLISHING MINIMUM HEALTH AND SAFETY STANDARDS FOR THE OPERATION OF SOLID WASTE TRANSFER STATIONS WITHIN ALAMOSA COUNTY AND PROVIDING FOR A PERMIT SYSTEM IN CONNECTION THERewith.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY, COLORADO:

ARTICLE I

PURPOSE, SCOPE AND APPLICABILITY

A. The purpose of this Ordinance is to establish minimum health and safety standards for the operation of transfer stations within Alamosa County. The criteria applies to all transfer stations at which refuse generated off-site awaits transportation to approved solid waste disposal sites and facilities. At such sites, refuse may be transferred from one type of containerized collection receptacle, is processed by shredding, baling, or compaction and then placed into another receptacle. Other waste management and disposal activities conducted at the site of the transfer station may require regulation and permitting by the Colorado Department of Health.

B. A permit shall be required for each and every transfer station located in Alamosa County. A fee for said permit will be set by resolution by the Board of Alamosa County Commissioners. Final approval of any permit shall be the sole responsibility of the Board of County Commissioners of Alamosa County after proper review and public hearing on the submitted operating plan.

C. The Board of County Commissioners of Alamosa County shall notify the Colorado State Department of Health of all approved transfer station permits.

D. This Ordinance shall not pertain to facilities designed for resource recovery, such as a materials recovery facility (MRF) or intermediate processing centers.

E. Transfer stations shall comply with the health laws, standards, rules, and regulations of the Colorado Department of Health, the storm water rules of the water quality control commission, the air quality control commission, and all applicable local laws, ordinances and regulations.

ARTICLE II

DEFINITIONS

A. "Transfer Station" means a facility at which refuse, awaiting transportation to a disposal site, is transferred from one type of containerized collection receptacle and is processed by shredding, baling, or compaction and then placed into another receptacle.
ARTICLE III

OPERATING PLAN

Owners or operators desiring a transfer station permit from Alamosa County shall develop a plan which contains, at a minimum, descriptive response of compliance in the following areas: General Data; Design Criteria; Property (On Site); and Site Operation.

GENERAL DATA

A. Name(s) and Address(es) and telephone number(s) of the owner and operator. Name and address and phone number of the person(s) operating the facility and having the authority to take corrective action in an emergency.

B. Facility mailing address, county and legal description including quarter (¼) section, section, township and range.

C. Regional map depicting service area existing and proposed.

D. Vicinity map showing access and service roads, zoning and land use, residences, water wells and the location of all surface water bodies, the location of 100 year flood plain boundaries, and all manmade or natural features relating to the facility within a one-half (½) mile radius.

E. Site map showing adjacent properties including land use, property owners names and addresses, site property boundaries and area (acres). If proposed site is adjacent to public roads or streets, include the properties across the street or road. The map must show the present site conditions and the projected site utilization including all site structures (such as buildings, fences, gates, entrances and exits, parking areas, on-site roadways and signs) and the location of all water supplies and utilities. This site map shall be certified by a state licensed surveyor or engineer.

F. Site maps and drawings showing all the proposed structures and areas designated for unloading, bailing, compacting, storage, and loading, including the dimensions, elevations and floor plans of these structures and areas, including the general process flow.

G. Facility’s drainage system and water supply system.

DESIGN CRITERIA

A. Unloading and loading areas shall be within an enclosed structure that is:

1. Of sound construction approved by Board of County Commissioners of Alamosa County.

2. A minimum of 5,000 square feet unless cause can be shown that a lesser square foot design would be acceptable to Board of County Commissioners of Alamosa County.

3. Adequate in size to facilitate efficient unloading from one collection vehicle and one public passenger vehicle.

4. Designed to provide the unobstructed movement of vehicles.
5. Constructed with f of concrete or asphalt paving material equipped with adequate drainage structures and collection system to comply with off-site water standards.

6. Constructed with sufficient internal storage: to provide for incoming solid waste and in case of mechanical breakdown, to provide adequate area for twenty-four (24) hours of average solid waste flow.

7. Constructed with exhaust removal systems adequate to provide a safe working environment within the enclosure.

8. Constructed with barriers to prevent backing into pits while unloading.

B. PROPERTY (ON SITE)

Property on which transfer station is located shall be:

1. Zoned properly for transfer usage.

2. Must be a minimum of four acres unless cause can be shown that a lesser acreage is acceptable to Board of County Commissioners of Alamosa County.

3. Parameters must be fenced on all sites to include gates that:
   A. Prevent unauthorized entry to the facility when the facility is closed.
   B. Retain blowing debris on-site.
   C. Are a minimum of eight feet in height.
   D. Do not obstruct vehicle traffic flow during loading and unloading of solid waste.

4. On-site signage must be posted at all access points to denote:
   Hours of operation
   Types of wastes accepted
   Types of wastes not accepted
   Emergency telephone numbers
   Responsible party contact

5. Water at facility must be adequate for employee sanitation needs, equipment and floor cleaning and fire protection.

6. Because a well landscaped site can serve as a buffering of industrial development, serve to control erosion and dust, reduce air pollution, cool temperatures and otherwise minimize off-site nuisance; a 50 foot landscaped buffer zone shall be provided between the required fence and nearest property line that is not adjacent to a public roadway. A landscaped buffer zone of twenty-five (25) feet must be provided between the fence and property line that is adjacent to a public roadway. Plans for such landscaping (including landscaped berms where appropriate) and irrigation must be approved by the Board of County Commissioners of Alamosa County. The plans must show the actual location and
plants selected. Such landscaping shall be kept and maintained in good order and condition.

C. ON SITE ROADWAYS

On site roadways shall be designed to accommodate expected traffic flow in a safe and efficient manner to include:

1. Road surface design suitable for heavy vehicles and the road base shall be capable of withstanding expected loads.
2. Roads passable in all weather conditions by loaded collection and transfer vehicles.
3. Snow removal provided for by the permits.
4. Safe passage for both large/heavy collection and transfer vehicles and private passenger vehicles. Separate access for the two types is mandatory unless waived by Board of County Commissioners of Alamosa County.

D. SITE OPERATION

Waste characterization

1. Only residential and commercial waste shall be accepted at transfer stations. Wastes such as medical waste, hazardous waste, asbestos waste, dead animals, tires and contaminated soil are special wastes and shall not be accepted at transfer stations.

Unloading Supervision

1. A trained attendant will supervise the unloading of solid waste at all times the facility is open to the public. The attendant will be responsible for rejecting unauthorized waste and for the health and safety of those in the unloading area.

Personnel

1. All personnel will be properly supervised and trained in the following areas, as a minimum standard and may include higher standards at the discretion of Board of County Commissioners of Alamosa County or employer.
2. Personnel shall be trained in the recognition of unauthorized waste such as PCB’s and hazardous waste.
3. Personnel shall be trained to follow operational plans to include record keeping and notation of exceptions to operation plan.
4. Equipment operation by personnel shall be restricted to those personnel trained for that equipment.
E. NUISANCE CONTROL

All reasonable measures shall be employed to insure the proper management of the following so as to prevent a hazard to human health:

1. Collect, properly contain and dispose of scattered litter, including frequent policing of the area and the use of wind screens where necessary.
2. Control of noise, dust and odors.
3. Prevent the attraction of breeding and emergence of birds, insects, rodents and other vectors.

F. OFF-SITE WATER

Control measures shall be provided to protect surface and ground waters, including run-off collection and discharge, designed and operated to handle a twenty-four hour, twenty-five year storm and equipment cleaning and washdown water.

G. FIRE PROTECTION

Fire protection equipment shall be available at all times. A fire protection plan including provisions to prevent the spread of fire to adjoining property shall be approved by the local fire department.

H. OPERATIONAL RECORDS

Records shall be maintained at facilities with permanent operating mechanical equipment. These records shall include a daily log of the quantity of solid waste received and transported, specifying the origin of the solid waste transported daily, as-built construction details and variations from approved operations procedures.

I. CONTINGENCY PLAN

Contingency plans specifying the procedures to be followed to handle situations such as the following shall be available at all times to the transfer station attendants:

1. Hazardous material incident, including emergency response contacts, equipment, identification of trained personnel and notification procedures;
2. Contamination of surface water or ground water;
3. Nuisance conditions on site or confirmed beyond the site boundary; and
4. Alternate solid waste handling system for periods of inability to operate or delays in transporting solid waste due to fires, unusual traffic conditions, equipment breakdown, hot loads, or other emergencies or undesirable conditions.

J. CLEANING

Facilities handling more than 100 cubic yards of waste per day shall be cleaned daily of all loose materials and litter, by wash-down or other approved methods, to prevent odors and other
nuisance conditions. All residuals shall be properly removed and disposed of. All boxes, bins, pits or other container type used shall be cleaned on an approved schedule.

K. STANDING WATER

All floors shall be free from standing water. All drainage from cleaning areas shall be discharged to sanitary sewers or other methods that meet local pretreatment standards.

L. STORAGE

Adequate storage space for incoming solid waste shall be available at the transfer station. Solid wastes must be loaded into the containerized collection receptacles on the same day it arrives at the transfer station. Uncompacted solid wastes will not be allowed to remain in the transfer station overnight. Removal of all putrescible solid waste from the transfer station whenever transfer containers are full, or weekly, whichever comes first, is also required. Uncleaned transfer vehicles containing putrescible material shall not be parked on public streets or roads except under emergency conditions. Adequate off-street parking for facility vehicles shall be provided.

M. TRANSFER

All solid waste received at a transfer station shall be transferred as soon as practicable. All solid wastes arriving at the transfer station that are not transferred within twenty-four (24) hours of receipt shall be placed in closed containers, or other means of cover acceptable to the County, that deter waste, birds, insects, rodents and other vectors from reaching wastes.

N. FINAL DISPOSAL

All solid waste passing through the transfer station shall be ultimately treated or disposed of in an approved solid waste disposal site and facility.

ARTICLE IV

SMALL VOLUME TRANSFER STATION EXCLUSION

A small volume transfer station is defined as any transfer station that accepts solid waste only from private passenger vehicles and/or trash collection vehicles owned by the transfer station operator and average daily flow is under thirty-five cubic yards. The following design criteria may be downsized as the Board of County Commissioners of Alamosa County finds adequate to allow compliance with site operation standards:

- Square footage of the building that is to serve as the loading/unloading structure.
- Acreage of property on which transfer station is to be located.
- Buffer zones requirements.
- On-site water requirements as long as sanitation and fire protection is provided.

A series of small volume transfer stations may not be substituted for one large centrally located transfer station. The Board of County Commissioners of Alamosa County shall determine number and location of small volume transfer stations under this exclusion clause.
ARTICLE V
CLOSURE

A. Plans for final closure of transfer station shall be approved by the Board of County Commissioners of Alamosa County and shall include:

1. Removal of all stored solid waste.
2. Removal of all collected liquids.

B. Notification of either temporary or permanent closure shall be in writing to the Board of Alamosa County Commissioners.

ARTICLE VI
HEARING, NOTICE AND POSTING

Upon receipt of the information required by this Ordinance, the Board of County Commissioners of Alamosa County shall schedule a public hearing for consideration of the requested permit. Notice of such hearing shall be advertised once a week for two weeks, being three consecutive weekly insertions. The first publication shall be at least fifteen (15) days prior to the hearing date. Such notice shall state the present zone classification, the name of the applicant, the name of the owner of the property, that a solid waste transfer permit has been requested, the legal description of the property, the time and place of hearing.

Upon notification of the date and time of the public hearing, the Alamosa County Land Use Administrator shall post the property proposed for the permit. Such posting shall be in the locations specified by the Board of County Commissioners. Wording will state the present zone classification, that a transfer station permit has been requested for the premises, the name of the applicant, and the time and place of hearing.

On the date of the public hearing, the Alamosa County Land Use Administrator shall verify that the signs were posted at least fifteen (15) days prior to the hearing. The Board of County Commissioners shall conduct the hearing and review all evidence for and against the permit. At the conclusion of the public hearing, the Board of County Commissioners may approve or disapprove further study. In any event, a final decision shall be rendered within forty-five (45) days of the public hearing, unless an extension of time is mutually agreed to between the applicant and the Board of County Commissioners.

ARTICLE VII
FINANCIAL ASSURANCE

As a condition of issuance of the requested permit the Board of County Commissioners may require financial assurances from the applicant in the form of a Performance Bond, or other assurance, in an amount to be determined by the Board of County Commissioners for the full and faithful performance of the requirements of this Ordinance, including, but not limited to closure and any environmental damages to the property on which the transfer station is constructed or operated.

The bond(s) shall in all respects conform to the requirements of the law of the State and shall (1) name Alamosa County as obligee, and (2) be in a form and issued by a licensed surety satisfactory to
the Board of County Commissioners of Alamosa County.

The premium for any required bond(s) shall be paid by the applicant.

ARTICLE VIII

WITHDRAWAL OF APPROVAL FOR AND ISSUANCE OF PERMIT

The Board of County Commissioners may withdraw any approval and revoke any permit if and when it is determined that information provided by the applicant, upon which the decision to issue the permit was based, is false or inaccurate.

ARTICLE IX

PENALTY

Any violation of any of the provisions of this Ordinance shall be punishable by a fine of not more than three hundred dollars ($300.00) for each violation or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment.

Each day during any portion of which any violation of this Ordinance is committed or continued by any person, firm or corporation shall constitute a separate offense and shall be punishable as herein provided.

ARTICLE X

ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Alamosa County Sheriff's Department.

ARTICLE XI

NUISANCE

Any site, constructed, altered, enlarged, converted, or maintained contrary to the provision of this Ordinance shall be, and the same is hereby declared, unlawful and a public nuisance.

The County Attorney, when directed by the Board of County Commissioners, shall take whatever action is deemed appropriate for the abatement or removal and enjoinder of any violation of this Ordinance, in the manner provided for by law, and shall take such steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate, remove, restrain and enjoin such persons, firm or corporation from using any real property contrary to the provisions of this Ordinance.
ARTICLE XII

DISPOSITION OF FINES

All fines imposed and collected for the violation of this Ordinance shall be paid into the general fund of Alamosa County.

ARTICLE XIII

SEVERABILITY CLAUSE

If any of the various provisions of this Ordinance are determined by a court of law to be invalid, such determination shall not affect the remaining provisions of this Ordinance.

ARTICLE XIV

INTERPRETATION

In the interpretation and application, provisions of this Ordinance shall be held to the minimum requirements. Where this Ordinance imposes greater restrictions than are imposed or required by other rules, regulations, resolutions or ordinances, provisions of this Ordinance shall control.

ARTICLE XV

JUDICIAL REVIEW

Any person applying to the courts for a review of any decision made under the terms of this Ordinance shall apply for review within thirty (30) days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings and the application for review shall be in the nature of certiorari under Rule 108(a)(4) of the Colorado Rules of Civil Procedure. Alamosa County shall be entitled to appeal any decision of the district court under said Rule 108 proceedings.

ARTICLE XVI

REMEDIES

Any remedies provided for in the Ordinance shall be cumulative and not exclusive.

ARTICLE XVII

EFFECTIVE DATE

This Ordinance shall take effect on September 15, 1993.
Roll call vote resulting in approval:

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<th>Name</th>
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<td>Zimmerman</td>
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Dated: July 26, 1993.

Boards of County Commissioners
Of Alamosa County

By: [Signature]
Robert Zimmerman, Chairman

Carol Mondragon, Deputy Clerk of the Board
CERTIFICATE OF ATTESTATION

STATE OF COLORADO
)
County of Alamosa
)

I, Holly Z. Lowder, County Clerk and Ex-Officio Clerk of the Board of County Commissioners of Alamosa County, Colorado, do hereby certify that the foregoing Ordinance No. 3 was published in full in a newspaper of general circulation in Alamosa County at least ten (10) days prior to its adoption; to-wit: The Valley Courier, on July 17, 1993. Said Ordinance was introduced and read in full at a regular meeting of the Board of County Commissioners of Alamosa County, Colorado, on July 14, 1993. Said introduction and reading was held prior to the adoption of said Ordinance on July 20, 1993.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of Alamosa County, Colorado, at Alamosa, Colorado, this 8th day of August, 1993.

HOLLY Z. LOWDER
County Clerk and Ex-Officio Clerk of the Board of County Commissioners of Alamosa County, Colorado