

ORDINANCE NO. 99-08

AN ORDINANCE ESTABLISHING A SMALL QUANTITY GENERATOR NOTIFICATION AND VERIFICATION SURCHARGE FOR POTENTIAL HAZARDOUS WASTE GENERATORS; PROVIDING DEFINITIONS; PROVIDING PROCEDURES AND REQUIREMENTS FOR APPLICATIONS; AUTHORIZING USE OF REVENUES DERIVED FROM SURCHARGE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SHORT TITLE; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE.

THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS FINDS THAT:

WHEREAS, the Hernando County Board of County Commissioners has determined that it is in the best interest of the community to develop a program for the management of hazardous waste generated within the county, to protect the health, safety and welfare of the public;

WHEREAS, Hernando County has determined that to protect the public, it is imperative that management of hazardous waste be accomplished through a program to identify potential hazardous waste generators and the operation of a hazardous waste collection site, to service homeowners and conditionally exempt small quantity generators;

WHEREAS, Florida Statutes, Sections 403.7234 and 403.7236 mandate county governments to identify and notify small quantity generators, and verify the management practices of at least twenty (20) percent of the small quantity generators annually, following Florida Department of Environmental Protection's guidelines and procedures;

WHEREAS, it is necessary to survey businesses and industries to determine the amounts and types of hazardous waste generated and the current disposal methods utilized;

WHEREAS, pursuant to Florida Statutes, Section 403.7225, the state legislature recognizes the expense incurred by county governments in the proper identification and notification of small quantity generators of hazardous waste within their jurisdiction, and therefore, authorizes counties to impose a small quantity generator notification and verification surcharge of up to \$50.00 annually, on the business or occupational license or renewal thereof of any entity that is classified as a potential small quantity generator of hazardous waste;

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
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WHEREAS, it is necessary for Hernando County to create a funding mechanism to pay for the expenses incurred by county government in the identification and verification process of businesses and industries generating, or with the potential of generating, hazardous waste in Hernando County, Florida.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1: SHORT TITLE

This Ordinance shall be cited as the "Hernando County Small Quantity Generator Program Ordinance."

SECTION 2: PURPOSE

In order to provide effective hazardous waste management in Hernando County, for the protection of all citizens of the community, the Board of County Commissioners hereby determines to impose a surcharge on all persons and entities that are identified as potential generators of hazardous waste materials within the county.

SECTION 3: DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context otherwise requires:

Conditionally Exempt Generator: A hazardous waste generator, that generates less than 100 kilograms (220 pounds) of hazardous waste during a calendar month, and which never accumulates more than a total of 1000 kilograms (2200 pounds) of hazardous waste at any time.

County Occupational License: The method by which the county grants the privilege of engaging in or managing any business, profession or occupation within its jurisdiction.

Hazardous Waste: A solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly disposed of, stored, treated, or otherwise managed.

Hazardous Waste Generator: A person or entity, other than a single family household, that produces or engages in any operation, activity or process which produces or results in the production of hazardous waste.

Potential Hazardous Waste Generator: Those businesses or industries which have been identified by the Florida Department of Environmental Protection according to Standard Industrial Classification (SIC) Code, that by the nature of the business or industry, may generate hazardous waste.

Small Quantity Generator: A hazardous waste generator that generates from 100 kilograms (220 pounds) to less than 1000 kilograms (2200 pounds) of hazardous waste during any calendar month.

SECTION 4: LOCAL OCCUPATIONAL LICENSE REQUIREMENT

No potential hazardous waste generator shall engage in any activity which may result in the generation of hazardous waste in Hernando County without obtaining a current local occupational license.

SECTION 5: SURCHARGE FEES

The amount of the annual surcharge fee to be added to the potential hazardous waste generator's occupational license shall be fixed by resolution of the Hernando County Board of County Commissioners. The amount of such surcharge fee shall be up to the maximum allowed by law. Thereafter, the surcharge fee may be adjusted by resolution of the Board of County Commissioners as necessary, no later than June 30th of each year. The surcharge fee must be paid by the potential hazardous waste generator or the occupational license will not be issued.

SECTION 6: REVENUE GENERATED BY SURCHARGE FEES

All revenues generated by the surcharge fees imposed under this ordinance shall be used to fund a hazardous waste management program in Hernando County. The program shall include the notification and verification of potential hazardous waste generators in the County and the forwarding of this information to the Florida Department of Environmental Protection. This program shall also include the dissemination of educational information of the proper management of hazardous wastes.

SECTION 7: SURCHARGE EXEMPTION PROCESS

Any potential small quantity generator that can prove it does not generate hazardous waste shall be entitled to an exemption from the surcharge fee imposed herein. Said exemption shall be requested in writing and submitted to the Waste Management Division/Small Quantity Generator Program. All exemption requests must be accompanied by pertinent information and/or documents that substantiate the claim that no hazardous wastes are generated or produced by the business. Verification of the claim shall be made by the Waste Management Division, which may include an on site verification, before the exemption is approved. Any business granted an exemption shall be required to execute an affidavit stating that no hazardous waste is generated by the business, and that if any hazardous waste is ever generated by the business, they shall immediately notify the Waste Management Division/Small Quantity Generator Program.

SECTION 8: INSPECTIONS AND ACCESS

The Hernando County Waste Management Division will perform inspections of all potential small quantity generators. All persons or entities who are considered potential small quantity generators shall provide unrestricted access to their property, premises or place for the purpose of ascertaining compliance with this Ordinance and state and federal regulations. This access is authorized pursuant to Florida Statutes, Section 403.091.

SECTION 9: SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION 10: INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the code of Ordinances of Hernando County and shall be appropriately numbered to conform with the uniform numbering system of the Code.

SECTION 11: PENALTIES

Should any person or entity violate any provision of this ordinance, such violation shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors and upon conviction such violation shall be punishable by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment. Each offense shall be considered a separate violation of this ordinance subjecting the violator to the penalties specified herein for each offense.

SECTION 12: EFFECTIVE DATE

This ordinance upon receipt of the official acknowledgment from the office of the Secretary of State that this ordinance has been filed shall take effect on August 1, 1999.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 8th DAY OF June, 1999.



**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Michelle Hentsman
KAREN NICOLAI, Clerk *Deputy Clerk*

By: *Pat Novy*
PATRICIA NOVY, Chairman