

ORDINANCE NO. 93-21

AN ORDINANCE RELATING TO THE SITING AND
CONSTRUCTION OF HAZARDOUS WASTE FACILITIES;
PROVIDING FOR A MORATORIUM UPON CERTAIN
CONDITIONS; ESTABLISHING AN EFFECTIVE DATE

DEC 20 1 48 PM '93
FILED
SECRETARY OF STATE

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

SECTION I. TITLE

This Ordinance shall be known and cited as the "Hernando County Hazardous Waste Facility Moratorium."

SECTION II. AUTHORITY

This Ordinance is adopted pursuant to the general laws of the State of Florida, and the provisions hereof and all sections contained herein shall be construed as having been adopted in the interests of the public's health, safety and general welfare of the people of Hernando County, Florida.

SECTION III. LEGISLATIVE FINDINGS AND INTENT

The Board of County Commissioners of Hernando County, Florida, finds and declares that the Floridan Aquifer constitutes a natural resource of the highest magnitude and importance to the residents of Hernando County, Florida.

The Board further finds and declares that the groundwater study "Development of Wellhead Protection Areas for the Major Public Supply wells in Hernando County, Florida" has been completed and is being incorporated into a draft Groundwater Protection and Siting Ordinance.

The Board further finds and declares that the Land Development Regulation Commission reviewed a draft Groundwater Protection and Siting Ordinance on October 11, 1993.

The Board further finds and declares that the draft Groundwater Protection and Siting Ordinance was opened for public comment and reviewed by the Board of County Commissioners in a Public Workshop on October 20, 1993.

The Board further finds and declares that as final adoption of the Groundwater Protection and Siting Ordinance has not been concluded but is pending, it is essential that the moratorium originally enacted in Ordinance 92-14, placed upon the construction of hazardous waste storage, treatment, or disposal facilities in the County, including such facilities which are ancillary to recycling or resource recovery facilities, and also upon the issuance of permits by Hernando County to construct or operate such facilities, prior to the enactment of appropriate zoning regulations, be extended. The Board recognizes that allowing the construction or operation of such facilities prior to the enactment of appropriate zoning regulations would defeat the purpose of such measures.

County Staff has received policy direction from the Board and is in the process of incorporating it into the draft Ordinance. The Board has determined that additional time beyond the December 31, 1993 original expiration of the moratorium is necessary to enable Staff to modify the draft Ordinance, consult with State and Regional agencies, and for the Board to complete adoption proceedings.

SECTION IV. MORATORIUM

Subsequent to the effective date of this Ordinance, the siting or construction of Hazardous Waste storage, treatment, or

disposal facilities in Hernando County is prohibited, until such time as the County concludes its groundwater study and enacts appropriate zoning regulations regarding such facilities or until June 30, 1994, whichever event shall occur first.

SECTION V. DEFINITIONS

The following words as used in this Ordinance shall have the following meaning:

- a. "Hazardous Waste" shall mean hazardous waste as identified and defined at Section 403.703(23), Florida Statutes, or at Florida Administrative Code Rule 17-730.030, but shall exclude household waste prior to collection. For the purposes of this Ordinance "hazardous waste" shall include all fuels or blended fuels consisting in whole or in part of hazardous waste, mixtures which include hazardous waste, or mixtures which include any solid waste generated from the treatment, storage, or disposal of hazardous waste.
- b. "Facilities" shall mean hazardous waste facilities as defined at Section 403.703(24), Florida Statutes, or 40 Code or Federal Regulations §260.10, including such facilities ancillary to recycling facilities, that are not in existence with all necessary federal, state and local permits or authorizations on the effective date of this Ordinance. The term "facilities" shall not include storage facilities associated with publicly owned solid waste management facilities which store only household waste as defined by 40 Code of Federal Regulations §261.4(b)(1), and shall not include small quantity generators, as described in 40 CFR §261.5, or generators of hazardous waste who store such waste subject to the accumulation time restrictions set forth at 40 CFR §262.34.

SECTION VI. SEVERABILITY

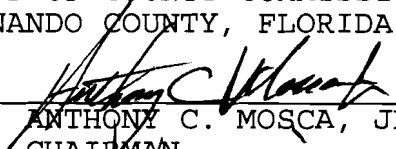
It is the declared intent of the Board that, if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION VII. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgement from the Secretary of State that this Ordinance has been filed with that office.

Adopted in regular session this 8th day of December, 1993, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: 
ANTHONY C. MOSCA, JR.
CHAIRMAN

Attest: 
KAREN NICOLAI, CLERK