

**AN ORDINANCE FOR THE MANAGEMENT OF
HAZARDOUS WASTE IN RANDOLPH COUNTY, N. C.**

WHEREAS, it is necessary and advisable to regulate the operations involving hazardous wastes within the jurisdiction of Randolph County in order to promote the public health, safety, and general welfare; and

WHEREAS, the controlled management of hazardous waste has been recognized by the State of North Carolina and the United States of America as necessary; and

WHEREAS, notice was duly given and a Public Hearing held on the question of adoption of this ordinance, and all objections hereto being properly presented and considered; NOW THEREFORE,

BE IT ORDAINED by the Randolph County Board of Commissioners.

Section 1. TITLE

This Ordinance shall be known and may be cited as the Randolph County Hazardous Waste Ordinance.

Section 2. PURPOSE

This Ordinance establishes a process by which hazardous waste facilities may be allowed in Randolph County by means of conditions exercised through a Special Use Permit.

Section 3. DEFINITIONS

(a) HAZARDOUS WASTE - any waste material including radioactive material which is now or may be listed as a hazardous waste pursuant to the United States Environmental Protection Agency's Hazardous Waste Guidelines and Regulations as published in the Federal Register (40, C.F.R. part 261, May 19, 1980), or any amendments thereto and any other waste or radioactive materials which shall be listed from time to time by the United States Environmental Protection Agency as hazardous waste.

(b) PERSON - Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group or agency.

(c) PLANNING BOARD - The Randolph County Planning Board.

(d) TO STORE - to hold, deposit or accumulate either in a warehouse, vehicle, building or pit, on a lot or in containers for a continuous period of time exceeding twenty-four (24) hours.

Section 4. SPECIAL USE PERMIT REQUIRED

The use of land, building structures or vehicles for the storage, collection, repackaging, reprocessing, transferring, or transporting of any hazardous waste material by any person in Randolph County shall not be permitted as a matter of right but only after review and approval as hereinafter provided. A special Use Permit to operate said uses is required and may be granted by the Board of County Commissioners or its designated Planning Agency subject to the conditions set forth in this Ordinance.

Section 5. EXCEPTIONS

This Ordinance does not apply to hazardous waste materials which are produced or distributed within Randolph County incidental to the uses permitted by the Randolph County Zoning Ordinance and the various territorial Zoning Ordinances in the cities of the county. However, the requirements for a Special Use Permit will become effective when the storage of such material otherwise permitted is moved to a new location within the County.

This Ordinance does not apply to the lawful use by properly licensed operators of radiation machines or radioactive materials for medical diagnostic and treatment purposes and this Ordinance does not apply to the use of radiation machines or radioactive materials by properly licensed and qualified operators in the testing laboratories, electronics communication, word processing, data processing, inspection, quality control or other legitimate manufacturing processes.

Section 6. CONDITIONS AND APPLICATION PROCEDURES FOR A SPECIAL USE PERMIT

(a) The owner or operator of a hazardous waste facility shall submit an application for a Special Use Permit to the Randolph County Planning Board on forms provided by the County. Such an application shall include the name of the petitioner, date, location of proposed facility on a vicinity map, and plans and/or specifications for said facility. Should a proposed facility be located in a zoned area of Randolph County prohibiting such use, no Special Use Permit shall be issued until the State overrides the County Zoning regulations through due process.

(b) Upon receiving the application for a Hazardous Waste Facility Special Use Permit the Planning Board will issue such permit upon evidence that the petitioner has complied with the following requirements:

(1) The petitioner must provide the County with appropriate documentation from the North Carolina Department of Human Resources Solid & Hazardous Waste Section that the proposed facility is in compliance with appropriate State and Federal Hazardous Waste regulations.

(2) Appropriate documentation from the Randolph County Department of Public Health that the proposed facility is in compliance with local Health Department regulations.

(3) Appropriate documentation from the County Building Inspections office that the proposed structure or facility would meet the requirements of the State Building Code.

(4) Notification of appropriate County Medical Rescue, Fire, and Law Enforcement Agencies as to the nature of material stored so emergency contingency plans can be developed.

(5) In the event of failure to comply with stated plans upon which the Special Use Permit was granted the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use permit shall be issued, and any facilities in operation will be considered in violation of this Ordinance.

Section 6. PENALTIES

Any person, firm, or corporation who violates any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor, and shall be fined not exceeding \$50 or imprisoned not exceeding thirty days. Each day that a violation continues to exist shall be considered to be a separate offense provided the violation is not corrected within 30 days after notice of violation has been given.

Section 7. EFFECTIVE DATE

This Ordinance shall become effective on October 5, 1981.

Upon motion of Commissioner Hogan, seconded by Commissioner Petty, the foregoing ordinance was passed by the following vote:

Ayes: Pugh, Hogan, Davidson, Boyd, Petty

Noes: None

I, Annie Shaw, Clerk of the Randolph County Board of Commissioners, do hereby certify that the foregoing ordinance was duly adopted by the governing body of Randolph County at a regular meeting thereof, a quorum being present.

The 5th day of October, 1981.

Annie Shew
Clerk to the Board