

**COMMERCIAL SOLID WASTE FACILITY SITING PLAN**

**FOR JEFFERSON COUNTY, WEST VIRGINIA**

**PREPARED BY:**

**JEFFERSON COUNTY SOLID WASTE AUTHORITY**

**2011 UPDATE**

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# COMMERCIAL SOLID WASTE FACILITY SITING PLAN JEFFERSON COUNTY, WEST VIRGINIA

## 1.0 INTRODUCTION

This Commercial Solid Waste Facility Siting Plan (plan) has been prepared to comply with the minimum standards established by the State of West Virginia, Solid Waste Management Board (SWMB), concerning commercial solid waste facility siting, promulgated by Title 54 Legislative Rules, Series 4. The purpose of this plan is to protect the public health, safety, and environment and to ensure the fair and equitable evaluation of all sites proposed for use as solid waste facilities. Furthermore, this plan will be used to assist the Jefferson County Solid Waste Authority (Authority) and other interested parties, municipal or private, in future planning. This plan will be in effect for a period of 20 years, with an updated evaluation conducted every five years.

The plan was developed to supplement the Jefferson County Comprehensive Litter and Solid Waste Control Plan (comprehensive plan). The principal provisions of the comprehensive plan are as follows:

- All households within the county will have access to a solid waste collection and disposal service via private haulers and municipalities.
- Open dump clean-ups will be conducted by use of state programs, local in-kind services, and by volunteers, civic groups, businesses, persons on probation, incarcerated persons, and Authority funds, as available.
- Eligible incarcerated persons, when available, will be utilized by the Authority's litter control program.
- Source reduction for solid waste will be encouraged by various educational programs.
- Recycling will be promoted through various educational programs.
- Source separation of solid waste for recycling purposes will be encouraged.
- The Authority will continue to explore the feasibility of establishing a solid waste facility(s) within the county for disposal of all Jefferson County solid wastes; however, in the interim, a solid waste transfer station(s) will be utilized, with waste transported to a disposal site(s) outside the county.

## 2.0 PLAN SUMMARY

The plan establishes zones that will provide guidance for the siting of commercial solid waste facilities within Jefferson County, over the next 20 years. The plan may be amended at any time by the Authority, pursuant to the requirements within Title 54 Legislative Rules, Series 4. The facility siting zones were generated from readily available information. As such, the zones typically were not established from site specific data. All proposed commercial solid waste facilities will require an evaluation utilizing site specific information.

The siting zones are presented as "authorized", "prohibited" and "tentatively prohibited" for use as commercial solid waste facilities. The facilities included within the zoning are: (1) Class A landfills, (2) Class B landfills, (3) Class C landfills, (4) Class D landfills, (5) transfer stations, (6) energy recovery and incineration facilities, (7) recycling facilities, (8) materials recovery facilities, and (9) composting facilities, including commercial yard waste composting facilities and sewage sludge processing facilities. Since the plan's siting zones were developed in the general absence of site specific information, the plan takes the most conservative posture and has zoned most areas within the county as tentatively prohibited, to ensure maximum siting flexibility and environmental protection. Those areas zoned as prohibited were established based upon one or more of the criteria specified within Title 54 Legislative Rules, Series 4. Currently, the only areas zoned as authorized are associated with recycling facilities, commercial yard waste composting facilities and transfer stations. Site specific evaluations may identify areas suitable for zoning as "authorized" for other types of commercial solid waste facilities.

### 3.0 PROCEDURES

#### 3.1 CRITERIA UTILIZED IN DEVELOPMENT OF SITING ZONES

The rationale for zoning used in the plan is in accordance with guidelines in Title 54 Legislative

Rules, Series 4, Commercial Solid Waste Facility Siting Plans. In developing this plan, it was the intention of the Authority to provide for maximum flexibility, yet allow sufficient control over the facility siting. Therefore, the majority of the county is zoned tentatively prohibited. Unless readily available information clearly established that an area is suitable for the location of a solid waste facility, or conversely, not suitable for a facility, the area was marked tentatively prohibited. Additionally, the criteria used for developing the siting zones included:

- The positive or negative effect on economic development;
- How the transportation network will allow or prohibit the effective transportation of solid waste through the zones;
- The positive or negative impact on property values;
- Whether the zoning will protect the groundwater and surface waters in the area; taking into consideration wetlands, surface water quality, groundwater quality, location of perennial streams and other surface waters, 100-year floodplains, and public or private water supply wells;
- What geological or hydrological conditions prohibit or enable siting of a facility, including known faults, karst areas, lineaments, extensive shale units, mining, and oil and gas extraction;
- The effect on threatened or endangered species of wildlife and associated habitats;
- The impact zoning would have on existing aesthetic or environmental conditions, including areas near state trunk highways, interstates, federal aid primary highways, airports, or boundaries of any public parks, recreation areas, and state and national forests;
- The effect on historical or cultural resources;

- The present or potential land use for residential, commercial, recreational, environmental conservation, or industrial purposes; and
- The effect on public health, welfare, and convenience.

The Authority bases its decision to prohibit a solid waste facility in a particular zone upon one or more of these criteria. However, a decision to authorize a solid waste facility in a particular zone is made only after consideration of all criteria listed.

### 3.2 ZONING RATIONALE

Readily available soil and geologic data were reviewed in an effort to determine the location of laterally extensive and stratigraphically significant shale bedrock outcrops within the county. The review concluded that an exhaustive technical study would be required to identify and map individual shale units countywide. However, in more general terms, soil data obtained from the United States Department of Agriculture, Soil Conservation Service (SCS) revealed that shale bedrock underlies portions of, or outcrops upslope from, the Berks, Blairton and Weikert soil series within Jefferson County. The specific locations of these soils are mapped within the 1973 SCS publication, "Soil Survey Of Jefferson County, West Virginia." Also, two geologic maps prepared by the West Virginia Geological And Economic Survey (WVGES), and entitled, "Geology Of The Berryville, Charles Town, Harpers Ferry, Middleway, And Round Hill Quadrangles, Berkeley And Jefferson Counties, West Virginia" and "Geology Of The Hedgesville, Keedysville, Martinsburg, Shepherdstown, And Williamsport Quadrangles, Berkeley And Jefferson Counties, West Virginia," and dated 1990 and 1987, respectively, indicate that the strata within the upper beds of the Martinsburg Formation of the Ordovician System and the Waynesboro Formation of the Cambrian System may contain substantial deposits of shale. The outcrop locations of these formations are mapped on the aforementioned WVGES maps. Site specific studies would be required, however, to verify the presence of any shale outcrop within the areas noted. The information regarding sources of shale outcrop data listed herein is presented solely for the benefit of those who may pursue such data for future, site specific facility sitings.

No oil and gas fields or underground mining of coal, limestone or dolomite are known to exist within Jefferson County. Several faults are present though and have been mapped on the two WVGES geologic maps discussed earlier, as well as on a map included within a 1978 WVGES publication entitled, "Ground-Water Hydrology of Jefferson County, West Virginia." The latter map also illustrates the locations of lineaments and probable cavernous zones within the county. Cavernous zones are indicative of karst terrain where limestone or dolomite bedrock has dissolved within the subsurface, typically resulting in enlarging, interconnected voids that serve as natural conduits for groundwater migration. Karst terrain

and areas within two hundred (200) feet of faults are zoned as tentatively prohibited for Class A, B, C and D landfills, transfer stations, materials recovery facilities, and composting facilities. Areas depicted as underlain by lineaments are zoned tentatively prohibited for all the above referenced solid waste facilities, and will require site specific study prior to re-zoning.

Property located within 100-year floodplains, within three hundred (300) feet of any surface waters, or within one thousand (1000) feet of the nearest edge of the right-of-way of any state trunk highway, interstate or federal aid primary highway are designated as prohibited for Class A, B, C and D landfills, transfer stations and materials recovery facilities. Floodplain data was obtained from individual maps, for separate areas within the county, entitled, "Flood Insurance Rate Map for Jefferson County, West Virginia," and dated 1980 through 1993. The maps were prepared by the Federal Emergency Management Agency.

Highway data was procured from the Planning Division of the West Virginia Department of Highways. Highways with 80,000 and 73,500 pounds gross weight load limits within the county are highlighted on Figure No. 3 (Siting Plan Zone Map – Appendix B) of this plan. Other highways carry 65,000 pounds limits, unless posted otherwise. Most commercial solid waste haulers' vehicles typically have gross weight load limits of approximately 63,000 pounds or less. The plan recognizes that commercial solid waste facilities are best sited in proximity to the county's principal transportation routes.

Readily available public files of the West Virginia Department of Culture and History were reviewed to identify locations of historical and cultural resources. Many of these resources in Jefferson County are sites associated with the Civil War. Excluding recycling facilities, areas known to possess historical or cultural resources are zoned tentatively prohibited so that such issues may be considered on a site specific basis.

The area within twelve hundred (1200) feet of any documented public or private water supply well or spring is zoned as prohibited for Class A, B, C and D landfills, transfer stations and materials recovery facilities. The map included within the WVGES's publication "Ground-Water Hydrology of Jefferson County, West Virginia" lists and locates 218 wells and springs in the county. This information is far from providing a complete inventory of existing wells and springs countywide, but may be of benefit to those performing future, site specific facility sitings. No information was readily available from either the WVGES or the United States Geological Survey (USGS) regarding statistics of the county's population that rely upon ground water as their water supply source. However, the best available information from the Public Service Commission of West Virginia indicates that approximately 48 percent of the county's population is provided with public water service.



There are wetlands dispersed throughout the county. Some were mapped from readily available information; but, the county's wetlands warrant site specific studies. Wetlands and areas within three hundred (300) feet of wetlands are zoned as prohibited for Class A, B, C and D landfills, transfer stations and materials recovery facilities. Threatened or endangered species of wildlife will also require site specific studies.

No airports or landing strips are known to exist within the county. Additionally, properties designated as public parks or recreation areas are zoned as prohibited for Class A, B, C and D landfills, transfer stations and materials recovery facilities.

Jefferson County has land use zoning, under the direction of the Jefferson County Planning Commission. The land use zoning is depicted on Figure No. 2 (Siting Plan General Features Map – Appendix B) of this plan. The vast majority of Jefferson County is zoned as "Rural-Agricultural District." The remainder of the county is zoned as "Residential-Growth District," "Residential Growth - Light Industrial - Commercial," "Industrial-Commercial District," and "Incorporated Towns." Since areas within each land use zone are subject to re-zoning upon petition, the siting plan has not zoned any area as prohibited solely because of the existing land use zoning. The issue of the county's land use zoning, as related to the siting of commercial solid waste facilities, will require review on a case-by-case basis before the Jefferson County Planning Commission. It is important to note that the 1994 Jefferson County comprehensive plan recommends the drafting of land use laws that would allow the Leetown site to be used for recycling, materials recovery, composting or transfer station activities.

Included within this plan are three drawings depicting zoning and the relevant county features that were intrinsic to developing the commercial solid waste facility zones. Figure No. 1 (Siting Plan Zone Map – Appendix B) reflects the county's authorized, tentatively prohibited, and prohibited facility siting zones. Figure No. 2 (Siting Plan General Features Map – Appendix B) presents the county's major roadways, towns and cities, railroads, boundaries of public parks, public service districts (PSDs), and land use zoning. Figure No. 3 (Siting Map Geologic and Hydrologic Data Map – Appendix B) illustrates the geologic and hydrologic features, cultural and historic areas, and gross weight load limits of highways within the county.

## **4.0 COMMERCIAL SOLID WASTE DISPOSAL FACILITIES**

### **4.1 CLASS A, B AND C LANDFILLS**

In general, the siting criteria for zoning solid waste disposal facilities of any class are similar. Primarily, the main difference is the size of the operation, which has minimal effect on the site zoning distinction. The definitions, as per Title 54 Legislative Rules, Series 4 for each facility class are presented below, along with the siting criteria; but, it was not considered necessary to develop separate zoning limits for these various facilities.

#### **CLASS A LANDFILL**

A Class A landfill is a commercial solid waste facility which handles an aggregate of between ten and thirty thousand (10,000-30,000) tons of solid waste per month. A Class A landfill includes two or more Class B solid waste landfills owned or operated by the same person in the same county, if the aggregate tons of solid waste handled per month by such landfills exceeds nine thousand nine hundred ninety-nine (9,999) tons of solid waste per month.

#### **CLASS B LANDFILL**

A Class B landfill is a commercial solid waste facility which receives, or is expected to receive, an average daily quantity of mixed solid waste equal to or exceeding one hundred (100) tons each working day; or serves, or is expected to serve, a population equal to or exceeding forty thousand (40,000) persons, but which does not receive solid waste exceeding an aggregate of ten thousand (10,000) tons per month. A Class B solid waste landfill does not include construction/demolition facilities: Provided, That the definition of Class B facility may include such reasonable subdivisions or subclassifications as the director may establish by legislative rule proposed in accordance with the provisions of W. Va. Code § 29A-1-1 et seq.

#### **CLASS C LANDFILL**

A Class C landfill is a commercial solid waste facility which receives, or is expected to receive, an average daily quantity of mixed solid waste of less than one hundred (100) tons each working day; and serves, or is expected to serve, a population of less than forty thousand (40,000) persons. Class C solid waste facilities do not include construction/demolition facilities.

#### 4.2 AUTHORIZED, PROHIBITED AND TENTATIVELY PROHIBITED ZONES FOR CLASS A, B AND C LANDFILLS

Authorized: None.

Suitable areas may exist within the county; however, site specific studies would be necessary to identify them. Sites considered favorable and suitable for authorization of re-zoning shall satisfy the West Virginia Department of Environmental Protection (WVDEP) site evaluation criteria, be geologically situated in areas predominantly underlain by shale bedrock and have available soil for liner, daily cover, and capping. Additionally, the sites shall also be located in areas where there is minimal risk for groundwater or surface water contamination.

Prohibited: These areas are prohibited because of one or more of the criteria established in Title 54 Legislative Rules, Series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) wetlands, including areas within three hundred (300) feet of wetlands, (5) property within one thousand (1000) feet of the right-of-way of any state trunk highway, interstate or federal aid primary highway, (6) water supply wells and springs, including areas within twelve hundred (1200) feet of wells and springs, and (7) public parks and recreation areas. Although presently unmapped, any area identified as prohibited within six (6) miles of an airport, shall also be zoned as prohibited.

Tentatively Prohibited: All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

## 5.0 CONSTRUCTION DEMOLITION LANDFILL

### CLASS D LANDFILL

A Class D landfill is defined by Title 54 Legislative Rules, Series 4 as a commercial solid waste facility designed for the disposal of only construction/demolition waste and does not include the legitimate beneficial reuse of clean waste concrete/masonry substances for the purpose of structural fill or road base material. Currently, the county does not have a Class D solid waste facility operating within its limits.

The zones for the siting of these types of facilities may be broader because the facilities do not receive municipal waste and generally pose a lower risk of contaminating surface and ground waters. A Class D landfill should be accessible not only to construction vehicles, but also to residential vehicles. In the case of a natural disaster, such as flooding, private citizens may need to haul debris to the landfill.

Authorized: None.

Prohibited: These areas are prohibited because of one or more of the criteria established in Title 54 Legislative Rules, Series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) wetlands, including areas within three hundred (300) feet of wetlands, (5) property within one thousand (1000) feet of the right-of-way of any state trunk highway, interstate or federal aid primary highway, (6) water supply wells and springs, including areas within twelve hundred (1200) feet of wells and springs, and (7) public parks and recreation areas. Although presently unmapped, any area identified as prohibited within six miles of an airport shall also be zoned as prohibited.

Tentatively Prohibited: All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

## **6.0 SOLID WASTE MATERIALS HANDLING FACILITIES**

### **TRANSFER STATION**

A transfer station is a combination of structures, machinery, or devices at a place, or location or facility where solid waste is taken from collection vehicles, and placed in other transportation units (such as a “walking floor” or other method of transfer as determined by the director) for movement to another solid waste management facility. Provided, when the initial generator of solid waste disposes of said waste into a container such as a roll-off, green box or bin which is temporarily positioned (not more than five days) at a specific location for transport by a transportation unit, such container shall not be considered a transfer station. Under any circumstances, leachate, litter and windblown materials must be properly managed. Currently, the Authority operates a transfer station near Leetown, West Virginia.

Authorized: The only authorized area is the existing transfer station site near Leetown.

Prohibited: These areas are prohibited because of one or more of the criteria established in Title 54 Legislative Rules, Series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) wetlands, including areas within three hundred (300) feet of wetlands, (5) property within one thousand (1000) feet of the right-of-way of any state trunk highway, interstate or federal aid primary highway, (6) water supply wells and springs, including areas within twelve hundred (1200) feet of wells and springs, and (7) public parks and recreation areas. Although presently unmapped, any area identified as prohibited within five thousand (5,000) feet of any runway utilized by piston-type aircraft, or ten thousand (10,000) feet if turbojet aircraft, shall also be zoned as prohibited.

Tentatively Prohibited: All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.

## **7.0 ENERGY RECOVERY AND INCINERATION FACILITIES**

### **7.1 ENERGY RECOVERY INCINERATOR**

An energy recovery incinerator means any solid waste facility at which solid wastes are incinerated with the intention of using the resulting energy for generation of steam, electricity, or any other use not specified in Title 54 Legislative Rules, Series 4.

### **7.2 INCINERATOR**

An incinerator is an enclosed device using controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible material. W.Va. Code §22-15-19 prohibits, except for certain pilot projects, the installation, establishment or construction of new commercial solid waste facilities that utilize incineration.

Authorized: None.

Prohibited: For these types of facilities, all areas are prohibited. The zoning limits are interpreted to be the county line. These areas are prohibited because of W.Va. Code §22-15-19.

Tentatively Prohibited: None.

## 8.0 RECYCLING FACILITIES

### RECYCLING FACILITY

A recycling facility is any solid waste facility operated for the purpose of recycling waste materials at which neither land disposal nor biological, chemical, or thermal transformation of solid waste occurs; Provided, That mixed waste recovery facilities, sludge processing facilities and composting facilities are not considered to be reusing or recycling solid waste within the meaning of W.Va. Code §§20-11-1 et seq., 22-15-1 et seq and 22C-4-1 et seq.

There are recycling centers within the county. These primarily involve the recycling of newspaper, office waste paper, corrugated paper, various metals, plastics, glass, and wood and yard waste. Businesses, churches, and schools that have recycling drives and programs are exempt from the siting requirements cited herein.

Prohibited: Prohibited areas include solely residential areas, wetlands, perennial streams, other surface waters, public parks, recreation areas, and any other area that may be excluded by application of the rationale contained in Title 54 Legislative Rules, Series 4.

Tentatively Prohibited: Recycling facilities are tentatively prohibited in areas where Jefferson County's land use zoning restricts the siting of commercial facilities.

Authorized: All other areas are authorized for recycling facilities.

## 9.0 MATERIALS RECOVERY FACILITIES

### MATERIALS RECOVER FACILITY

Any solid waste facility where source-separated materials or materials recovered through a mixed waste processing facility are manually or mechanically shredded or separated for the purpose of reuse or recycling, but does not include a composting facility, is considered a materials recovery facility by Title 54 Legislative Rules, Series 4. No materials recovery facilities currently exist within the county.

Authorized: The only authorized area is the existing transfer station site near Leetown.

Prohibited: The areas that are prohibited are denoted on Figure No. 1. These areas are prohibited because of one or more of the criteria established in Title 54 Legislative Rules, Series 4, including: (1) perennial streams, (2) 100-year floodplains, (3) other surface waters, including areas within three hundred (300) feet of the water, (4) wetlands, including areas within three hundred (300) feet of wetlands, (5) property within one thousand (1000) feet of the right-of-way of any state trunk highway, interstate or federal aid primary highway, (6) water supply wells and springs, including areas within twelve hundred (1200) feet of wells and springs, and (7) public parks and recreation areas. Although presently unmapped, any area identified as prohibited within five thousand (5,000) feet of any runway utilized by piston-type aircraft, or ten thousand (10,000) feet if turbojet aircraft, shall also be zoned as prohibited.

Tentatively Prohibited: All other areas are tentatively prohibited until it can be determined whether the area is suitable or unsuitable on a site specific basis.



## 10.0 COMPOSTING FACILITIES

### 10.1 COMMERCIAL COMPOSTING FACILITY

A commercial composting facility is defined by Title 54 Legislative Rules, Series 4, as any solid waste facility processing solid waste by composting, including sludge composting, organic waste or yard waste composting, but does not include a composting facility owned and operated by a person for the sole purpose of composting yard waste created by that person or other persons on a cost-sharing or non-profit basis and shall not include land upon which finished compost is applied for use as a soil amendment or conditioner.

Prohibited: Prohibited areas include: (1) perennial streams, other surface waters and areas within three hundred (300) feet of surface waters; (2) areas within the 100-year floodplain; (3) wetlands and areas within three hundred (300) feet of wetlands; (4) areas within three hundred (300) feet of any spring; (5) geologically unstable areas; (6) public parks and recreation areas; (7) sites where topography exceeds six (6) percent grade; (8) sites of insufficient area and terrain to allow for proper management of run-on, runoff, and leachate; (9) areas within two thousand (2000) feet of any health care facility, school, church or similar type of institution; (10) areas within two hundred (200) feet of drinking water supply wells, other water supplies, and occupied dwellings; (11) areas within fifty (50) feet of a federal or state highway right-of-way or twenty-five (25) feet of a city street right-of-way; (12) areas within one hundred (100) feet of an adjacent property owner's property line; (13) sites where runoff drains into a sinkhole; (14) sites with a seasonal high ground water table, less than two (2) feet from land surface; (15) sites having less than twenty (20) inches of soil over bedrock or an impervious pan; (16) solely residential areas; (17) municipalities, and (18) sites within five thousand (5,000) feet of any airport runway utilized by piston-type aircraft, or ten thousand (10,000) feet if turbojet aircraft.

Tentatively Prohibited: Tentatively prohibited areas include: (1) sites with historic or cultural resources, (2) areas within two hundred (200) feet of faults, (3) areas underlain by lineaments, (4) karst terrain, and (5) areas where county land use zoning restricts the siting of commercial facilities.

Authorized: All other areas are zoned as authorized, unless siting conflicts with the rationale contained in Title 54 Legislative Rules, Series 4.

## **11.0 CONCLUSION**

In preparing this plan, the Authority has attempted to address the minimum standards for siting commercial solid waste disposal facilities for the county. It should be recognized that the plan was developed from limited, readily available information; therefore, much of the county is zoned tentatively prohibited. It is understood that this siting strategy will satisfy the intent of the regulations, yet provide the Authority with the flexibility to consider any viable site after evaluating site specific conditions.

Although the plan is generalized, it is intended that the plan be updated on a five-year basis. The facility siting zone map was produced on a computer-digitized format so that all future developments can be effectively incorporated into the plan. It is anticipated that a copy of the plan will be on display in the Authority offices, and be available to municipal and county planning and development authority officials. It is intended that the county, under the progressive activities and foresight of the Authority, will be a leader and focal point for solid waste management activities, from disposal and composting to recycling and materials recovery. It is anticipated that the plan will become the project initiation point and a vital management planning tool for any major future developments.

## **12.0 UPDATE AND AMENDMENT PROCESS**

A mandatory update must take place every five years. However, the plan can be amended at any time. A public notice and hearings on updates or amendments shall be given and held in the same manner as described in Section 7 of the rules. A revised plan is to cover a period of twenty (20) years and the Solid Waste Management Board must approve amendments in the same manner as the previous plan.

Minutes from the Jefferson County Solid Waste Authority meetings in which the new, updated or amended plan is approved should include:

- New, updated or amended plan.
- Previous plan submitted for approval by the Solid Waste Management Board.
- Minutes signed by Chairman.
- Authority's responsibility that it is legally constituted to conduct business.

# APPENDIX A

# APPENDIX B