

CHAPTER 25

AN ORDINANCE RELATING TO THE JEROME COUNTY ZONING ORDINANCE REGARDING HAZARDOUS WASTE DISPOSAL SITES: PROVIDING AUTHORIZATION, PURPOSE AND INTENT, PROVIDING AMENDMENT AND EFFECTIVE DATE.

- (1) Be it ordained by the Board of County Commissioners of Jerome County, Idaho

SECTION 1: AUTHORIZATION, This Ordinance is authorized by Idaho Code, Sections 31-714, 33-801, 31-828, 31-4408 and 67-6511

SECTION 2: PURPOSE AND INTENT, The Board of Jerome County Commissioners hereby declares that the purpose of this Ordinance is for the protection and regulation of the public health, safety and welfare from hazards existent or imminent which arise from the disposal, operation or existence of hazardous waste disposal facilities, which dispose of hazardous waste, hazardous material and toxic substances. The Board also declares and incorporates the legislative findings and purposes in Idaho Code, Section 39-4401, are applicable in Jerome County.

SECTION 3: DEFINITION (I.D. 39-4403) Page 17, Jerome County Zoning Ordinance. "Hazardous Waste" means a waste or combination of wastes of solid, liquid, semisolid, or contained gaseous form which because of its quantity, concentration or characteristics (physical, chemical, or biological) may:

- (a) Cause or significantly contribute to an increase in deaths or an increase in serious irreversible or incapacitating reversible illness; or
- (b) Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive or materials which may have mutagenic, teratogenic, or carcinogenic properties but do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to national pollution discharge elimination system permits under the Federal Water Pollution Control Act. as amended, 33 U.S.C., Section 1251 et seq., or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42, U.S.C., Section 2011 et seq.
- (c) This definition considers that a hazardous waste as defined herein, must also be certified as a hazard by being listed as such by an agency such as the Federal EPA; Its hazard must be demonstrable by generally accepted testing methods and such testing must be reproducible.

NEW SECTION

SECTION 4: AMENDMENT, That the Zoning Ordinance of Jerome County be and the same is hereby amended by the addition thereto of a new section to be known and designated as Ordinance #28-86 of the Jerome County Zoning Ordinance and to be

read as follows: (Amended 11-9-06)

Hazardous Waste Disposal Site - when considering a Conditional Use for such a site, the Planning and Zoning Commission must take into account the following: (Amended 10-20-08)

- (1) Hazardous Waste Disposal Site means any property or structure intended or used for the treatment, storage, or disposal of hazardous wastes. Further, a Hazardous Waste Site also includes a site used for the purpose of disposal of hazardous waste, hazardous materials and toxic substances. Ancillary equipment used for transporting hazardous material to and from a disposal site shall be subject to the provisions of this Ordinance.
- (2) When an application or proposal for a Hazardous Waste Disposal Site is presented to the Planning and Zoning Commission, such a proposed site must be in complete and full compliance with all Federal and State laws and regulations pertaining to hazardous waste, hazardous material and toxic substances. (Amended 10-20-08)
- (3) When an application or proposal for a Hazardous Waste Disposal Site is presented, the Planning and Zoning Commission must consider whether such a use compliments, benefits and is compatible with the surrounding land uses. (Amended 10-20-08)
- (4) When an application or proposal for a Hazardous Waste Disposal Site is presented, the Planning and Zoning Commission must consider the effect of transportation routes by vehicles containing materials to be disposed of in the proposed site. (Amended 10-20-08)
- (5) When an application or a proposal for a Hazardous Waste Disposal Site is presented, the Planning and Zoning Commission must consider the impact, if any, upon the water and water supplies, both surface and underground, in the County. (10-20-08)
- (6) When an application or a proposal for a Hazardous Waste Disposal Site is presented, the Planning and Zoning Commission must consider the geological bases that may or may not support such a proposed site.(Amended 10-20-08)
- (7) When an application or a proposal for a Hazardous Waste Disposal Site is presented, the Planning and Zoning Commission must consider the possibility of the existence of the site endangering human health, animal life, and plant life in the County. (Amended 10-20-08)
- (8) When an application or a proposal for a Hazardous Waste Disposal Site is presented, the Planning and Zoning Commission must consider public input and must consider all information and aspects which it deems pertinent and relevant to such a proposal, not limited to the mandatory guidelines of this section. (Amended 10-20-08)
- (9) Applicants for a Hazardous Waste Disposal Site in Jerome County are financially

responsible for all reasonable costs incurred by the Planning and Zoning Commission and County in reviewing and considering the application. (Amended 10-20-08)

SECTION 5: EFFECTIVE DATE:

PASSED, ADOPTED, AND APPROVED BY THE COUNTY COMMISSIONERS, JEROME COUNTY, IDAHO, this 20th day of January, 1986.

JEROME COUNTY BOARD OF COMMISSIONERS
S/S Carl Montgomery

Carl Montgomery, Chairman

S/S Pamela Smith

Pamela Smith, Commissioner

S/S Henk Bekker

Henk Bekker, Commissioner

APPROVED:

S/S Cheryl Watts

Cheryl Watts, Clerk