

2010-07

**Eastern Idaho Regional Solid Waste District Agreement****FLOW CONTROL ORDINANCE**

AN ORDINANCE REQUIRING THE DEPOSIT OF ALL SOLID WASTE GENERATED WITHIN THE BOUNDARIES OF FREMONT COUNTY AT THE COUNTY'S FUTURE TRANSFER STATION(S) OR, ALTERNATIVELY AT THE CLARK COUNTY WASTE TO ENERGY FACILITY; DEFINING TERMS; ESTABLISHING PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Idaho Code Title 31 Chapter 44 imposes the primary responsibility for the establishment of solid waste disposal sites on the counties of the State of Idaho, and

WHEREAS, Fremont County has elected to become a member of the Eastern Idaho Regional Solid Waste District in order to fulfill duties imposed upon it by law regarding solid waste, and

WHEREAS, the Eastern Idaho Regional Solid Waste District, through its Board of Directors, has established a regional waste to energy facility at the Centennial Energy Park in Dubois, Idaho, and

WHEREAS, the Eastern Idaho Regional Solid Waste District, through cooperation with its member counties, has identified transfer stations within the boundaries of each county whereby solid waste may be delivered before finally being transported to the Clark County Waste to Energy Facility, and

WHEREAS, the Eastern Idaho Regional Solid Waste District has, through its Board of Directors, established a budget to defray the cost of its operation, and

WHEREAS, the money necessary to conduct the operations of the District are generated through means authorized by Idaho Code Section 31-4404, and

WHEREAS, a significant portion of the revenue of the District is derived from "tipping" fees which are fees collected for the deposit of solid waste at either a transfer station or the Clark County Waste to Energy facility, and

WHEREAS, the budget of the Eastern Idaho Regional Solid Waste District assumes that a portion of the solid waste generated within the boundaries of Fremont County will be delivered to either the designated transfer station or the Clark County Waste to Energy Facility in order that the county's share of the budget of the Eastern Idaho Regional Solid Waste District may be realized, and

WHEREAS, for purposes of protecting the public health, providing for protection of land, water and air resources to facilitate the ability of the Eastern Idaho Regional Solid Waste District to be adequately financed and discharge its duties with regard to the disposal of solid waste, it is necessary that the County control the disposition of solid waste generated within its boundaries,

BE IT THEREFORE ORDAINED by the Board of County Commissioners of Fremont County, a political subdivision of the State of Idaho as follows:

Section 1. Definition of Terms:

For purposes of this ordinance:

A. "Solid Waste" shall have the meaning set forth in Idaho Code Section 39-7403(50) as it now exists or as it may hereafter be amended.

B. "Regional Solid Waste District" means the Eastern Idaho Regional Solid Waste District formed and existing under the provisions of Idaho Code Section 31-4901, et seq.

C. "Board of Directors" means the duly elected and serving Board of Directors of the Eastern Idaho Solid Waste District.

D. "Transfer Station" means any transfer station officially identified as such within the boundaries of Fremont County by action of the Board of Directors at the Eastern Idaho Regional Solid Waste District.

E. "Regional Waste to Energy Facility" means the Waste to Energy Facility owned by the Eastern Idaho Regional Solid Waste District in Clark County, and any additional landfill site owned or leased by the Eastern Idaho Regional Solid Waste District approved by the Idaho Department of Environmental Quality.

Section 2. Deposit of Solid Waste.

All solid waste generated within the boundaries of Fremont County shall be deposited or collected exclusively at a future transfer station located within the boundaries of the County or at the Regional Waste to Energy Facility, except any solid waste specifically excluded by additional agreements (See Solid Waste Disposal Agreement, Article I, section 1.03) between Fremont County and the Eastern Idaho Solid Waste District

Section 3. Deposit of Certain Waste at Regional Waste to Energy Facility.

At the direction of the Eastern Idaho Regional Solid Waste District, designated types of solid waste shall be deposited directly at the Regional Waste to Energy Facility and not at a transfer station. Such types of solid waste may include, but not be limited to, those types of solid waste that have a high degree of potential for impact on human health or damage to property or which may require sophisticated inspection or handling prior to final disposition.

Section 4. Payment of Fees.

Every person or entity depositing solid waste at a transfer station or at the Regional Waste to Energy Facility shall pay an appropriate fee established by the resolution of the Fremont County Board of Commissioners. The fee shall be payable at the time the solid waste is deposited.

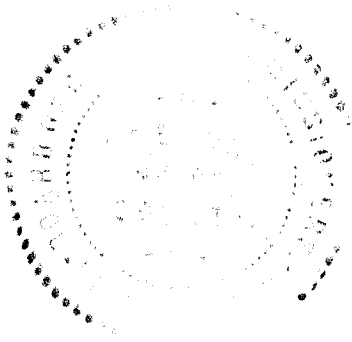
Section 5. Penalty.

Any violation of this ordinance shall be a misdemeanor, punishable by a fine not to exceed Three Hundred Dollars (\$300.00), imprisonment in the county jail for a period not to exceed six (6) months or both. Each individual act of failing to properly deposit solid waste or failure to pay the appropriate fee shall constitute a separate offense under this ordinance.

Section 6.

This ordinance shall become effective upon its passage and publication as provided by law.

PASSED BY THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS  
THIS 16 DAY OF August, 2010.



BOARD OF COUNTY COMMISSIONERS

Paul Powell  
Chairman

Step H  
Commissioner

John Miller  
Commissioner

ATTEST:

Abbie Mace  
Clerk

Microfilm No. **530384**  
3rd Day Sept 2010  
At 9:16 O'Clock AM  
ABBIE MACE  
FREMONT CO RECORDER  
Fee \$ 0 Deputy  
Recorded at Request of Abbie Mace