

COUNTY ORDINANCE NO. 99-04

AN ACT CONCERNING

PERFORMANCE STANDARDS FOR
LANDFILLS, RUBBLE FILLS AND SLUDGE
STORAGE AND DISPOSAL USES

FOR THE PURPOSE of repealing prior enactments regarding performance standards for certain extraction and disposal uses under Title 18 of the Code of Public Local Laws of Queen Anne's County, adopting new performance standards for landfills, rubble fills and sludge storage and disposal uses under the Queen Anne's County Zoning Ordinance (Title 18 of the Public Local Laws of Queen Anne's County, 1996 Edition).

By repealing County Ordinance 96-13.

By repealing and reenacting, with amendments, Sections 18-1-032(d) and 18-1-132(d) of the Code of Public Local Laws of Queen Anne's County, 1996 Ed.

SECTION 1

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that County Ordinance 96-13 be and is hereby repealed and that the provisions of the Queen Anne's County Zoning Ordinance read as set forth prior to the enactment of County Ordinance 96-13 subject to any subsequent amendments in this Ordinance.

SECTION 2

AND BE IT FURTHER ENACTED that the Code of Public Local Laws of Queen Anne's County read as set forth on the attached and specifically that Section 18-1-032(d) and Section 18-1-132(d) of such Code read as set forth on the attached.

SECTION 3

AND BE IT FURTHER ENACTED that this Ordinance is declared to be an emergency bill affecting the public health, safety and welfare of Queen Anne's County and shall take effect from the date of its passage and not less than ten (10) days after the date of public hearing as required by the provisions of Article 66B of the Annotated Code of Maryland.

Introduced By: Marlene Davis
Date of Introduction: 4-6-99
Public Hearing Held: 4-27-99 10:00am
Vote: 3 YEA _____ NAY _____
Date: 5-4-99

Effective: May 4, 1999

18-1-032. Industrial uses.

(d) ***Extraction and disposal uses.***

- (1) Extraction and disposal uses include:
 - (i) junk, scrap, or salvage yards;
 - (ii) landfills (including rubble landfills);
 - (iii) sludge disposal or storage;
 - (iv) resource recovery facilities, trash compaction, waste or trash transfer stations, and any other form of waste management facilities;
 - (v) all extraction operations that disturb more than five acres;
 - (vi) dredge disposal uses that disturb more than ten acres of land; and
 - (vii) all nonlateral oil and gas drilling and extraction.
- (2) Extraction associated with aquacultural activities are exempt from this subsection.
- (3) Extraction and disposal uses create major disruptions to the area's environment, even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated.
- (4) Extraction and disposal uses are not acceptable as a neighbor in a residential environment.

18-1-132. Additional standards for specified conditional uses.

(d) ***Extraction and disposal.***

(1) Extraction and disposal includes sand, clay, shale, gravel, topsoil, or similar extractive operations including borrow pits (excavations for removing material for filling operations) and disposal operations such as landfills (including rubble landfills), trash transfer sites, incinerators, sludge or other land disposal or storage of septic tank wastes or sludges, trash, junk cars, recycling facilities, used auto parts, or junkyards.

(2) When applying for a zoning permit or change of zoning, the applicant shall provide, in addition to what is otherwise required for a conditional use permit:

(i) a plan of general area within a 1-mile radius of the site at a scale of 1,000 feet to the inch or less with a 10-foot contour interval or less that includes the information specified in paragraph (3) of this subsection;

(ii) a plan of the proposed site at a scale of 100 feet to the inch or less with a 2-foot contour interval or less that includes the information specified in paragraph (4) of this subsection;

(iii) a plan of operation that includes the information specified in paragraph (5) of this subsection; and

(iv) an end use plan for the rehabilitation of the site after the extraction or disposal operation is completed that includes the information specified in paragraph (6) of this subsection.

(3) The general plan shall show:

(i) existing data that includes:

1. the location of the proposed site;
2. the land use pattern including building locations and historical sites and buildings within a 1-mile radius of the proposed site; and
3. roads -- indicating major roads and showing width, weight loads, types of surfaces, and traffic data;

(ii) site and geological data that includes :

~~1. soil and geology, with soil borings on a 100-foot grid for disposal or storage facilities;~~

~~1. 2.~~ surface drainage patterns;

~~3. groundwater movements and aquifer information;~~

~~4. aquifer recharge data;~~

~~2. 5.~~ vegetation cover on the site and dominant species; and

~~3. 6.~~ annual precipitation and dominant seasonal wind direction; and

(iii) the proposed operation of the site that includes:

1. for extractive operations:

A. type of material to be removed;

B. annual removal rate;

C. methods of extraction, including types of equipment, use of conveyors, and use of blasting materials;

D. supplementary processes, drying, grading, mixing, or manufacturing;

E. estimated life of the operation and maximum extent of area disturbed, final depths, and side wall slopes; and

F. approved sediment erosion control plan; and

2. for disposal facilities:

A. approximate number of cubic yards of waste to be accepted per day, or thousands of gallons;

B. a detailed description of the operation;

C. methods of protecting wastes from exposure to wind, rain, or biological influences;

~~D.~~ types of liners or other barriers to prevent movement through the soils;

~~E.~~ types of leachates generated and method of managing these materials;

~~D F.~~ type and origin of the waste materials;

~~E G.~~ the average number of vehicles entering the site and the routes taken to get there;

~~F H.~~ the ability of roads and bridges to support such loadings;

~~G I.~~ on-site management techniques used to protect against odor, dust, litter, and animal or insect vectors; and

~~H J.~~ data on previous developments that have been approved by the County for building permits, zoning reviews, subdivisions, or land developments.

(4) A plan of the proposed site shall show:

(i) basic data that includes:

1. soils and geology as related to stormwater management;

~~2.~~ groundwater data and water courses;

~~2 3.~~ vegetation -- with dominant species; and

~~3 4.~~ wind data -- directions and percentage of time; and

(ii) proposed usage that includes:

1. final grading by contours;

2. interior road patterns and the relation to operation yard and points of ingress and egress to State and County roads;

3. estimated amount and description of aggregate and overburden to be removed;

4. ultimate use and ownership of the site after completion of operation; and

5. source of water if the final plan shows use of water.

- (5) A plan of operation shall show:
- (i) proposed tree and berm screen locations;
 - (ii) soil embankments for noise, dust, and visual barriers, and heights of spoil mounds;
 - (iii) method of disposition of excess water during operation;
 - (iv) location and typical schedule of blasting;
 - (v) machines -- type and noise levels; and
 - (vi) safety measures -- monitoring of complaints.
- (6) (i) An end use plan shall show and provide for either a final end use or an open space use.
- (ii) If it is to be an open space use, the applicant shall:
 - 1. provide documentation that shows who shall own and maintain the site or restrictive easements; and
 - 2. submit a final contour and site plan.
 - (iii) If there is an end use other than open space, the applicant shall submit engineering data on the length of time needed for the restoration work to be sufficiently settled to construct the end use.
 - (iv) For all end uses, the applicant shall submit evidence of:
 - 1. post operation maintenance and legal responsibility for any environmental pollution that occurs after the facility is closed; and
 - 2. financial ability to clean up the pollution that occurs after the facility is closed.
- (7) (i) Extraction and disposal activities shall comply with the performance standards specified in this paragraph.
- (ii) Extractive operations shall meet all development and performance standards set forth in of this subtitle and all applicable local, State, and federal regulations.

(iii) An excavation, quarry wall, or storage area in connection with an extraction operation may not be located within:

1. 50 feet of any lot line;
2. 125 feet from any street right-of-way; and
3. 200 feet of any residential or commercial district boundary line.

(iv) 1. All excavations shall be graded in such a way as to provide an area that is harmonious with the surrounding terrain and not dangerous to human or animal life.

2. Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble such as concrete, asphalt, etc., or other materials, providing such materials are composed of nonnoxious, noncombustible solids.

3. Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such material, or 33 degrees in angle, whichever is less. During grading and backfilling, the setback requirements in subparagraph (iii) of this paragraph may be reduced so that the top of the graded slope may not be closer than 25 feet to any lot line, 75 feet to any street line, and 100 feet to any nature reserve or residential district boundary line.

4. When excavations that provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of 7 feet horizontal to 1 foot vertical, beginning at least 50 feet from the edge of the water and maintained into the water to a depth of 5 feet.

5. Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect or permit stagnant water to remain.

(v) A landfill or rubble fill may not be located within:

1. Five hundred feet from any parcel of land located in a region with a zoned classification of residential;
2. One thousand five hundred feet from any public or private school or hospital;
3. Five hundred feet from any church, public library, public parks or trails, or other public facility; and

4. One hundred feet from the boundaries of the property on which the landfill or rubble fill is located.

(vi) Any landfill or rubble fill shall also comply with the following performance standards:

1. Access: The landfill or rubble fill shall be surrounded by six-foot high fencing or other natural barriers to deter unauthorized entry. Lockable gates must be provided at each point of entry in order to limit access to the facility.

2. Screening: Landscaping or fencing shall be provided to screen the active portions of the landfill or rubble fill from surrounding lots. Open storage of equipment and materials shall be allowed only in areas screened from the view of surrounding lots.

3. Hours of Operation: The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 7:00 a.m. to 3:00 p.m. on Saturday.

4. Prevention of Nuisances and Unsanitary Conditions: The landfill or rubble fill shall be designed, operated, and maintained in a manner that prevents the creation of a nuisance or unsanitary condition such as litter, dust, odor, and vermin.

5. Roads: All forms of access to the property and the disposal site on the property shall be through the use of paved all-weather public roads.

6. Submittal Requirements: Submittals should demonstrate that the landfill or rubble fill will not adversely affect wetlands, floodplains, or other environmentally sensitive areas.

(vii) Any sludge storage or sludge disposal facility may not be located within:

1. Two hundred feet from any parcel of land zoned residential;

2. Two hundred feet from public or private school, church, hospital, or park;

(viii) (↔) Truck access to any excavation or disposal activity shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

(ix) (vi) 1. When open space is the final end use for the site, all land that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished site using various types of plant material for the prevention of soil erosion and to provide vegetative cover.

2. When buildings are proposed as part of the final end use for the site, areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.