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RESOLUTION # 83-16

WHEREAS, the County Board of Supervisors of Washington County, Nebraska, has proposed amendments to the Washington County, Nebraska, Zoning Regulations, which proposed amendments were duly submitted to the Washington County, Nebraska, Planning Commission for its recommendations, and,

WHEREAS, the Washington County, Nebraska, Planning Commission, after public hearing and notice thereof as provided by law, has recommended the adoption of such proposed amendments, and,

WHEREAS, notice of public hearing before the Washington County, Nebraska, Board of Supervisors of such proposed amendments was given by publication in a legal newspaper of general circulation in Washington County one time at least ten (10) days prior to such hearing, and,

WHEREAS, public hearing was had thereon on the 27th day of September, 1983.

NOW, THEREFORE, BE IT RESOLVED BY THE County Board of Supervisors of Washington County, Nebraska, that the Washington County, Nebraska, Zoning Regulations be amended as follows:

At page 12 of the Washington County, Nebraska, Zoning Regulations, §1.009 A-1, Agriculture Farming District, under Permitted Special Uses, add the following:

- DISPOSAL OF PAUNCH MANURE
- DISPOSAL OF SLUDGE

Add the following regulations:

- Section 2.002 DISPOSAL OF PAUNCH MANURE
- Section 2.003 DISPOSAL OF SLUDGE

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 2003
 ENTERED IN NUMERICAL INDEX AND FILED FOR RECORDS
 THIS 29th DAY OF OCTOBER A.D. 1983
 AT 1:29 O'CLOCK P.M. AND RECORDED IN BOOK
 173 AT PAGE 118
 COUNTY CLERK (Signature)
 DEPUTY (Signature)

Recorded _____
 General _____
 Numerical _____
 Photostat _____

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AMENDMENT TO SECTION 1.009 A-1

AGRICULTURAL FARMING DISTRICT

Amend the "permitted Special Uses" section to include
PAUNCH MANURE DISPOSAL.

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SECTION 2.002 PAUNCH MANURE REGULATIONS

A Regulation to create standards of operation for the disposal of paunch manure in accordance with Washington County Zoning Regulations recommended by the Washington County Planning Commission and passed by the Washington County Board of Supervisors on OCTOBER 25, 1983.

It is hereby found and declared that unsanitary disposal of paunch manure creates health and sanitary hazards, promotes the breeding of vermin, flies, and other pests, pollutes water and the atmosphere, produces noxious odors and is an affront to the aesthetic values of the citizens of Washington County. It is further found and declared that the elimination of open disposal of paunch manure and the prevention of health, sanitation, and aesthetic nuisances in the future is in the best interests of the citizens of Washington County and the State of Nebraska; and that the accomplishment of these ends will be fostered and encouraged by the enactment and enforcement of this regulation. The enactment and enforcement of this regulation is hereby declared to be essential to the public interest and it is intended that this regulation be liberally construed to effectuate the purposes as stated herein.

Be it enacted by the Board of County Supervisors of Washington County, Nebraska:

A. DEFINITIONS

For the purpose of this regulation, certain terms and words are defined as set forth in this regulation. All words used in the present tense shall include the future tense; all words in the plural shall include the singular and all words in the singular shall include the plural; unless the natural construction of the wording indicates otherwise.

1. APPLICANT: shall mean any person who owns or is in possession of real property upon which paunch manure is proposed to be disposed,
2. APPLICATION SITE: shall mean the property upon which paunch manure is to be disposed,
3. DISPOSE: shall mean to apply, dump, leave, place, unload, or otherwise get rid of,

4. GENERATOR: shall mean any person whose act or process produces paunch manure,
5. INCORPORATE INTO THE SOIL: shall mean to work a material into the surface of the soil by plowing, discing, or other means,
6. PAUNCH MANURE: shall mean partially digested material taken from an animal at the time of slaughter,
7. PERSON: shall mean any federal agency, individual, partnership, association, firm, company, corporation, agent, municipality or governmental subdivision, or organization of any kind,
8. STORAGE: shall mean the temporary holding or leaving of a material in a location or position other than where it will ultimately reside or be used.

B. PERMITS

It shall be unlawful for any person to use any land, premises, or property in Washington County for the storage and disposal of any paunch manure without first making application for and securing a special use permit to do so. The special use permit shall be issued by the Washington County Board of Supervisors pursuant to procedures in the WASHINGTON COUNTY ZONING REGULATIONS.

An applicant for a special use permit to dispose of paunch manure shall submit an application, together with the application fee of \$100.00 to the Washington County Building Inspector. The application shall include, but not be limited to, the following:

1. The name, address, telephone number, and ownership status of the generator of the paunch manure.
2. The name, address, and telephone number of the person who will be disposing paunch manure.
3. The name, address, and telephone number of the owner of the paunch manure application site.
4. The legal description of the paunch manure application site.

5. The current and future use of the proposed application site.
6. The type of vehicles or facilities used to transport paunch manure to the application site.
7. A description of the method of disposal and storage of paunch manure at the application site. If storage or disposal facilities are to be utilized, engineering plans and specifications must be included. Construction of such facilities shall not commence until the plans and specifications have been approved by the Washington County Board of Supervisors.
8. A description of the method of application of paunch manure.
9. A description of the method of incorporating paunch manure into the soil.
10. A topographic map of the application and storage site(s) which shall include:
 - a. The locations and names of neighboring homesites or farmsteads and adjacent land owned by others.
 - b. The location of wells within 500 feet of the application site boundary.
 - c. The specific location(s) of proposed storage site(s).
11. Submit a soil analysis of the application site, which analysis shall include:
 - a. pH
 - b. Soil Cation Exchange Capacity
 - c. Heavy Metals
 - d. Nitrogen
 - e. Water Table Evaluation
 - f. Percolation Tests

No special use permit to dispose of paunch manure shall be issued unless the generator has first applied for and secured a permit, where applicable, from the Nebraska Department of Environmental Control.

No order of the Washington County Board of Supervisors granting a special use permit for the disposal of paunch manure shall be valid for a period of longer than six (6) months from the date of such order, unless the Washington County Board of Supervisors specifically grants a longer period of time.

C. CONDITIONS FOR DISPOSAL

No person shall permit the unloading, dumping, or other disposal of any paunch manure at any place except a licensed and permitted application site. This shall not prohibit a person from disposing of paunch manure from his own animals or household upon his own land as long as such disposal does not create a nuisance or hazard to health of others.

D. REGULATIONS

The following regulations shall be observed by any person to whom a permit is granted for the disposal of paunch manure. These regulations shall govern the disposal, storage, and incorporation of paunch manure in Washington County and any failure to fully comply with these regulations shall be sufficient grounds for suspension or revocation of the permit granted.

1. Paunch manure will not be disposed of in Washington County unless it has sixty-five (65%) per cent or less moisture content, unless otherwise permitted by the Washington County Board of Supervisors.
2. The disposal of paunch manure shall comply with the guidelines of the Nebraska Department of Environmental Control and the United States Environmental Protective Agency as described in U.S. EPA 430/9-77-004, Construction Grants Requirements, Oct., 1977.
3. Paunch manure shall be applied at a rate as set forth in U.S. EPA 430/9-77-004, Construction Grants Requirements, Oct., 1977.
4. The application to land and storage of paunch manure shall be monitored by the Washington County Board of Supervisors through inspections and laboratory analysis of the paunch manure. The costs of any analysis shall

be paid by the permit holder. Non-compliance with any requirements of conditions which may be dangerous to the public health shall be sufficient grounds to revoke the special use permit. Revocation of the special use permit may be accomplished by the Washington County Board of Supervisors. Upon such revocation, removal or proper disposal of the paunch manure shall be completed within a reasonable period of time, as specified by the Washington County Board of Supervisors.

5. During the months of March through November, all paunch manure that is land applied shall be incorporated into the soil within twenty-four (24) hours of the application. If the paunch manure cannot be incorporated into the soil within such 24 hour period, it shall not be land applied.
6. Paunch manure shall not be land applied within 500 feet of an inhabited residence, business or facility, or land frequented by the public.
7. Storage of paunch manure shall not be located within:
1280 feet of an incorporated city, village, or town, inhabited residence, business, facility, or land frequented by the public, unless otherwise permitted by the Washington County Board of Supervisors.
8. Storage of paunch manure shall comply with recommended Nebraska Department of Environmental Control guidelines.

E. PENALTY FOR VIOLATIONS

Any person who violates any of the provisions of this regulation shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

F. SEVERABILITY

If any section, clause, provision, part, or portion of any section, clause, or provision of this regulation or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the validity or application of any other section, clause, provision, part, or portion of this regulation.

AMENDMENT TO SECTION 1.009 A-1

AGRICULTURAL FARMING DISTRICT

Amend the "permitted Special Uses" section to include
SLUDGE DISPOSAL.

SECTION 2.003 SLUDGE REGULATIONS

A Regulation to create standards of operation for the disposal of sludge in accordance with Washington County Zoning Regulations recommended by the Washington County Planning Commission and passed by the Washington County Board of Supervisors on October 25, 1983.

It is hereby found and declared that unsanitary disposal of sludge creates health and sanitary hazards, promotes the breeding of vermin, flies, and other pests, pollutes water and the atmosphere, produces noxious odors and is an affront to the aesthetic values of the citizens of Washington County. It is further found and declared that the elimination of open disposal of sludge and the prevention of health, sanitation, and aesthetic nuisances in the future is in the best interests of the citizens of Washington County and the State of Nebraska; and that the accomplishment of these ends will be fostered and encouraged by the enactment and enforcement of this regulation. The enactment and enforcement of this regulation is hereby declared to be essential to the public interest and it is intended that this regulation be liberally construed to effectuate the purposes as stated herein.

Be it enacted by the Board of County Supervisors of Washington County, Nebraska:

A. DEFINITIONS

For the purpose of this regulation, certain terms and words are defined as set forth in this regulation. All words used in the present tense shall include the future tense; all words in the plural shall include the singular and all words in the singular shall include the plural; unless the natural construction of the wording indicates otherwise.

1. APPLICANT: shall mean any person who owns or is in possession of real property upon which sludge is proposed to be disposed,
2. APPLICATION SITE: shall mean the property upon which sludge is to be disposed,
3. DISPOSE: shall mean to apply, dump, leave, place, unload, or otherwise get rid of,

4. GENERATOR: shall mean any person whose act or process produces sludge,
5. INCORPORATE INTO THE SOIL: shall mean to work a material into the surface of the soil by plowing, discing, or other means,
6. PERSON: shall mean any federal agency, individual, partnership, association, firm, company, corporation, agent, municipality or governmental subdivision, or organization of any kind,
7. SLUDGE: shall mean any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects, which has been treated by a process to significantly reduce pathogens by one of the following methods:
 - a. Aerobic digestion: The process is conducted by agitating sludge with air or oxygen to maintain aerobic conditions at residence times ranging from 60 days at 15°C to 40 days at 20°C, with a volatile solids reduction of at least 38 per cent.
 - b. Air drying: Liquid sludge is allowed to drain and/or dry on under-drained sand beds, or paved or unpaved basins in which the sludge is at a depth of nine inches. A minimum of three months is needed, two months of which temperatures average on a daily basis above 0°C.
 - c. Anaerobic digestion: The process is conducted in the absence of air at residence times ranging from 60 days at 20°C to 15 days at 35° to 55°C, with a volatile solids reduction of at least 38 per cent.
 - d. Composting: Using the within-vessel, static aerated pile or windrow composting methods, the solid waste is maintained at minimum operating conditions of 40°C for 5 days. For four hours during this period the temperature exceeds 55°C.
 - e. Lime Stabilization: Sufficient lime is added to produce a pH of 12 after 2 hours of contact.
 - f. Other methods: Other methods or operating conditions may be acceptable if pathogens and vector attraction of the waste (volatile solids) are reduced to an extent equivalent to the reduction achieved by any of the above methods.

8. STORAGE: shall mean the temporary holding or leaving of a material in a location or position other than where it will ultimately reside or be used.

B. PERMITS

It shall be unlawful for any person to use any land, premises, or property in Washington County for the storage and disposal of any sludge without first making application for and securing a special use permit to do so. The special use permit shall be issued by the Washington County Board of Supervisors pursuant to procedures in the WASHINGTON COUNTY ZONING REGULATIONS.

An applicant for a special use permit to dispose of sludge shall submit an application, together with the application fee of \$100.00 to the Washington County Building Inspector. The application shall include, but not be limited to, the following:

1. The name, address, telephone number, and ownership status of the generator of the sludge.
2. The name, address, and telephone number of the person who will be disposing sludge.
3. The name, address, and telephone number of the owner of the sludge application site.
4. The legal description of the sludge application site.
5. The current and future use of the proposed application site.
6. The type of vehicles or facilities used to transport sludge to the application site.
7. A description of the method of disposal and storage of sludge at the application site. If storage or disposal facilities are to be utilized, engineering plans and specifications must be included. Construction of such facilities shall not commence until the plans and specifications have been approved by the Washington County Board of Supervisors.
8. A description of the method of application of sludge.
9. A description of the method of incorporating sludge into the soil.
10. A topographic map of the application and storage site(s), which shall include:

1. Sludge will not be disposed of in Washington County unless it has sixty-five (65%) per cent or less moisture content, unless otherwise permitted by the Washington County Board of Supervisors.
2. The disposal of sludge shall comply with the guidelines of the Nebraska Department of Environmental Control and the United States Environmental Protective Agency as described in U.S. EPA 430/9-77-004, Construction Grants Requirements, Oct., 1977.
3. Sludge shall be applied at a rate as set forth in U.S. EPA 430/9-77-004, Construction Grants Requirements, Oct., 1977.
4. The application to land and storage of sludge shall be monitored by the Washington County Board of Supervisors through inspections and laboratory analysis of the sludge. The costs of any analysis shall be paid by the permit holder. Non-compliance with any requirements or conditions which may be dangerous to the public health shall be sufficient grounds to revoke the special use permit. Revocation of the special use permit may be accomplished by the Washington County Board of Supervisors. Upon such revocation, removal or proper disposal of the sludge shall be completed within a reasonable period of time, as specified by the Washington County Board of Supervisors.
5. During the months of March through November, all sludge that is land applied shall be incorporated into the soil within twenty-four (24) hours of the application. If the sludge cannot be incorporated into the soil within such 24 hour period, it shall not be land applied.
6. Sludge shall not be land applied within 500 feet of an inhabited residence, business or facility, or land frequented by the public.
7. Storage of sludge shall not be located within 1280 feet of an incorporated city, village, or town, inhabited residence, business, facility or land frequented by the public, or, unless otherwise permitted by the Washington County Board of Supervisors.

8. Storage of sludge shall comply with recommended Nebraska Department of Environmental Control guidelines.
9. Storage of sludge shall be in a pile at least four (4) feet deep at its highest point.

E. PENALTY FOR VIOLATIONS

Any person who violates any of the provisions of this regulation shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

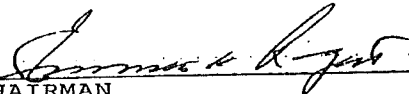
F. SEVERABILITY

If any section, clause, provision, part, or portion of any section, clause, or provision of this regulation or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the validity or application of any other section, clause, provision, part, or portion of this regulation.


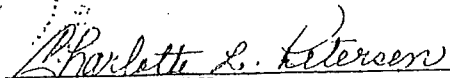
BE IT FURTHER RESOLVED that this Resolution be spread at large in the minutes of the proceedings of the County Board and be published in book or pamphlet form and filed with the County Clerk within fifteen days after its passage and approval.

BE IT FURTHER RESOLVED that proof of publication of this resolution shall be filed in the office of the County Clerk of Washington County, Nebraska.

Passed and approved this 25 day of ^{October}~~September~~, 1983.


CHAIRMAN
COUNTY BOARD OF SUPERVISORS
WASHINGTON COUNTY, NEBRASKA

ATTEST:



COUNTY CLERK

CERTIFICATE OF ADOPTION, PUBLICATION AND FILING

STATE OF NEBRASKA)
WASHINGTON COUNTY) :SS:

I, Charlotte L. Petersen, do hereby certify:

That I am the duly elected, qualified and acting County Clerk of Washington County Nebraska.

The book or pamphlet containing this certificate contains a true and complete copy of the Washington County Zoning Regulations as amended by the County Board of Supervisors of Washington County, Nebraska, on the 25th day of October, 1983, and published and filed in my office on the 26th day of October, 1983.

Witness my hand and the seal of my office this 26th day of October, 1983.

Charlotte L. Petersen
Charlotte L. Petersen,
Washington County Clerk