

1. Why a County Solid Waste Ordinance is needed.
  - DNR does not regulate local issues unique in each County
  - County has authority to adopt a Solid Waste Ordinance
    - 260.215, RSMo
  - Without a County ordinance, no local control over local issues
  - County can regulate location, impose local tipping fee, etc.
    - *LC Development v Lincoln County*, 26 SW3d 336
    - § 260.830, RSMo
  
2. Problems with Commission's initial Draft Solid Waste Order
  - 3.1 - only 2 mile Setback from school, church, subdivision, park
  - 3.1 - imposed only ¼ mile Setback from occupied residence
  - 3.1 - no Setback for wells, streams, caves, sinkholes
  - 5.1 - no requirement for Public Hearing on a permit application
  - 5.2 - maximum fine of only \$100 per violation
  - 8.2 - exempts any facility with Host Agreement from Ordinance
  
3. Commission's 2<sup>nd</sup> Draft Solid Waste Order
  - increases Setback to 3 miles from school, church, subdivision, park
  - increases Setback to ¾ mile from occupied residence
  - conduct Public Hearing on permit application "as required by § 260.215" (but no requirement for hearing on an application)
  - increases daily fine to \$1,000
  - eliminates exemption for a facility with a Host Agreement
  
4. Issues Still to be Addressed
  - increase the Setback for occupied residence to 1 mile
  - impose at least 1 mile Setback for wells, streams, caves, sinkholes
  - make Public Hearing mandatory for all initial permit and expansion applications
  - require permit applicant to pay all County's review costs

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