

Hendricks County Recycling District Resolution 2020 – 03

A RESOLUTION ESTABLISHING THE FINAL DISPOSAL FEE RATE STRUCTURE FOR THE HENDRICKS COUNTY RECYCLING DISTRICT

WHEREAS, the Hendricks County Recycling District (“District”) is a solid waste district, pursuant to IC 13-21-3-1; and

WHEREAS, IC 13-21-13-1 authorizes the board of directors of a solid waste management district to impose fees on the disposal or incineration of solid waste at a final disposal facility located within the district, to pay costs associated with the development and implementation of a district solid waste management plan; and

WHEREAS, the Hendricks County Recycling District Board of Directors held a public hearing at the Hendricks County Government Center in Danville, Indiana on January 25, 2022, pursuant to notice published in accordance with IC 5-3-1; now, therefore:

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HENDRICKS COUNTY RECYCLING DISTRICT:

SECTION 1. For the purpose of this resolution, the following terms shall have the meanings ascribed to them as follows:

- (a) “Final disposal facility” shall have the meaning prescribed at IC 13-11-2-82.
- (b) “Solid waste” shall have the meaning prescribed at IC 13-11-2-205.
- (c) “Board of Directors” means the Hendricks County Recycling District Board of Directors.
- (d) “Fiscal officer” means the fiscal officer of the Hendricks County Recycling District.

SECTION 2. A final disposal fee rate structure is imposed as follows:

- (a) at the rate of one dollar (\$1.00) per ton for each ton of solid waste disposed of at a final disposal facility in the Hendricks County Recycling District that was generated within Hendricks County, Indiana
- (b) at the rate of one dollar and fifteen cents (\$1.15) per ton for each ton of solid waste disposed of at a final disposal facility in the Hendricks County

Recycling District that was generated in any county in Indiana other than Hendricks County

- (c) at the rate of two dollars (\$2.00) per ton for each ton of solid waste disposed of at a final disposal facility in the Hendricks County Recycling District that was generated in any state other than Indiana.

SECTION 3. The owner or operator of a final disposal facility located in the Hendricks County Recycling District is responsible for collecting the district final disposal fee imposed under Section 2 of this resolution from persons delivering solid waste to the final disposal facility. The disposal facility owner or operator may deduct an amount equal to one percent (1%) of the fees collected and may retain this amount as compensation for collecting and remitting the fees.

SECTION 4. The remainder of the fees collected each month under Section 3 of this resolution shall be remitted to the fiscal officer within ten (10) days after the last day of the month in which fees are collected. A fee collection report shall accompany the fees remitted.

SECTION 5. The owner or operator of a final disposal facility shall make necessary records available to an agent or employee designated by the Board of Directors for the purpose of verifying the amount of solid waste disposed of and the amount of fees being collected and remitted to the fiscal officer.

SECTION 6. The owner or operator of a final disposal facility that does not have a scale suitable for weighing solid waste may determine the weight of the solid waste by conversion from the volume of the solid waste. In making this conversion, an owner or operator shall use the following conversion factors:

- (a) Three and three-tenths (3.3) cubic yards of compacted solid waste equals one (1) ton of solid waste.
- (b) Six (6) cubic yards of uncompacted solid waste equals one (1) ton of solid waste.

SECTION 7.

- (a) The fee imposed under Section 2 of this resolution does not apply to solid waste that is received at a final disposal facility pursuant to a contract entered into before January 1, 1990, unless the contract contains a pass-through provision by which the transporter of the solid waste may recover the fees from the transporter's client.

- (b) Any solid waste for which an exemption under this section is sought must be identified as to the particular contract which does not contain the pass-through provision. A copy of any contract for which the owner or operator of a final disposal facility desires to claim an exemption under this section must be filed with the Board of Directors or an agent designated by the Board.
- (c) The fee imposed under Section 2 of this Resolution does not apply to material used as alternate daily cover pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10-20-13. I.C. 13-20-22-1.

SECTION 8. The fee imposed under Section 2 of this resolution does not apply to solid waste disposed of at a final disposal facility by a person that:

- (a) generated the solid waste; and
- (b) disposes of the solid waste at a final disposal facility that is owned by that person and is limited, for the purposes of the disposal of solid waste, to use by that person for the disposal of solid waste generated by that person.

SECTION 9. The fiscal officer shall establish a fund to be known as the “Hendricks County Solid Waste Management District Solid Waste Management Fund.” The Fund shall be administered by the fiscal officer and invested in the same manner as other county funds.

SECTION 10. The Board hereby finds that the fee imposed under Section 2 of this resolution is set at an amount sufficient to pay the expenses of administering the fund and for costs reasonably related to the organizational and managerial expenses of developing a solid waste management plan.

SECTION 11. Non-compliance with the provisions of this resolution shall subject an owner or operator to an enforcement and collection action by the District. The cost of the action and reasonable attorney fees of the District against the owner or operator shall also be assessed.

SECTION 12. The final disposal fee rate structure established in this resolution shall take effect on July 1, 2022.

Adopted by the Hendricks County Recycling District Board of Directors this 25th day of January, 2022.

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