



MOWER
COUNTY

**Solid Waste Management
Ordinance**

ORD _____

Adopted _____, _____

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Mower County Ordinance No. __

Solid Waste Management

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SECTION 1.0 PURPOSE, AUTHORITY, AND POLICY

1.1 PURPOSE AND AUTHORITY

An Ordinance establishing standards and procedures governing solid waste management; establishing solid waste management charges and programs; requiring licenses and license fees; assure that all individuals are both informed and responsible for their actions regarding solid waste; establishing penalties for lack of compliance; all in order to promote the health, welfare and safety of the public, and to protect the environment. This Ordinance is enacted pursuant to Minn. Stat. Chapters 400, 145A, 115, 115A, and 116.

1.2 POLICY

The policy of Mower County is to provide for the management of solid waste in a manner that will protect the public health, welfare and safety, prevent the spread of disease, prevent the creation of nuisances, conserve natural resources, and protect the State's water, air and land resources. It is also the policy of the County to conform to the purposes outlined in Minn. Stat. §115A.02 and to establish and implement a County Solid Waste Management Plan pursuant to Minn. Stat. §115A.46.

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SECTION 2.0 DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this Section. Unless specifically defined herein, terms used in this Ordinance shall have the same definition as provided in the Waste Management Act, Minn. Stat. §115A.01 *et seq.* and/or Minn. Rules Part 7035.300, and if not defined there, shall have common usage meaning. For the purpose of this Ordinance, words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the words "shall" and "must" are mandatory and the words "may" and "should" permissive.

When used in this Ordinance the following terms shall have the meaning given to them.

- 2.1 **“ABANDONED VEHICLE”** means any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.
- 2.2 **“ACCEPTABLE WASTE”** means solid waste which is accepted and managed or disposed of at a licensed solid waste facility.
- 2.3 **“AGENCY”** means the Minnesota Pollution Control Agency, its agent, or representative.
- 2.4 **“AGRICULTURAL USE”** shall have the same meaning as referenced in the Mower County Zoning Ordinance as amended.
- 2.5 **“AGRONOMIC RATES”** means the application of plant nutrients and soil amendments at rates recommended by the University of Minnesota or a Minnesota Department of Agriculture certified laboratory for the production of agronomic crops based upon specific crop yield goals and specific soil test values.
- 2.6 **“AIR CONTAMINANT”** means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particular substance, differing in composition from or exceeding in concentration, the natural components of the atmosphere.
- 2.7 **“AIR POLLUTION”** means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions

as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

- 2.8 **“ANIMAL MANURE OR MANURE”** means poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.
- 2.9 **“ASBESTOS’** means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.
- 2.10 **“ASH”** means the residue resulting from the processing combustion of solid waste, including fly ash and bottom ash and spent reagent and moisture.
- 2.11 **“AUTHORIZED REPRESENTATIVE”** means an employee or agent of the Department.
- 2.12 **“AVERAGE GRADE”** means the average grade elevations of all corners of the property.
- 2.13 **“BACKYARD COMPOST SITE”** means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and pruning’s from a single-family household.
- 2.14 **"CATHODE-RAY TUBE" OR "CRT"** means a vacuum tube or picture tube used to convert an electronic signal into a visual image.
- 2.15 **“CARCASS”** means the body or part of a domestic animal or fowl that has died, been killed, or has been slaughtered for human or animal consumption and not used for that purpose.
- 2.16 **“CELL”** means compacted solid waste that is enclosed by cover material in a solid waste landfill.
- 2.17 **“CERTIFICATE OF NEED”** or **“CON”** means an issuance from the State of Minnesota to certify needed disposal capacity.
- 2.18 **“CERTIFICATION OF CLOSURE”** means the acknowledgment that all required closure actions for intermediate disposal facilities have been satisfactorily completed in accordance with Section 6.8 of this Ordinance or the acknowledgement and legal testament of the solid waste landfill owner and agents (operator, attorney, and professional engineer) that all required closure actions have been satisfactorily completed in accordance with the approved closure plan(s) and specifications in compliance with all applicable regulations.

- 2.19** **“CITATION”** means an order issued by the MPCA, County, Law Enforcement Officers, or Department to appear before a judge on a given date to defend against a stated charge, such as an Ordinance violation.
- 2.20** **“CITY”** means a statutory or home rule charter City or town located within the County.
- 2.21** **“CLEAN FILL”** means uncontaminated natural earthen materials such as soil, sand, and gravel.
- 2.22** **“CLOSURE”** shall mean the physical act of securing, covering, and otherwise closing a terminated licensed solid waste facility operation or nonconforming site in accordance with the requirements of the Ordinance to mitigate and abate environmental impacts and public health and safety hazards, and nuisances, as well as to anticipate and resolve potential future problems.
- 2.23** **“CLOSURE PERIOD”** shall mean the time period from the date of termination of all intermediate or final disposal operations until the date that the County Board approves the closure.
- 2.24** **“CLOSURE PLAN”** shall mean all required closure and post-closure plans and specifications, supporting documents, reports, information and data required in Section 8.10 of this Ordinance that shall be necessary for review by the Department.
- 2.25** **“CO-COMPOST”** means the controlled biological decomposition and management of selected organic solid waste that is mixed with a nutrient source, most commonly sewage sludge, which results in an innocuous, stable, humus product which can be used as a soil conditioner.
- 2.26** **“COLLECTION”** or **“COLLECTS”** means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a solid waste facility.
- 2.27** **“COMMERCIAL BUILDING”** means any permanent or temporary building used for other than residential purposes.
- 2.28** **“COMMERCIAL HAULER”** means any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste or source separated materials from residential, commercial or industrial property.

- 2.29 “COMMERCIAL SITE”** means any business, commercial, industrial, institutional or governmental establishment. These include home-operated businesses, industries, commercial and institutional enterprises, and such non-residential institutions as churches, nursing homes, nonprofit associations, schools, and the like. If a site has dwelling units, but also has one or more units not used for dwelling purposes, such as a store or a restaurant, then it is considered a commercial site.
- 2.30 “COMPOST”** or **“COMPOSTING”** means the controlled biological decomposition and management of selected solid waste to produce an innocuous, humus-like material, which can be used as a soil conditioner.
- 2.31 “COMPOSTABLE MATERIAL”** shall mean any material that is primarily organic and can be decomposed through biological activity.
- 2.32 “COMPOSTABLE BAG”** means either a paper or plastic bag that meets the American Society for Testing Materials Standard Specification for Compostable Plastics (D6400). Each plastic bag shall be labeled to reflect that it meets the standard.
- 2.33 “COMPOSTING FACILITY”** means a site or facility used to compost or co-compost solid waste including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.
- 2.34 “COMPUTER”** means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, but does not include an automated typewriter or typesetter, a portable handheld calculator or device, or other similar device.
- 2.35 “COMPUTER MONITOR”** means an electronic device that is a cathode-ray tube or flat panel display primarily intended to display information from a central processing unit or the Internet. Computer monitor includes a laptop computer.
- 2.36 “CONSTRUCTION DEBRIS”** means waste building materials, packaging, and rubble resulting from construction, remodeling, and repair.
- 2.37 “CONSTRUCTION SITE”** means a place where the erection of buildings, roads or other improvements to real property is occurring.

- 2.38 “CORRECTIVE ACTIONS”** means the actions, including remedial actions that need to be performed by a person to correct the conditions on the property that are in violation of this Ordinance.
- 2.39 “COUNTY”** means Mower County, Minnesota.
- 2.40 “COUNTY BOARD”** means the Mower County Board of Commissioners.
- 2.41 “COVERED ELECTRONIC DEVICE”** means computers, peripherals, facsimile machines, DVD players, video cassette recorders, and video display devices that are sold to a household by means of retail, wholesale, or electronic commerce.
- 2.42 “COVER MATERIAL”** means material that is used to cover compacted solid waste in a disposal facility. Acceptable cover material is characterized by low permeability, uniform texture, cohesiveness and compactability, and is free of putrescible materials. Suitable cover materials include, but are not limited to, sandy loam, loam, silty loam, sandy clay loam, silty clay loam, clay loam, sandy clay, clayey sand, and loamy sand. Final cover material is used to terminate and permanently close a land disposal site, facility, or a part thereof, and the type and required characteristics of the final cover material shall be approved by the Department.
- 2.43 “CURBSIDE COLLECTION”** means a mixed municipal solid waste, yard waste, and/or recyclable materials collection system whereby the generators set solid waste containers at the curb adjacent to a roadway or, where this is not practical, in locations easily accessible for collection by a hauler.
- 2.44 “DEMOLITION LANDFILL”** means a solid waste landfill that is used for the disposal of demolition waste.
- 2.45 “DEMOLITION WASTE”** means solid waste resulting from construction, remodeling, repair, erection and demolition of buildings, roads and other artificial structures, including: concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, plastic building parts, plumbing fixtures, roofing materials, wallboard, and built-in cabinetry. Demolition waste does not include: asbestos waste; auto glass; wood treated with chemical preservatives; furniture; lighting equipment; vermiculite; contaminated soil; firebrick; food waste; machinery; engine parts; liquid paints; paint thinners or solvents; varnishes; street sweepings; tar; carpet/padding if not affixed to a structure; mattresses; adhesives, caulking, sealants and applicators, brushes, containers, tubes, filters contaminated with these materials; sandblasting materials; agricultural chemicals or containers (including empty pesticide,

herbicide, and insecticide containers); chemical containers; animal carcasses, parts, or rendering and slaughterhouse wastes; appliances (including white goods and brown goods); ashes or hot wastes that could spontaneously combust or ignite other wastes due to high temperatures; ash from incinerators, energy recovery facilities and power plants; batteries; carbon filters; fluorescent tubes and ballasts; high-intensity discharge lamps; foundry wastes; hazardous waste; household refuse or garbage; infectious waste; liquids (any type), liquid non-hazardous materials; medical waste; mercury containing wastes (thermostats, switches); PCB contaminated wastes; petroleum products and their containers or filters (including oil, grease or fuel); radioactive waste (unless natural materials at normal background levels); septage; sludges (including ink, lime, wood, sewage or paper); live coal tar (including applicators, containers, and tubes); waste tires; vehicles; yard waste; and packaging materials, including cardboard, paper, shrink-wrap and styrofoam. A mixture of demolition waste with other solid waste is not demolition waste.

- 2.46** **“DEPARTMENT”** means the Public Works Department of Mower County, its staff, and designated agents.
- 2.47** **“DISCARDED ANIMAL PARTS”** means all or parts of animals, fish, or poultry that have been killed for human or animal consumption and not used for that purpose.
- 2.48** **“DISPOSAL”** or **“DISPOSE”** means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground water.
- 2.49** **“DISPOSAL FACILITY”** means a solid waste facility permitted by the MPCA that is designed or operated for the purpose of disposing of waste in or on the land, together with any appurtenant facilities needed to process waste for disposal or transfer to another solid waste facility.
- 2.50** **“DUMPING”** means the illegal placement of any solid waste anywhere other than an approved facility or container.
- 2.51** **“EMBARGO”** means a written order issued by the Department prohibiting the movement, removal, transport, disposal, treatment, sale, or use of any material which is or is suspected to be a solid waste and which is being mismanaged or which the Department has reason to suspect is being or will be managed in violation of this Ordinance.

- 2.52** **“ENERGY RECOVERY”** shall mean a process by which energy is derived or extracted from solid waste to capture the heat value for conversion to steam, electricity, or immediate heat by direct combustion.
- 2.53** **“ENERGY RECOVERY FACILITY”** shall mean a facility used to capture the heat value of solid waste for conversion to steam, electricity, or immediate heat by direct combustion.
- 2.54** **“FACILITY”** means all contiguous land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, storing, or disposing of solid waste, leachate or residuals from solid waste processing.
- 2.55** **“FINAL DISPOSAL”** shall mean discharge, deposit, injection, uncontrolled dumping, spilling, leaking, or placing of any solid waste or any constituent thereof that may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 2.56** **“FINANCIAL ASSURANCE”** means monetary mechanisms which licensees use to assure proper pre-closure/operational period, closure period, and post closure period at a site or facility.
- 2.57** **“FLOODPLAIN”** means the areas adjoining a watercourse or water basin which has been or hereafter may be covered by a regional flood.
- 2.58** **“GARBAGE”** means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
- 2.59** **“GENERATE”** means the act or process of producing waste, including the production or aggregation of waste occurring at an intermediate disposal facility.
- 2.60** **“GENERATOR”** means any person who generates solid waste.
- 2.61** **“GROUNDWATER”** means water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near-surface unconsolidated sediment or regolith, or rock formations deeper underground.
- 2.62** **“HAULER”** means any person in the business of the collection and transportation of solid waste.

- 2.63 “HAZARDOUS WASTE”** means refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in a solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special, nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.
- 2.64 “HEALTH RISK LIMITS”** means the concentration range of a chemical (or a mixture of chemicals) in drinking water that is likely to pose little or no health risk to humans. The Minnesota Department of Health develops health risk limits using the best science available at the time.
- 2.65 “HOUSEHOLD”** means a single-family home or a building with residential units.
- 2.66 “HOUSEHOLD HAZARDOUS WASTE”** means waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under MPCA rules, but does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.
- 2.67 “IMMINENT HAZARD”** means an actual or potential immediate threat to the health, safety, or well-being of humans or livestock, or cause environmental degradation.
- 2.68 “INCINERATION”** means the process by which solid wastes are burned for the purpose of volume and weight reduction in permitted and licensed facilities designed for such use.
- 2.69 “INCINERATOR”** means any emissions unit, emission facility, furnace, or other device used primarily for the purpose of combusting solid waste.
- 2.70 “INDUSTRIAL SOLID WASTE” or “ISW”** means all solid waste generated from an industrial or manufacturing process or solid waste generated from non-manufacturing activities such as service and commercial establishments and that is managed as a separate waste stream from MSW. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition waste, or residential waste.

- 2.71 “INDUSTRIAL WASTE LANDFILL”** means a solid waste landfill that is used to dispose of industrial solid waste in or on the land, and accepts greater than 50 percent industrial solid waste annually by volume.
- 2.72 “INFECTIOUS WASTE”** means a solid waste that has the meaning given to it in Minn. Stat. §116.76, or its successor. Infectious waste includes laboratory waste, blood, regulated body fluids, sharps, and research animal wastes that have not been decontaminated.
- 2.73 “INFECTIOUS WASTE FACILITY”** means a facility where infectious waste is stored, disposed, decontaminated, or incinerated.
- 2.74 “INTERMEDIATE DISPOSAL”** means the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station operations, open burning, incomplete land disposal, incineration, composting, reduction, shredding, compression, recycling, processing, and any other management or handling of waste short of final disposal.
- 2.75 “INTERVENTION LIMIT”** means a concentration or measure, set forth by the MPCA, of a substance which, if found to be exceeded in a sample of ground water, indicates possible ground water pollution from the facility.
- 2.76 “LAND APPLICATION”** means the placement of solid waste or solid waste by-products on or incorporated into the soil surface.
- 2.77 “LAND APPLICATION SITE”** means any land used for the purpose of landspreading or the land application of waste or waste by-products.
- 2.78 “LANDFILL GAS”** means the production of a gas as a result of chemical reactions and microbes acting upon the solid waste as the putrescible material begins to break down in the solid waste landfill. The rate of production is affected by waste composition and landfill geometry, which in turn influence the bacterial populations within it, chemical make-up, thermal characteristics, entry of moisture and escape of gas.
- 2.79 “LANDFILL GAS MANAGEMENT SYSTEM”** means the structures constructed and operated to monitor and manage landfill gas including collection pipes, detection systems, gas wells, gas probes and treatment facilities.

- 2.80 “LAND POLLUTION”** means the presence in or on the land of any waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.
- 2.81 “LEACHATE”** means liquid that has percolated through solid waste and has extracted, dissolved, or suspended materials from it.
- 2.82 “LICENSE”** means authorization by the County to conduct business services that may be limited to a specific period of time, specific person, and or a specific site in the County.
- 2.83 “LICENSEE”** means the landowner, owner, operator, or other person or persons given authority by the Department to establish, operate, and maintain a solid waste management activity, disposal site or facility.
- 2.84 “LOCAL GOVERNMENT UNIT”** means cities, towns, and counties.
- 2.85 “MAJOR APPLIANCES”** means clothes washers and dryers, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.
- 2.86 “MAJOR MODIFICATION”** means a proposed change in a licensed solid waste facility that requires County Board approval. The criteria are stated in Section 6.4 of this Ordinance.
- 2.87 “MARKET”** means any person which accepts and recycles recyclable materials.
- 2.88 “MARKETED”** means delivery of recyclable materials to and acceptance by a market.
- 2.89 “MEDICAL WASTE”** means biological waste originating from the diagnosis, care, or treatment of a person or animal, or waste resulting from biological research, whether or not the waste has been rendered non-infectious.
- 2.90 “MIXED MUNICIPAL SOLID WASTE” or “MSW”** means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection. MSW does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

- 2.91 “MIXED MUNICIPAL SOLID WASTE SERVICES”** means collection, transportation, processing, or disposal of mixed municipal solid waste generated in the County, including but not limited to regularly scheduled service, on-call service, one-time service, rental and other use of equipment such as solid waste containers, compactors, compactor boxes, and the like, and any other service that involves or facilitates collection, transportation, processing, or disposal of solid waste materials as mixed municipal solid waste. It does not include the sale of equipment used for the collection, transportation, processing, or disposal of mixed municipal solid waste. It does not include collection, transportation, or management of recyclable materials, yard waste, food waste, source separated compostable materials, problem materials, or other waste materials when these materials are segregated by the generator for the purpose of recycling or composting and are delivered to a recycling facility or compost facility, or the sale, rental, or other use of equipment necessary to facilitate collection, transportation, or management of these materials.
- 2.92 “MOTOR VEHICLE”** means every vehicle that is self-propelled including, but is not limited to, all-terrain vehicles, buses, motorcycles, passenger cars, recreational vehicles, semi-trucks, snowmobiles, boats and other watercraft, trucks, and vehicles used for racing or demolition derbies.
- 2.93 “MPCA”** means the Minnesota Pollution Control Agency.
- 2.94 “MSW LANDFILL”** means a solid waste landfill that is used for the disposal of MSW.
- 2.95 “MULTIPLE OPERATION FACILITY LICENSE”** means one license granted to a person who operates two or more solid waste facilities within the same site boundary.
- 2.96 “MUNICIPALITY”** means a city, village, borough, county, town, sanitary district, school district, or other governmental subdivision or public corporation, or agency created by the legislature.
- 2.97 “NONCONFORMING SITES”** means real property used for final or intermediate disposal of solid waste for which no license was obtained from the County Board or that has not been closed in conformance with this Ordinance.
- 2.98 “NON-PROCESSIBLE WASTE”** means solid waste that cannot be processed at a processing facility due to the physical characteristics of the solid waste or potential harmful effects to the processing facility.

- 2.99 “NOT OPERABLE” OR “INOPERABLE”** when referring to motor vehicles means any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven by its own motor power. “Inoperable motor vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary, service or repair operations. Such temporary incapacity for ordinary service or repairs shall not exceed 30 days.
- 2.100 “NOTICE OF VIOLATION” or “NOV”** means a formal written notice issued by County Staff to notify a party that he or she is in violation of a County Ordinance. This NOV will inform the party of the alleged violations, the nature and extent of the violations, and the required corrective actions. The NOV shall also specify additional actions that will be taken by the Department, such as the inclusion of NOV orders into a final order or consent order and/or the issuance of a citation, as well as specific time frames in which these actions will be completed.
- 2.101 “NUISANCE”** means the creation of conditions or acts that unreasonably annoy, injure, or endanger the safety, health, comfort, or repose of any number of members of the public.
- 2.102 “OPEN AREA”** means areas outside of a building or structure.
- 2.103 “OPEN BURNING”** means burning any solid waste whereby the resultant combustion products are emitted directly to the open atmosphere.
- 2.104 “OPEN DUMP”** means a disposal facility at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, vermin, and scavengers.
- 2.105 “OPERATIONS”** means any site, facility, or activity relating to solid waste management purposes pursuant to this Ordinance.
- 2.106 “OPERATOR”** means the person(s) responsible for managing the day to day physical handling of solid waste at a particular site or facility.
- 2.107 “ORDINANCE”** means Ordinance No. __, the Mower County Solid Waste Management Ordinance.

- 2.108 “OWNER”** means any person or persons having a legal interest in real or personal property or any persons in possession or control of real or personal property including, but not limited to, mortgages, contract for deed vendees, and contract for deed vendors.
- 2.109 “PERFLUOROCHEMICALS” or “PFCs”** means a family of manmade chemicals that have been used for decades to make products that resist heat, oil, stains, grease and water. Common uses include nonstick cookware, stain-resistant carpets and fabrics, as components of fire-fighting foam, and other industrial applications.
- 2.110 “PERIPHERAL”** means a keyboard, printer, or any other device sold exclusively for external use with a computer that provides input or output into or from a computer.
- 2.111 “PERSON”** means any human being, municipality or other governmental or political subdivision or other public agency, public or private corporation, partnership, firm, association, organization, receiver, trustee, assignee, agent or other legal entity.
- 2.112 “PERSONNEL” or “FACILITY PERSONNEL”** means all persons who work at or oversee the operation of a solid waste facility, and whose actions or failure to act may result in noncompliance with the requirements of this Ordinance.
- 2.113 “pH”** means a value representing the acidity or alkalinity of an aqueous solution that is expressed by the negative logarithm of the hydrogen ion concentration with a scale of 0 to 14. A neutral solution has a pH of 7 and each one unit change in the pH value is a change of ten times the acidity or alkalinity of the solution.
- 2.114 “POLYCHLORINATED BIPHENYL” or “PCBs”** means an industrial solid waste that consists of two hundred nine (209) possible compounds that may have 1-10 chlorine atoms attached to a biphenyl aromatic structure.
- 2.115 “POST-CLOSURE PERIOD”** shall mean the time period beginning with County Board approval of closure or after completion of closure of a nonconforming site and extending until such time as monitoring and maintenance activities and contingency actions outlined in the approved closure plan.
- 2.116 “PRE-CLOSURE/OPERATIONAL PERIOD”** shall mean the period of time beginning at commencement of solid waste operations until the beginning of the closure period.

- 2.117 “PROBLEM MATERIAL”** means a material that, when processed or disposed of with mixed municipal solid waste, contributes to one of the following results: 1) the release of a hazardous substance, or pollutant or contaminant as defined in Minn. Stat. §115B.02; 2) pollution of water as defined in Minn. Stat. §115.01; 3) air pollution as defined in Minn. Stat. §116.06; or 4) a significant threat to the safe or efficient operation of a solid waste management facility.
- 2.118 “PROCESS TO FURTHER REDUCE PATHOGENS” or “PFRP”** means a treatment process below detectable levels. A PFRP must reduce enteric viruses to below 1 plaque forming unit (PFU) per 4 grams of total solids (dry weight basis) and reduce the density of viable helminth ova to below 1 per 4 grams of total solids (dry weight basis). PFRP processes and PFRP equivalent processes, when paired with an appropriate vector attraction reduction option, meet the requirements for Class A sewage sludge. All Class A alternatives require that either the density of fecal coliforms in the sewage sludge be less than 1,000 MPN per gram total solids (dry weight basis) or the density of salmonella bacteria in the sewage be less than 3 MPN per 4 grams of the total solids (dry weight basis) at the time the treated sludge is used or disposed.
- 2.119 “PROCESSING”** when referring to solid waste, means the treatment of solid waste after collection and before final disposal. Processing includes, but is not limited to: containment, reduction, storage, separation, exchange, physical, chemical or biological modification, and subsequent transfer from one solid waste facility to another.
- 2.120 “PROCESSING FACILITY”** means a site used to process solid waste, including all structures, equipment used to process the waste, storage areas for the incoming waste, and the final product and residuals resulting from the process. Processing facilities includes, but is not limited to wood, electronic, and major appliance recycling facilities and salvage yards.
- 2.121 “PUTRESCIBLE MATERIAL”** means solid waste which is capable of reaching a foul state of decay or decomposition.
- 2.122 “RADIOACTIVE WASTE FACILITY”** means a geographic site, including buildings, structures, and equipment in or upon which radioactive waste is retrievably or irretrievably disposed by burial in soil or permanently stored. An independent spent-fuel storage installation located on the site of a Minnesota nuclear generation facility for dry cask storage of spent nuclear fuel generated solely by that facility is not a radioactive waste facility.

2.123 “RAW RENDERING MATERIAL” means any body, part of a body, or product of a body of a dead animal that is unwholesome, condemned, inedible, or otherwise unfit for human consumption.

2.124 “REAL PROPERTY” means the following:

- A. For the purposes of taxation, real property includes the land itself, rails, ties, and other track materials annexed to the land, and all buildings, structures, and improvements or other fixtures on it, bridges of bridge companies, and all rights and privileges belonging or appertaining to the land, and all mines, iron ore and taconite minerals not otherwise exempt, quarries, fossils, and trees on or under it.
- B. A building or structure shall include the building or structure itself, together with all improvements or fixtures annexed to the building or structure, which are integrated with and of permanent benefit to the building or structure, regardless of the present use of the building, and which cannot be removed without substantial damage to itself or to the building or structure.
- C. Real property does not include the following:
 - 1. Tools, implements, machinery, and equipment attached to or installed in real property for use in the business or production activity conducted thereon, regardless of size, weight or method of attachment, and mine shafts, tunnels, and other underground openings used to extract ores and minerals taxed under chapter 298 together with steel, concrete, and other materials used to support such openings.
 - 2. The exclusion provided in clause (1) shall not apply to machinery and equipment includable as real estate by paragraphs (A) and (B) even though such machinery and equipment is used in the business or production activity conducted on the real property if and to the extent such business or production activity consists of furnishing services or products to other buildings or structures which are subject to taxation under this chapter.
 - 3. The exclusion provided in clause (1) does not apply to the exterior shell of a structure, which constitutes walls, ceilings, roofs, or floors if the shell of the structure has structural, insulation, or temperature control functions or provides protection from the elements. Such an exterior shell is included in the definition of real property even if it also has special functions distinct from that of a building.

D. The term real property does not include tools, implements, machinery, equipment, poles, lines, cables, wires, conduit, and station connections which are part of a telephone communications system, regardless of attachment to or installation in real property and regardless of size, weight, or method of attachment or installation. (Minn. Stat. § 272.03, Subd. 1)

- 2.125 “RECYCLABLE MATERIALS”** means materials that are separated from solid waste for the purpose of recycling including paper, glass, plastics, metals, wood, shingles, automobile oil and batteries.
- 2.126 “RECYCLING”** means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of the recyclable materials in a manner that precludes further use.
- 2.127 “RECYCLING FACILITY”** means a processing facility that collects, processes, and repairs recyclable materials and reuse them in their original form or use them in manufacturing processes.
- 2.128 “REFUSE”** means putrescible and non-putrescible solid wastes, including garbage, ashes, incinerator ash, incinerator residue, street cleanings, industrial solid wastes and sewage treatment wastes which are in a dry form.
- 2.129 “REFUSE DERIVED FUEL” or “RDF”** means the product resulting from techniques or processes used to prepare solid waste by shredding, sorting, or compacting for use as an energy source.
- 2.130 “RDF PROCESSING FACILITY”** means a site used to process solid waste into RDF, including all structures, equipment used to process the waste, storage areas for the incoming waste, and the final product and residuals resulting from the process.
- 2.131 “REJECTED WASTE”** means unacceptable waste which is rejected at the designated facility.
- 2.132 “RENDERING PLANT”** means a processing facility where raw rendering materials are converted into fats, oils, feeds, fertilizer and other products.
- 2.133 “RESIDENCE”** means a single-family home or a building with residential units.
- 2.134 “RESIDUE” or “RESIDUALS”** means solid waste remaining after processing or composting including ash residue and other solid waste that is not recovered or combusted.

- 2.135 “RESOURCE RECOVERY”** means the reclamation for sale, use, or reuse of materials, substances, energy, or other products contained within or derived from waste, including, but not limited to energy recovery, processing, and composting facilities.
- 2.136 “RESOURCE RECOVERY FACILITY”** means a solid waste facility established and used primarily for resource recovery, including related and appurtenant facilities such as transmission facilities and transfer stations primarily serving the resource recovery facility.
- 2.137 “RESPONSIBLE PARTY”** means the owner, operator, or successor in interest of a solid waste facility.
- 2.138 “RUN-OFF”** means any liquid that drains over land from any part of a facility.
- 2.139 “RUN-ON”** means any liquid that drains over land onto any part of a facility.
- 2.140 “SALVAGE YARD”** shall mean an establishment, place of business, or place of storage or deposit, that is maintained, operated, or used for storing, keeping, buying, or selling scrap, junk, or waste metal, including, but not limited to, automobiles, trucks, tractors, farm equipment, industrial equipment, containers, and appliances, where the total scrap metal stored is greater than nine tons or consists of more than three motor vehicles.
- 2.141 “SALVAGING”** means the controlled and authorized removal of waste materials from a licensed solid waste facility.
- 2.142 “SATELLITE VEHICLE”** means a vehicle used to collect solid waste for subsequent transfer into another, usually larger, vehicle or container for transport to a solid waste facility.
- 2.143 “SCAVENGING”** means the removal of waste materials from a licensed solid waste facility, which has not been authorized by the Department.
- 2.144 “SCREENING”** means the placement of man-made or natural barriers such as a fence, tree line, or berm so as to prevent public view of potentially unsightly or nuisance material.
- 2.145 “SELF HAULER”** means a person who transports their own solid waste for solid waste management purposes.
- 2.146 “SEPTAGE”** means the liquid and solid material removed from an individual sewage treatment system, portable toilet, Type III marine sanitation device, holding tank or any similar

treatment works that receives only domestic sewage. Septage does not include industrial solid wastes or wastes from grease traps.

- 2.147 “SEWAGE SLUDGE”** means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.
- 2.148 “SHORELAND”** means land located within the following distances from the ordinary high water elevation of public waters: 1,000 feet from ordinary high water level of a lake, pond, or flowage; and 300 feet of a river or stream whichever is greater. The limits of shorelands may be reduced whenever waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.
- 2.149 “SITE”** means the spatial location of a proposed or actual solid waste facility.
- 2.150 “SLUDGE”** means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air containment treatment facility, or other waste having similar characteristics and effects.
- 2.151 “SOLID WASTE” or “WASTE”** means garbage, refuse, sludge, from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common water resources, such as silt, dissolved and suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended, or its successor, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended, or its successor.
- 2.152 “SOLID WASTE ADMINISTRATOR”** means the individual assigned by the County to oversee and direct solid waste management activities.
- 2.153 “SOLID WASTE COLLECTION”** means the gathering of solid waste from public and private places.

- 2.154 “SOLID WASTE HAULER”** means any person or persons who collects or transports any solid waste; except, an individual resident hauling his or her own household waste is not a solid waste hauler.
- 2.155 “SOLID WASTE LANDFILL”** means a site used for final disposal of solid waste in or on the land.
- 2.156 “SOLID WASTE FACILITY”** means all property, real or personal, including negative and positive easements and water and air rights, that is used for processing, managing, or disposing of solid waste, except property used primarily for the manufacture of metal or paper. The term solid waste facility includes solid waste landfills, transfer stations, incinerators, energy recovery facilities, RDF processing facilities, solid waste storage facilities, processing facilities, composting facilities, infectious waste facilities, and also includes any other intermediate and final solid waste disposal sites and facilities.
- 2.157 “SOLID WASTE MANAGEMENT”** means activities which are intended to affect or control the generation of waste and activities which provide for or control the collection, processing and disposal of waste.
- 2.158 “SOLID WASTE MANAGEMENT PLAN”** means the Solid Waste Management Plan for Mower County Minnesota.
- 2.159 “SOLID WASTE MANAGEMENT AREA”** means the boundaries which are coterminous with the boundaries of the County.
- 2.160 “SOLID WASTE MANAGEMENT SERVICES”** means all activities provided by the County, by persons under contract with the County, or by other persons that support the waste management responsibilities described in Minn. Stat. Chapters 145A, 115, 115A, 116, and 400, including, but not limited to, waste reduction and reuse; waste recycling; composting of yard waste and food waste; resource recovery through mixed municipal solid waste composting or incineration; land disposal; management of problem materials and household hazardous waste; collection, processing, and disposal of solid waste, closure and post-closure care of a solid waste facility, and response, as defined in Minn. Stat. §115B.02, to releases from a solid waste facility.
- 2.161 “SOLID WASTE STORAGE”** means the holding of solid waste in one place or facility for more than 48 hours in quantities equal to or greater than ten cubic yards.

- 2.162 “SOURCE SEPARATED COMPOSTABLE MATERIALS”** means materials that: (1) are separated at the source by waste generators for the purpose of preparing them for use as Compost; (2) are collected separately from MSW; (3) are comprised of food wastes, fish and animal waste, plant materials, and paper that is not recyclable because the Department has determined that no other person is willing to accept the paper for recycling; and (4) are delivered to the Facility to undergo controlled microbial degradation to yield a humus-like product meeting the MPCA's class I or class II, or equivalent, compost standards and where process residues do not exceed 15 percent by weight of the total material delivered to the facility.
- 2.163 “SOURCE SEPARATED MATERIALS”** means solid waste that generators separate from mixed municipal solid waste, solid waste that will be reused, used as substitutes for raw material in a manufacturing process, or converted into a usable soil amendment.
- 2.164 “SOURCE SEPARATED ORGANIC COMPOST FACILITY”** means a site used to compost source separated compostable materials including all structures used to control drainage, collect and treat leachate, storage areas for the incoming waste, and the final product.
- 2.165 “STIPULATION AGREEMENT”** shall mean a voluntary agreement entered into between Mower County and a person, whereby the person agrees to perform actions to correct Ordinance violations within an agreed upon time period and upon which its terms and conditions may be enforced in a court of competent jurisdiction.
- 2.166 “STATE”** means the State of Minnesota.
- 2.167 “STREET SWEEPINGS”** means materials removed from streets, sidewalks, parking lots, and roadways during routine cleaning by a sweeping operation consisting of sand, sealcoat, tree waste and debris. Street sweepings do not include any material originating from an industrial spill or contaminated area.
- 2.168 “TELEVISION”** means an electronic device that is a cathode-ray tube or flat panel display primarily intended to receive video programming via broadcast, cable, or satellite transmission or video from surveillance or other similar cameras.
- 2.169 “TOXICITY CHARACTERISTIC LEACHING PROCEDURE” or “TCLP”** means a test designed and required by the United States Environmental Protection Agency to determine the existence of hazardous components in waste. The TCLP (Method 1311) is published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.

- 2.170** **“TOTAL PETROLEUM HYDROCARBON”** or **“TPH”** shall mean a test used to determine the amount of oil and grease in a waste.
- 2.171** **“TIPPING FEE”** means the fees charged to haulers or other persons for waste delivered to a designated facility.
- 2.172** **“TOXIC WASTE”** means substances, whether liquid, gaseous or solid form, which when collected, stored, transported or disposed of, may be acutely toxic to humans or other animals, or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar noxious substances.
- 2.173** **“TRANSFER STATION”** means an intermediate solid waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.
- 2.174** **“TRANSPORATION”** is defined as the conveying of solid waste from one place to another.
- 2.175** **“UNACCEPTABLE WASTE”** means all other types of waste of any nature, type, or composition received at a licensed solid waste facility other than acceptable waste.
- 2.176** **“VIDEO DISPLAY DEVICE”** means a television or computer monitor, including a laptop computer, that contains a cathode-ray tube or a flat panel screen with a screen size that is greater than nine inches measured diagonally and that is marketed by manufacturers for use by households. Video display device does not include any of the following:
- 1) a video display device that is part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;
 - 2) a video display device, including a touch-screen display, that is functionally or physically part of a larger piece of equipment or is designed and intended for use in an industrial; commercial, including retail; library checkout; traffic control; kiosk; security, other than household security; border control; or medical setting, including diagnostic, monitoring, or control equipment;
 - 3) a video display device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or

4) a telephone of any type unless it contains a video display area greater than nine inches measured diagonally.

- 2.177 “VOLATILE ORGANIC COMPOUNDS” or “VOCs”** means a group of organic chemical compounds that have a vapor pressure greater than 2mm of mercury at 25 degrees Celsius, excluding methane.
- 2.178 “WARNING LETTER”** means a written notice issued by County staff to notify a party that he or she is in violation of a County Ordinance. The warning letter will inform the party of the alleged violations, the nature and extent of the violations, and the required corrective actions. The warning letter shall be utilized as the initial County notification of alleged violations, except in cases of imminent threat to public health and safety and the environment.
- 2.179 “WASTE COMBUSTOR” or “WASTE INCINERATOR”** means any stationary source, emissions unit, or emission facility where waste or refuse-derived fuel is combusted, and includes incinerators, energy recovery facilities, or other combustion devices.
- 2.180 “WASTE INCINERATOR ASH” or “WASTE ASH”** means the residue resulting from the processing combustion of solid waste from a waste combustor, and/or an energy recovery facility, including fly ash and bottom ash, and spent reagent and moisture.
- 2.181 “WASTE INCINERATOR ASH LANDFILL”** means a solid waste landfill that is used for the disposal of waste combustor ash, and/or energy recovery facility ash.
- 2.182 “WASTE REDUCTION”** means an activity that prevents generation of waste including reusing a product in its original form, increasing the life span of the product, reducing material used in production and packaging, or changing procurement, consumption, or waste generation habits to result in smaller quantities of waste generated.
- 2.183 “WASTE TIRE” or “TIRE”** means a tire that is no longer suitable for its original intended purposes because of wear, damage, defect, or rejection.
- 2.184 “WATER POLLUTION”** means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, obnoxious or impure, so as to be actually harmful or detrimental or injurious to public health, safety or welfare, to domestic commercial or industrial use, or to animals, birds, fish or aquatic life.

2.185 "WATER TABLE" means the surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.

2.186 "WATERS OF THE STATE" means all streams, lakes, ponds, marshes, water courses, waterways, wells springs reservoirs aquifers, irrigation systems, and all other bodies or accumulations of water, surface or underground natural or artificial, public or private, which are contained within, flow throughout or border upon the State or any portion thereof.

2.187 "WETLANDS": Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this Ordinance, wetlands must (1) have a predominance of hydric soils; (2) be inundated or saturated by surface water of groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) under normal circumstances, support a prevalence of hydrophytic vegetation.

"A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of the preceding paragraph, surrounded by non-wetland and including all contiguous wetland types except those connected solely by riverine wetlands. "Wetland are" means a portion of "a wetland" or "the wetland."

Wetlands do not include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minn. Stat. §103G.201.

2.188 "YARD WASTE" means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

2.189 "YARD WASTE COMPOST FACILITY" means a site used to compost yard waste including all structures used to control drainage, collect and treat leachate, storage areas for the incoming waste, and the final product.

2.190 "WORKING FACE" means that portion of the solid waste landfill facility where waste is discharged and is spread and compacted prior to the placement of cover material.

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SECTION 3.0 GENERAL PROVISIONS

3.1 DEPARTMENT POWERS AND DUTIES

- A. DUTIES OF THE DEPARTMENT. The Department shall be responsible for the administration of this Ordinance. The Department's duties shall include, but shall not be limited to, the following:
1. To review and consider all license applications submitted to the Department for operation of all solid waste management activities, sites, or facilities within the County.
 2. To issue or deny solid waste licenses, except as otherwise provided in this Ordinance, and to impose solid waste activity, site, or facility specific conditions on such licenses.
 3. To review and consider renewal license applications, except as otherwise provided in this Ordinance.
 4. To inspect solid waste facilities as herein provided, to investigate complaints, and to identify violations of this ordinance.
 5. To recommend, when necessary, to the County Attorney's Office, that legal proceedings be initiated against a certain solid waste facility.
 6. To identify the solid waste management needs of the County and to develop and implement plans to meet those needs.
 7. To encourage and conduct studies, investigations, and research relating to aspects of solid waste management, such as methodology, chemical and physical considerations, and engineering.
 8. To advise, consult, and cooperate with other governmental agencies in the furtherance of the purposes of this Ordinance.
 9. To prepare and negotiate agreements with responsible parties to address the closure and post closure requirements for licensed and unlicensed solid waste facilities.

3.2 BOUNDARIES OF SOLID WASTE MANAGEMENT AREA

Pursuant to Minn. Stat. §400.08, subd. 2, the County establishes one solid waste management area, with its boundaries being coterminous with the boundaries of the County.

3.3 HIGHEST STANDARDS PREVAIL

Where the conditions imposed by any provision of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance, or any other applicable law, ordinance, rule, and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety, and welfare shall prevail.

3.4 JURISDICTION OF THE SOLID WASTE MANAGEMENT PLAN

Pursuant to Minn. Stat. §115A.46, subd. 5, a public entity within the County may not enter into a binding agreement nor develop nor undertake a solid waste management activity that is inconsistent with the County solid waste management plan without the express consent of the County.

3.5 PLANNING & ZONING APPROVAL

Any use of land for solid waste management within the County shall comply with the applicable Zoning requirements of the County Zoning Ordinance, or the requirements of applicable municipal land use ordinances. No license shall be granted unless all necessary permits and zoning approvals have first been issued by the County or municipality, as applicable.

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3.6 WAIVERS AND MODIFICATIONS

Due to the great variability in the types of solid wastes and their existing and potential management methods, an applicant may request, on a form to be provided by the Department, that the County Board waive or modify the strict application of the provisions of this Ordinance. Waivers or modifications may be approved in the discretion of the County Board, provided that the Board shall not approve any waiver or modification unless the Board finds that: (1) the request is reasonable and meets the intent of this ordinance; (2) that such requirements are unnecessary or impractical in light of the applicant's proposed operation; (3) that the waiver or modification will not adversely impact human health or the environment; and (4) that the request will not adversely affect the County's ability to monitor and enforce compliance with this Ordinance and applicant's license. The County Board may, as a condition of approving a waiver or modification, impose reasonable additional requirements and conditions on the applicant's solid waste facility specific license that the Board considers necessary to protect human health or the environment, or the County's ability to administer and enforce this Ordinance.

3.7 MPCA APPROVAL

- A. The design, engineering, and operations plans for a solid waste facility approved by the County Board as part of a solid waste facility license shall be consistent with the design, engineering, and operations plans approved in the facility's MPCA permit or concurrent application to the MPCA for a permit.
- B. The County's issuance of a waiver or modification pursuant to Section 3.6 does not release the applicant from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the waiver or modification from the County pursuant to this Ordinance. No modifications or waiver may be granted, however, if it would result in noncompliance with a facility permit issued by the MPCA, unless such modification or waiver has also been granted by the MPCA.

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3.8 INDEMNIFICATION

To the fullest extent permitted by law, a licensee shall, as a condition of each license, indemnify the County, its officers, employees, agents, and others acting on their behalf, to hold them harmless, and to defend and protect them, from and against any and all loss, damage, liability, cost and expense (specifically including attorneys' fees and other costs and expenses of defense), of any sort whatsoever, based upon, resulting from, or otherwise arising in connection with any actions, claims or proceedings (of any sort and from any source whatsoever) brought, or any loss, damage or injury of any type whatsoever sustained, by reason of any act or omission of a licensee, its officers, employees or agents, or any other Person(s) or entity(ies) for whose acts or omissions a licensee may be legally responsible, in the performance of any of a licensee's obligations (whether expressed or implied) under this Ordinance.

3.9 FINANCIAL ASSURANCE

A performance bond, letter of credit, or other financial assurance consistent with Section 6.9 of this Ordinance shall be required prior to issuances of any licenses to engage in a solid waste management activity.

3.10 NO CONSENT

Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate, or maintain any solid waste management activity, or to carry on any activity prior to issuance of a license, when a license is required hereunder.

3.11 FALSE INFORMATION

Intentional submission of false information shall be deemed a violation of this Ordinance.

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3.12 DATA PRIVACY

Any data received by the Department or any entity acting on behalf of the Department shall be maintained in accordance with the provisions of the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13.

3.13 SEVERABILITY

It is hereby declared to be the intention of the County Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

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SECTION 4.0 COLLECTION AND TRANSPORTATION OF SOLID WASTE

4.1 LICENSE REQUIRED

No person may collect, transport, or dispose of solid waste generated within the County except in full compliance with this Ordinance after having obtained a license to do so by the Department as specified in this section. This section does not apply to self-haulers or to the transportation of solid waste through the County.

4.2 LICENSE REQUIREMENTS

Haulers shall comply with the following license requirements.

- A. LICENSE APPLICATION. The hauler shall submit a completed application to the County on a form provided by the Department.
- B. LICENSE FEES. The hauler shall pay all license fees to the County with the license application and the license renewal application. The amounts of such license fees will be established no later than *(insert month)* of each year by the County Board. License fees shall not be prorated for a portion of a year and no license fee shall be refunded.
- C. INCOMPLETE OR NON-CONFORMING APPLICATION. An application shall be deemed incomplete if information is omitted, incomplete, inaccurate, or does not comply with the application requirements, or if the required fees do not accompany the application. If a license application is incomplete or otherwise does not conform to the requirements set forth in this Ordinance, the Department shall advise the applicant of the reasons for non-acceptance and may request that the applicant resubmit, modify, or otherwise alter the application.
- D. LICENSE TERM AND RENEWAL
 1. Unless otherwise provided by the Department, the term of a hauler license shall be one year, from February 1 to January 31, unless sooner renewed, suspended or revoked.

2. License renewal applications shall be submitted to the Department by January 15 of each year. License renewal applications received after that date shall be subject to a late fee as determined by the County Board.
- E. LICENSE NON-TRANSFERABLE. Licenses granted by the Department under this section are not transferable to other Persons.
- F. SPECIFIC LICENSING REQUIREMENT. The hauler shall submit the following information to the County on a form provided by the Department:
1. A list of all vehicles, including satellite vehicles, to be used for solid waste collection and transportation, specifying make, model, and year for each vehicle; each vehicle's rated capacity, tare weight, license plate number, state issued registration number, and the designated facility number, if applicable, exclusively issued for that specific vehicle.
 2. The total number of commercial accounts in the County, the total number of residential accounts in the County, the days of the week solid waste is collected for each city and township in the County if an MSW hauler.
 3. A description of the company's recycling and other solid waste abatement activities.
 4. Certificate(s) of insurance pursuant to Section 4.5 of this Ordinance.
- G. INSPECTION. The Department may inspect and approve all solid waste collection and transportation vehicles, and containers to ensure compliance with this Ordinance. If a vehicle and/or container are found to be deficient, the hauler shall be given a reasonable opportunity, as determined by the Department, to correct and/or repair the deficiency and seek re-approval from the Department.
- H. RECORD EXAMINATION. The Department or its duly authorized agent shall have the right to examine business records related to data as required pursuant to Section 4.3 of this Ordinance including computer records maintained by the Hauler. The Department upon prior notification shall be allowed access during normal business hours to inspect and copy all business records to the extent necessary to ensure compliance with Section 4.3 of this Ordinance. Such records shall be maintained by the Hauler for a minimum of six (6) years.

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4.3 REPORTING REQUIRED

- A. ANNUAL REPORT. All MSW Haulers shall keep records and report annually to the Department information relating to the collection, processing, and disposal of solid waste and recyclable materials collected by the Hauler as required by Section 4.3 of this Ordinance. The information shall be reported to the Department no later than January 15 of each year. The Department shall provide the Hauler with the proper form for such reporting purposes.
- B. RECORDS. For the purposes of Section 4.3 of this Ordinance, “origin” means a general geographic description that at a minimum, names the local governmental unit within the County. And, “type” means a best estimate using the best available data of the percentage of each truckload that consists of residential, and non-residential such as commercial, industrial, construction, and demolition debris or any other general type of solid waste. All MSW haulers shall keep records of the following information for a minimum of six (6) years:
1. Types and Quantities of Solid Waste. The hauler shall maintain records regarding the volume or weight, type(s), and origin(s) of Solid Waste collected. The hauler shall keep a daily record of the origin(s), type(s), and weight of the waste collected that day, and the identity of the solid waste facility at which collected waste is deposited. If the waste is measured by volume at the solid waste facility at which it is deposited, the record may indicate the volume rather than the weight of the waste.
 2. Number of Residential and Non-Residential Accounts. An MSW hauler shall maintain a record of the number of residential and non-residential accounts serviced in each geographic origin of the County.
 3. Total Weight of Solid Waste. The hauler shall maintain a record of the total weight of all solid waste collected by type. The weight of the solid waste collected shall be reported and documented by a state certified scale or other County approved documentation method.
 4. Management of Solid Waste. The Hauler shall maintain a record of the location(s) where solid waste was delivered, deposited, processed, or marketed and the total amount of waste delivered to each solid waste facility or other location.

4.4 EQUIPMENT AND OPERATION REQUIREMENTS

- A. EQUIPMENT REQUIREMENTS. All solid waste collection and transportation vehicles, or other conveyance used by a hauler for the collection or transportation of solid waste, shall be easily cleanable, leak-proof, and covered with metal, canvas, or a fish-net type material so as to prevent escape of solid waste while in transit.
- B. MAINTENANCE. The licensee shall maintain all solid waste collection and transportation vehicles in a safe and sanitary manner, and provide brooms and shovels on each vehicle for the purpose of cleaning up spilled material caused by haulers. All safety equipment including, but not limited to, horns, lights, and reflectors shall be operable.
- C. LABELING. The business name and telephone number of the licensee shall be easily visible and be printed or painted in legible characters on both sides of all vehicles, containers, and conveyances used by the hauler to store, collect, or transport waste generated within the County.
- D. STORAGE. The licensee shall not allow solid waste to remain or be stored in any collection or transportation vehicle in excess of 48 hours for MSW, and 72 hours for any other type of solid waste, except in the event of an emergency such as inclement weather, equipment breakdown, or accident. The Department may approve storage for greater than the above listed hours, on a case-by-case basis, for reasons other than emergencies, provided such storage will not adversely affect public health, safety, or the environment. Best efforts shall be provided by haulers to ensure that storage of solid waste in containers is done with water impermeable covers.
- E. DUMPING IN AN EMERGENCY. The licensee shall be responsible for cleanup of any solid waste that shall be dumped in an emergency. In addition, a licensed hauler shall be responsible for cleaning up any litter or solid waste knowingly discharged onto roadways and or properties while in transit. Should the responsible hauler fail to clean up solid waste knowingly dumped in an emergency or knowingly discharged onto roadways and or properties while in transit, the County may charge such hauler the entire cost incurred of the removal and disposal of the solid waste.
- F. CHARGES ON MSW. The Department shall require licensees to impose charges for collection of mixed municipal solid waste that increase with the volume or weight of the waste collected. The licensee shall provide, upon request of a residential customer, a quote of the licensee's charges.

- G. CHARGES ON RECYCLING. The licensee shall not impose a greater charge on residents who recycle than on residents who do not recycle.
- H. SOURCE SEPARATED MATERIALS. Haulers shall not mix source separated materials with mixed municipal solid waste or knowingly handle source separated materials in any way that reduces the reusability or marketability of the recyclable materials.
- I. RECYCLING OPPORTUNITIES. At least once each year licensed haulers shall provide specific information concerning recycling opportunities available to their customers.
- J. SMOKING, SMOLDERING, OR BURNING WASTE. The licensee may not collect or transport solid waste that is smoking, smoldering, or burning.
- K. PROTECTING PRIVATE PROPERTY. The licensee shall take reasonable care to protect the property of customers being served.
- L. HOURS OF OPERATION. The licensee may not collect or transport solid waste from residential property or residential buildings before 6:00 a.m. or after 10:00 p.m.
- M. BANNED MATERIALS. Haulers shall not knowingly accept for collection in the County any mixed municipal solid waste or materials that has been banned from solid waste or mixed municipal solid waste by any State Statute.
- N. COLLECTION OF YARD WASTE. If collection of yard waste is provided, the hauler-imposed fee for such collection shall be indicated as a separate line item on a customer's bill.
- O. YARD WASTE COLLECTION CRITERIA. Haulers shall only accept for collection, yard waste that meets the following criteria:
 - 1. Has been placed in paper bags or other containers that will decompose within the time period it takes to produce a finished compost product out of the material held by the container; or
 - 2. Is in a container that is not collected with the yard waste.

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4.5 INSURANCE REQUIREMENTS

The hauler shall obtain, maintain, and submit with the license application certificates of insurance issued by insurers duly licensed by the State of Minnesota providing the following coverage, or a self-insurance plan certified by the Department of Commerce providing equivalent coverage:

A. WORKERS COMPENSATION INSURANCE

1. Worker's compensation insurance shall be in compliance with all applicable State Statutes. Such policy shall include Employer's liability coverage in at least such amount(s) as are customarily issued in Minnesota and an All States or Universal Endorsement, if applicable.
2. In the event a licensee is a sole proprietor and has elected not to provide workers' compensation insurance, the licensee shall be required to execute and submit to the Department an affidavit of sole proprietorship in a form acceptable to the Department.

B. GENERAL LIABILITY

1. Commercial General Liability Coverage, providing coverage on an "occurrence", rather than on a "claims made" basis, which policy shall include, but shall not be limited to, coverage for bodily injury, property damage, personal injury, contractual liability (applying to this contract), independent licensees, "XC&U" and products-completed operations liability (if applicable). Such coverage may be provided under an equivalent policy form (or forms), so long as such equivalent form (or forms) affords coverage that is at least as broad. An Insurance form (or forms) affords coverage that is at least as broad. An Insurance Services Office "Comprehensive General Liability" policy that includes a "Broad Form Endorsement", shall be considered to be an acceptable equivalent policy form.
2. The licensee shall maintain at all times during the period of the license a total combined general liability policy limit of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate, applying to liability for bodily injury, personal injury, and property damage, which total limit may be satisfied by the limit afforded under its "Commercial General Liability" policy, or equivalent policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy (or

policies), provided, that the coverage afforded under any such “Umbrella” or “Excess Liability” policy is at least as broad as that afforded by the underlying “Commercial General Liability policy (or equivalent underlying policy).

3. Such commercial general liability policy and “Umbrella” or “Excess Liability” policy (or policies) may provide aggregate limits for some or all of the coverage afforded there under, so long as such aggregate limits have not, as of the beginning of the term or at any time during the term, been reduced to less than the total required limits stated above, and further, that the “Umbrella” or “Excess Liability” policy provides coverage from the point that such aggregate limits in the underlying comprehensive general liability policy become reduced or exhausted.
- C. AUTOMOBILE LIABILITY. Business Automobile liability insurance shall be obtained and shall cover liability for bodily injury and property damage arising out of ownership, use, maintenance, or operation of all owned, non-owned and hired automobiles and other motor vehicles utilized by the licensee in connection with performance under this license agreement. Such policy shall provide total liability limits for combined bodily and/or property damage in the amount of at least \$1,500,000 per accident, which total limits may be satisfied by the limits afforded under such policy, or by such policy in combination with the limits afforded by an “Umbrella” or “Excess Liability” policy (ies), provided, that the coverage afforded under any such “Umbrella” or “Excess Liability” policy (ies) shall be at least as broad with respect to such business automobile liability insurance as that afforded by the underlying policy. Unless included within the scope of the licensee’s commercial general liability policy, such business automobile liability shall also include coverage for motor vehicle liability assumed under contract.
- D. EVIDENCE OF INSURANCE. A licensee shall promptly provide the Department with evidence that the insurance coverage required hereunder is in full force and effect at least twenty (20) days prior to the granting of a license by the Department. At least thirty (30) days prior to termination of any such coverage, licensee shall provide the Department with evidence that such coverage will be renewed or replaced upon termination with insurance that complies with these provisions. Such evidence of insurance shall be in the form of a “Certificate of Insurance”, or in such other form as the Department may reasonably request, and shall contain sufficient information to allow the Department to determine whether there is compliance with these provisions. At the request of the Department, the licensee shall, in addition to providing such evidence of insurance, promptly furnish the Department with a complete (and if so requested, insurer-certified) copy of each insurance policy intended to provide coverage required hereunder. All such

policies shall be endorsed to require that the insurer provide at least a sixty (60) day notice to the Department prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The licensee's insurance agent shall certify on the certificate of insurance, that he/she has error and omissions coverage.

- E. INSURER POLICIES. All policies of insurance required by this Ordinance shall be issued by financially responsible insurers licensed to do business in the State of Minnesota, and all such insurers shall be acceptable to the Department. Such acceptance shall not be unreasonably withheld or delayed. An insurer with a current A.M. Best Company rating of at least A: VII shall be conclusively deemed to be acceptable. In all other instances, the Department shall have twenty (20) business days for the date of receipt of a licensee's evidence of insurance to advise the licensee in writing of any insurer that is not acceptable to the County. If the Department does not respond in writing within such twenty (20) day period, the licensee's insurer(s) shall be deemed to be acceptable to the County.

4.6 WASTE DEPOSIT DISCLOSURE

A. WASTE DISCLOSURE REQUIRED.

1. A person that collects construction debris, industrial solid waste, or mixed municipal solid waste for transportation to a solid waste facility shall, between January 1 and March 31 of every year, disclose to each waste generator from whom waste is collected the name, location, and type of, and the number of the permit issued by the MPCA, or its counterpart in another state, if applicable, for the processing or disposal facility or facilities, excluding a transfer station, at which the waste will be deposited. The hauler shall state the approximate percentage of waste deposited at each of the two primary facilities used for the type of solid waste collected from the generator in the County and any alternative solid waste management facility regularly used by the hauler for the type of solid waste collected from the generator in the County.
2. All disclosures shall be in writing and include the following statement: *"You may be responsible for any liability that results from contamination at a facility where your waste has been deposited. Minnesota believes that its waste management system provides substantially more financial and environmental protection than depositing waste in landfills in other states. Managing your waste in Minnesota may minimize your potential liability."*

3. If any of the primary or alternative disposal facilities identified by the hauler in Section 4.6(A)(1) of this Ordinance are not located in Minnesota, the disclosure shall state "The landfill to which your waste may be sent during the current calendar year is not a Minnesota landfill."

B. FORM OF DISCLOSURE

- 1 A hauler shall make the required disclosure to the waste generator in writing at least once per year between January 1 and March 31 and on any written contract for collection services for that year. If the license issued by the County to the hauler for collection within the County does not require the collector to submit a copy of the disclosure to the County, the collector shall submit a copy to the commissioner of the MPCA by March 31 of each year.
- 2 The disclosure is not required with regard to the collection of mixed municipal solid waste if the city or County within which the waste is generated selects the collector that may provide collection services to the generator; in such case the city or County shall make the required disclosure.
- 3 If a hauler provides one-time or occasional service to a waste generator, the hauler shall orally provide the generator with the required disclosure at the time the generator agrees to purchase the service. The hauler shall then provide written disclosure to the generator within 45 days.
- 4 If an additional facility becomes either a primary facility or an alternative facility during the year, the hauler shall make the disclosure set forth in this Section 4.6 within 30 days. A local government unit that collects solid waste without direct charges to waste generators shall make the disclosure on any statement that includes an amount for waste management, provided that, at a minimum, disclosure to waste generators shall be made at least twice annually in a form likely to be available to all generators.
- 5 In the event the MPCA or the County develop standard disclosure forms containing the information required in this section, haulers may use the forms for purposes of this Section 4.6.

- C. TRANSFER STATIONS.** If the hauler deposits waste at a transfer station, the hauler need not disclose the name and location of the transfer station but shall disclose the destination of the waste when it leaves the transfer station.

SECTION 5.0 ABATEMENT, DISPOSAL, AND STORAGE OF SOLID WASTE ON REAL PROPERTY

5.1 SOLID WASTE STORAGE

- A. STATE RULE ADOPTED. Solid waste shall be stored in accordance with Minn. Rules Part 7035.0700, as amended, which is hereby incorporated as part of this Ordinance.
- B. STORAGE OF WASTE. A person shall not store solid waste in a manner that could cause pollution of the air, waters of the state, or soils; or, create a nuisance, cause harm, or become a health or safety concern or hazard to the public.
- C. SOLID WASTE ACCUMULATION. Except as otherwise allowed by this Ordinance, persons, owners, occupants, or managers of every real property shall not store or allow for the storage solid waste accumulations in any open areas of the County. All persons, occupants, or managers of every real property shall be responsible for maintaining all open areas free of solid waste accumulations. Solid waste accumulations include, but are not limited to:
1. inoperable motor vehicles, abandoned motor vehicles, and parts of motor vehicles;
 2. Not more than ten (10) waste tires, except as allowed in Section 5.8 of this Ordinance. Storage, transportation, and processing of any waste tires shall meet the requirements of Section 5.8 of this Ordinance;
 3. major appliances, cabinets, and fixtures that are deteriorated or in such a state of disrepair as to have no substantial value and therefore may be considered as solid waste;
 4. animal manures, except as allowed by Minn. Rules Chapter 7020, as amended, and Mower County Zoning Ordinance;
 5. animal carcasses;
 6. broken and/or discarded covered electronic devices, and electronic equipment;

7. scattered tin and aluminum cans, jars, glass bottles, and broken glass;
 8. abandoned, discarded or broken couches, tables, chairs, mattresses, box springs, furniture, boxes or crates;
 9. abandoned or broken lawn and garden equipment;
 10. garbage, and refuse;
 11. abandoned, or discarded ferrous and non-ferrous metals, rope, rags, and rubber debris;
 12. lumber piles and building materials that are not being used in actual construction on the property; and,
 13. any other scattered, abandoned, or discarded materials that may be considered to be in such condition and/or in a state of disrepair as to have no reasonable immediate useful purpose, and therefore can be considered as solid waste.
- D. PUTRESCIBLE WASTE CONTAINER SPECIFICATIONS. Persons, owners, occupants, or managers of every real property shall ensure that all putrescible waste, including but not limited to garbage, is properly stored in containers as specified in this Section 5.1(F).
- E. CONSTRUCTION SITES. Any solid waste generated at construction sites shall be placed in acceptable containers as specified in this Ordinance. No burning, burying or dumping of solid waste generated at construction sites shall occur at locations other than licensed solid waste management facilities, including brush and tree waste. Generators of solid waste at construction sites must ensure the separation of mixed municipal solid waste and recyclable materials either on-site or through the use of a service provider offering such separation.
- F. SOLID WASTE STORAGE CONTAINERS. In addition to the requirements set forth in Minn. Rules Part 7035.0700, as amended, while being accumulated and stored for collection and transportation to a licensed solid waste management facility, solid waste shall be stored in reusable, covered containers (e.g., cans, dumpsters, compactors, roll-off containers, etc.) that are rust, impact, vermin, leak resistant, and having adequate handles to facilitate handling. When aggregated for collection, yard waste and recyclable materials shall be placed in storage containers that are easily distinguishable from mixed municipal solid

waste storage containers. Plastic bags designed for containing manageable quantities of solid waste shall only be used for temporary storage and may only be placed outdoors for collection no sooner than the evening prior to the scheduled collection day.

- G. SOLID WASTE ITEMS TOO LARGE FOR CONTAINERS. Solid waste materials too large or otherwise not suitable for placement in a solid waste container shall be stored or placed for solid waste collection in such a manner that may not cause such material(s) to: scatter, become a source of pollution, litter, nuisance, or become a safety concern or hazard to the public.
- H. MIXED MUNICIPAL SOLID WASTE STORAGE IN VEHICLES. Mixed municipal solid waste shall be removed from hauler collection or transportation vehicles at least every forty-eight (48) hours, except when allowed by the Solid Waste Administrator.
- I. STORAGE FACILITIES AND CONTAINERS REQUIRED. Every real property shall be supplied with adequate solid waste storage facilities or containers.
- J. PROVIDED FACILITIES REQUIRED TO BE USED. Property owners and managers shall cause occupants and employees to store solid waste for removal in the solid waste storage facilities or containers provided. The property owner or manager shall not permit solid waste to be placed in locations or in a manner that the solid waste may be scattered by wind, water, animals, or insects; cause land pollution; or, nuisance to the public.
- K. FREQUENCY OF CONTAINER SERVICE. Every property owner shall cause container contents to be removed and deposited at a permitted disposal facility at a frequency so as to not create nuisance to the public. Solid waste shall not be stored on real property for more than two (2) weeks without the written approval of the Department. Solid wastes suitable and stored for recycling may be contained if stored in an acceptable manner that avoids risk to public safety and otherwise complies with this Ordinance.
- L. CONTAINER MAINTENANCE. Solid waste containers shall be maintained in a nuisance free condition by the owner. When supplied by a property owner or commercial hauler, the containers shall be maintained in good repair.
- M. TRANSFER OF SOLID WASTE. Solid waste shall not be transferred to another property or solid waste container except with the written consent of the owner.

- N. HAZARDOUS WASTE STORAGE. Hazardous wastes shall be stored in leak-proof containers which are adequately labeled, in a safe location, and in compliance with the regulations of Federal, State (Minn. Rules Chapter 7045, as amended) and Local Governments, and their regulatory agencies.

5.2 PROHIBITIONS

- A. SOLID WASTE BURNING. The burning of solid waste shall be prohibited except as allowed: at a permitted and licensed solid waste facility; or, in accordance with Minnesota Department of Natural Resources for natural vegetative materials such as grass, leaves, brush, and untreated lumber; or, on agricultural use sites by residents as permitted in Minn. Stat. §17.135 Farm Disposal of Solid Waste. This statute provides as follows:

“(a) A permit is not required from a state agency, except under sections 88.16, 88.17, and 88.22 for a person who owns or operates land used for farming that buries, or burns and buries:

- 1. solid waste generated from the person’s household or as part of the person’s farming operation; or*
- 2. concrete or reinforcing bar from a building or structure located on the land used for farming.*

Items in clauses (1) and (2) must be buried in a nuisance-free, pollution-free, and aesthetic manner on the land used for farming. The exception in clause (1) does not apply if regularly scheduled pickup of solid waste is reasonably available at the person’s farm, as determined by resolution of the county board of the county where the person’s farm is located.

(b) The exemption in paragraph (a), clause (1), does not apply to burning tires or plastics, except plastic baling twine, or to burning or burial of the following materials:

- 1. household hazardous waste as defined in section 115A.96, subdivision 1;*
- 2. appliances, including but not limited to, major appliances as defined in section 115A.03, subdivision 17a;*

3. *household batteries;*
4. *used motor oil; and*
5. *lead acid batteries from motor vehicles.*

(c) Within 90 days after completion of the burial, an owner of land used for farming who buries material under the authority of paragraph (a), clause (2), shall record, with the county recorder or registrar of titles of the county in which the land is located, an affidavit containing a legal description of the property and a map drawn from available information showing the boundary of the property and the location of concrete or reinforcing bar buried on the property."

An acceptable recording form may be located at:

<https://www.cards.commerce.state.mn.us/CARDS/security/search.do?method=showPoup&documentId=%7b687B4594-9D56-49E7-B255-FA57FD0DB347%7d&documentTitle=70492&documentType=7>

The county recorder or registrar of titles must record an affidavit presented under this paragraph in a manner that ensures its disclosure in the ordinary course of a title search of the subject property.

- B. ON-SITE DISPOSAL OF SOLID WASTE. It is violation of this Ordinance for any person to dispose of solid waste, excluding backyard compost sites, and agricultural use disposal exemptions as allowed in this Ordinance, on their property without a license by the County. Backyard compost sites, and agricultural use disposal shall comply with this Section 5.2 of the Ordinance.
- C. UNAUTHORIZED CONTAINER USE. It is a violation of this Ordinance to use another Person's solid waste storage container, inspect its contents, or remove its contents unless provided prior authorization by the owner.

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5.3 PROHIBITED MATERIALS

- A. No Person shall place in solid waste containers for collection by a Hauler or for disposal at a solid waste facility any of the following materials: manure, household hazardous waste, hazardous waste, infectious waste, recyclable materials, telephone books, electronic products containing a cathode-ray tube, major appliances, yard waste, waste tires, mercury or a mercury containing device or product, motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, motor vehicle antifreeze, lead acid batteries, rechargeable batteries, and dry cell batteries that contain mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead-acid.
- B. When any hauler discovers any of the materials listed in this section 5.3(a), that hauler may, at its option, refuse to collect the contents of the solid waste container. In the event that a hauler does discover any of the listed materials in this section 5.3(a), that hauler shall notify the person that prohibited materials in the solid waste container and the reason for non-collection. If the hauler chooses to collect the prohibited materials, that hauler shall transport those materials to a facility permitted by the MPCA to accept such materials.

5.4 ANTI-SCAVENGING

- A. The scavenging or removal of recoverable or recyclable materials from any facility or container in the County without the written consent of the owner or operator shall be prohibited.
- B. Ownership of recyclable materials set out by a person for collection by a Hauler shall be vested in that Hauler servicing the person who is recycling. It shall be unlawful and an offense against this Ordinance for any person other than the owner, lessee, or occupant of a residence or commercial building, to pick up said separated recyclable materials for any purpose other than that of service by the Hauler.
- C. Persons or organizations other than a Hauler may not collect recyclables unless they obtain written permission from the Department.

5.5 DEMOLITION WASTE

- A. All demolition waste disposed of within the County shall first be referred to landfills approved and permitted by the MPCA for the disposal of demolition waste.
- B. This Ordinance authorizes the stockpiling of concrete, brick, and asphalt at businesses in the asphalt and concrete industry for the purpose of reuse or recycling. All other demolition waste shall comply with this Section 5.5(A). The authorized stockpiling of concrete, brick, and asphalt shall be conducted in a manner that will protect the public health, welfare and safety, prevent the spread of disease, prevent the creation of nuisances, conserve natural resources, and protect the State's water, air and land resources.

5.6 CONSTRUCTION DEBRIS

- A. LANDFILL DISPOSAL REQUIRED. All construction debris disposed of within the County shall be landfilled at an approved and permitted MPCA landfill.
- B. CONSTRUCTION SITES. Construction debris shall be contained to ensure against littering.

5.7 MAJOR APPLIANCES

- A. A person may not place major appliances in mixed municipal solid waste; or dispose of major appliances in or on the land or in a solid waste processing or disposal facility.
- B. The disposal of major appliances in the land is prohibited, but the storage at a permitted collection or processing facility is allowed.
- C. Major appliances shall be stored in a manner which will not create a nuisance, blight, or hazard to public health and/or safety; and, shall have all non-magnetic latches disabled, capacitors removed, and refrigerant gas evacuated before storage and or processing.

5.8 WASTE TIRES

- A. **ADOPTED STANDARDS.** Minn. Rules Chapter 9220, Waste Tire Programs as may be amended from time to time, is hereby adopted by reference and made part of this Ordinance.
- B. **LAND DISPOSAL PROHIBITED.** The disposal of waste tires in or on the land is prohibited. This does not prohibit the storage of unprocessed waste tires at a permitted and licensed collection and/or processing facility.
- C. **COUNTY LICENSE REQUIRED.** All persons that store in excess of ten (10) waste tires on their property shall obtain a MPCA permit in accordance with Minn. Rules Part 9220.0230, as amended, and a County License in accordance with Section 6.0 of this Ordinance.
- D. **LIMITED EXEMPTIONS.** A County License is not required for:
1. A retail tire seller for the retail selling site if no more than 500 waste tires are kept on business premises;
 2. An owner or operator of a tire-retreading business for the business site if no more than 3,000 waste tires are kept on the business premises;
 3. An owner or operator of a business who, in the ordinary course of business, removes tires from motor vehicles if no more than 500 waste tires are kept on the business premises;
 4. A permitted landfill operator with less than 10,000 waste tires stored above ground at the permitted site;
 5. A person using waste tires for agricultural purposes if the waste tires are kept on site of use. Any tires stored in open areas as part of an agricultural operation shall be sliced in such a manner as to prevent the collecting of water.
- E. **WASTE TIRE STORAGE REQUIREMENTS:**
1. Exceptions to Section 5.8(E)(16) of this Ordinance may be allowed when waste tires are utilized outside of a building for decorative, recreational, structural,

construction, or agricultural purposes where they comply with the requirements of other applicable laws or sections of this Ordinance.

2. Waste tires shall not be stored outside within 1,000 feet of intermittent or permanent wetlands, streams, ponds, and lakes.
3. Waste tires shall not be stored within Shoreland or areas affected by a 0.2 percent flood area (aka 500-year floodplain).
4. Waste tires shall not be stored outside within 1,000 feet of wooded areas and other areas on which trees, tree stumps, and brush are located, which could harbor mosquito populations.
5. Waste tires within one thousand (1,000) feet of a residence shall be stored or utilized in a manner that prevents water from being retained in the tires.
6. Waste tires shall not be stored within one-half mile of a known or suspected endemic area of mosquito-borne viral encephalitis or other diseases.
7. Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sink hole, gully, waterway, floodplain or shoreland.
8. Waste tires shall not be stored within an area which is unsuitable with respect to topography, geology, hydrology, soils, land use, or other public health and safety concerns.
9. Waste tires shall be confined to as small an area as practicable, with individual piles not more than 2,500 feet in area and twenty (20) feet in height.
10. A minimum twelve (12) foot separation distances shall be provided between piles of waste tires to allow for truck and emergency vehicle access.
11. Waste tires shall not constitute a fire hazard.
12. Waste tires shall not create a public health nuisance, or cause a nuisance to the public.
13. Waste tires shall be piled so as to minimize the accumulation of stagnant water.

14. Waste tires shall be stored a minimum of fifty (50) feet from any adjacent property line.
15. Surface water drainage shall be diverted around and away from waste tire storage areas.
16. Adequate visual screening of waste tire storage areas from housing or public right-of-ways shall be provided by use of natural objects, such as trees, berms, fences, or other means deemed acceptable by the Department.
17. The owner of the land or premises upon which waste tires are located in violation of this Ordinance shall remove them to a licensed solid waste facility, or obtain the license required by this Ordinance within one year of the effective date of this Ordinance, or such later date approved by the Department.

5.9 ABANDONED DUMPS

- A. Waste placed in abandoned or open dump sites, or illegally disposed of, shall be collected and transported to a licensed solid waste facility for proper disposal by the property owner or other person(s) determined by the Department to be responsible for the illegal activity. The responsible party shall notify the Department at least 48 hours prior to commencement of excavation/removal activity at the subject site. A receipt or other documentation approved by the Department which indicates satisfactory and legal disposal of the subject solid waste shall be submitted to the Department no later than 14 days after proper disposal has occurred.
- B. Upon approval by the Department, persons that have abandoned dumps may submit a closure plan to the Department. Closure plans shall meet all requirements of Minn. Rules Chapters 7001 and 7035, as amended, and any other requirements deemed necessary by the Department.
- C. The owner of the property on which the abandoned dump is located shall record an instrument with the County Recorder on a form prescribed by the Department placing the public on notice of the existence and location of the abandoned dump and of the obligations placed upon parties holding an interest in the property and the restrictions which may affect the use of the property.

- D. The County Board may waive any of the closure requirements of this Section 5.9, provided such waiver will not violate MPCA rules or endanger the health or safety of the public.

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SECTION 6.0 SOLID WASTE FACILITY LICENSING

6.1 LICENSE REQUIRED

- A. **LICENSE REQUIRED.** Unless otherwise provided in this Ordinance, any solid waste facility to be established, operated, or maintained for intermediate, final disposal, and/or processing of solid waste shall be licensed by the County and, if applicable, permitted by the MPCA before operation may commence.
- B. **OTHER WASTE FACILITIES.** Solid waste facilities not specifically provided for in this Ordinance shall not be permitted, unless otherwise licensed or exempted from licensure by the County Board prior to construction and operation.
- C. **LICENSING NOT EXCLUSIVE.** The receipt of a solid waste facility license shall not be deemed to exclude the necessity of obtaining other applicable licenses, permits and approvals, except as expressly provided herein. Compliance with the provisions of this Ordinance shall not relieve any person or entity of the need to comply with any and all other applicable rules, regulations, and laws.
- D. **PUBLIC OWNED FACILITIES.** The County Board may, at its discretion, waive the requirement of public owned facilities from having to obtain a license as set forth in this Section 6.0 of the Ordinance. The County Board may also waive the requirement of public owned facilities from having to pay certain fees as set forth in Section 7.0 of this Ordinance; this waiver shall not apply to fees and surcharges required for collection by Minn. State Statutes. A waiver by the County Board does not release public owned facilities from maintaining compliance with this Ordinance, and applicable Minn. Rules.

6.2 REQUIREMENTS FOR OBTAINING A SOLID WASTE FACILITY LICENSE

- A. **APPLICATION FOR LICENSE.** Solid waste facility license applications shall be submitted to the Department on forms provided by the Department. The applicant shall include with its license application two sets of complete plans, specifications, design data, ultimate land use plan if applicable, proposed operating procedures and such other information as may

be required by the County. In addition, applicants shall provide all information required in this section and subsequent sections of this Ordinance, including the following:

1. Land use approvals and permit(s) required by the County Zoning Ordinance or the zoning authority having jurisdiction over the proposed site.
 2. A complete copy of the permit application submitted to the MPCA, including a set of complete plans, specifications, design data, and ultimate land use proposals.
 3. A written statement of how the proposed facility is consistent with the County Solid Waste Management Plan and a current MPCA Certificate of Need (CON), if applicable.
 4. Application fee as established by the County Board.
 5. A topographic map that shows the proposed solid waste facility and the area surrounding it for a distance of at least one mile in all directions. The map shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads areas for retention of surface water runoff, and other applicable details as may be required by the Department. Wells shall also be identified on the map.
 6. A copy of any environmental assessment worksheet or environmental impact statement prepared or required pursuant to this Ordinance, or Minn. Rules, Chapter 4410, as amended, or other applicable regulations.
 7. A list of all types of waste the applicant intends to accept at the facility.
- B. LICENSE HOLDER. A license shall be issued jointly to the landowner, facility owner, and facility operator and/or other persons responsible for compliance with the requirements of this Ordinance.
- C. LICENSE FEES. The annual license fee and all other required fees in the amounts established by County Board shall be paid by the date specified in Section 7.0 of this Ordinance.
- D. INCOMPLETE OR NON-CONFORMING APPLICATION. If the Department determines that an application for a solid waste facility license, license modification, license renewal, and/or closure license is not complete or otherwise does not conform with the requirements set

forth in this Ordinance, the Department shall advise the applicant in writing within sixty (60) days of receiving the application that the application is incomplete and shall identify what information is missing. The applicant shall provide the requested information in a timely manner. Failure to submit the requested information within thirty (30) days, or to request additional time in which to submit the requested information within thirty (30) days, shall be deemed to be a withdrawal of the application.

- E. **ADDITIONAL OR UNNECESSARY DATA.** The applicant shall submit reasonable additional data requested by the Department. The Department may also waive a requirement for submitting certain information if the Department determines that the information is not necessary and will not cause increased health or safety risks for the public.
- F. **MULTIPLE OPERATION FACILITIES.** The County Board, at its discretion, may issue one license to a person who operates or proposes to operate two or more solid waste facilities within the same site boundary. This multiple operation license may be approved when the Board determines that the combined operation of two or more solid waste facilities is such that administration and enforcement of this Ordinance and license conditions are most efficiently or appropriately served by one license. Each solid waste facility licensed under the multiple operation license shall comply with all of the requirements of this Ordinance that apply to solid waste facilities of that type, including the payment of application and license fees. The Department shall work with a person operating or proposing to operate under a multiple operation license to avoid unnecessary duplication and efforts in license application, record keeping and reporting processes. The issuance of a multiple operation license shall be based on recommendation by the Department to the County Board or request by the facility and approval by the County Board.

6.3 DUTY TO COMPLY WITH LICENSE CONDITIONS

- A. **OPERATIONAL CONDITIONS.** The licensee shall comply with the operational conditions stated in the solid waste facility license as approved by the County. Failure of the licensee to comply with such operational conditions, including any license modifications, is a violation of this Ordinance and the licensee is subject to the penalties provided herein.
- B. **LICENSE WITH SPECIAL CONDITIONS.** A license may be granted that is contingent upon compliance with special conditions specified in the license. Such conditions, if any, shall be designed to promote the health, welfare and safety of the public, and to protect the

environment pursuant to this Ordinance. Failure of the licensee to comply with such special conditions is a violation of this Ordinance, and is subject to the penalties provided herein.

6.4 LICENSE MODIFICATIONS

- A. Major modifications to a license shall require prior approval of the County Board. The following, without limitation, shall be considered major modifications to a license:
1. When the Department determines that a modification, or change to the operation or conditions of a solid waste facility create the potential for significant environmental or public health impact.
 2. Any change in the type(s) or quantity(ies) of waste accepted.
 3. Any change in the waste management method or addition of a new waste management method used at a site or solid waste facility or change to the closure plan.
 4. Expansion of a solid waste landfill.
- B. Notwithstanding these criteria, a major modification does not include changes or modifications that:
1. Are disclosed in the license application and operations plan, and approved by the County Board as part of the license;
 2. Are in conformance with the current license, and do not create the potential for significant environmental or public health impact; and
 3. Will not reduce the Department's ability to monitor compliance with the license and this Ordinance.

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6.5 PILOT PROJECTS

- A. PILOT PROJECTS AUTHORIZED. The County Board may, as part of its review of any operation or closure license, or the renewal of any license, grant one or more waivers from the specific licensing requirements of this Ordinance, including application fees and various license fees, for pilot projects that the County Board determines to be beneficial to the County, with due consideration to the type and number of waivers requested. Pilot project and accompanying waivers may be approved in the discretion of the County Board on a case-by-case basis, provided however that the Board shall not approve any pilot project unless the Board finds that the proposal will not adversely impact human health or the environment, and the Board finds that:
1. The proposal will reclaim solid waste materials from existing landfill or processing facilities for processing and/or use in other end-products; or
 2. The proposal will result in an extension of landfill capacity at an existing or proposed facility without the need to alter the size or dimensions of the facility; or
 3. The proposal may substantially reduce the activities and/or costs associated with the care of solid waste landfills located in the County either both before or after closure of the solid waste landfill; or
 4. The proposal will encourage economic development within the County by increasing or diversifying the County's tax base and/or creating new employment opportunities.
- B. APPLICATION. A licensee requesting approval of a pilot project must submit an application on a form to be provided by the Department. There shall be no fee for Department Review of a pilot project. The applicant shall provide the Department with all information necessary for the Department to fully and appropriately analyze the proposal for a pilot project, as determined by the Department, including the following:
1. A detailed description of the proposal, including a description of the equipment, materials and process to be used in reclaiming solid waste materials or otherwise extending existing landfill capacity.
 2. A detailed description of the proposed end use of any reclaimed materials.

3. A description of the potential economic development resulting from the proposal, including increased employment within the County and any increase or diversity in the County's tax base or beneficial alteration of the end use of the property.
4. A description of any temporary storage of reclaimed solid waste prior to the end use or processing of the materials.
5. A list of any waivers requested from the requirements of this Ordinance, and an explanation of why such waivers are necessary and appropriate in light of the potential benefits of the pilot project.
6. A time period for completion of the pilot project, if applicable.
7. Verification that the pilot project and any requested waivers will not have an adverse impact on human health and the environment, along with a proposal to monitor the potential beneficial and adverse impacts of the pilot project.

The Department shall use its reasonable best efforts to process an application for a pilot project with an accompanying application for a license or license renewal, but there shall be no limit on the amount of time necessary for the Department to consider and analyze a proposal for a pilot project and to present the proposal to the County Board.

- C. JOINT APPLICATIONS FOR PILOT PROJECT(S). One or more solid waste facilities may jointly file an application for one or more related pilot projects and may request waivers applicable to each facility's license, so long as the waivers directly relate to, and are necessary for the proposed pilot project(s).
- D. AGREEMENT AND INDEMNIFICATION; COUNTY MAY PARTICIPATE. The County, as a condition of approving any pilot project, may require that the applicant enter into an agreement with the County for implementing, monitoring and other performance standards relating to the project. As part of the agreement, the owner of the facility and operator of the pilot project shall indemnify the County, and hold the County harmless against any and all claims relating to the approval and operation of the project. The County may also, as part of the agreement, participate in the pilot project as appropriate, and as deemed beneficial by the County Board, through the use of Solid Waste Management Funds and/or the County's Economic Development Authority.

6.6 LICENSE TERM, RENEWAL, TRANSFER AND CONTINUATION

A. LICENSE TERM.

1. Unless otherwise provided by the County Board, the initial term of a solid waste facility license granted pursuant to the provisions of this Ordinance shall be for a period of not more than one (1) year but shall expire on December 31 of the year the license is granted, unless earlier suspended or revoked.
2. Except as otherwise provided by the County Board, the term of a solid waste facility license that is renewed pursuant to the provisions of this Ordinance shall be five (5) years and shall expire on December 31 of the fifth year, unless earlier modified, suspended or revoked.
3. Unless otherwise provided by the County Board, the term of a solid waste landfill closure license shall be for the duration of the post-closure period.

B. LICENSE RENEWAL. An applicant for renewal of a solid waste facility license shall be made on a form provided by the Department by October 1 of the expiration year, and shall be signed by an individual authorized to act on behalf of, and bind the licensee with the submission of the following information:

1. A statement indicating any changes at the facility since the last approved solid waste facility license application or proposed changes for the forthcoming license period; and,
2. The licensee shall submit to the Department financial assurance information including the financial assurance mechanism used, the amount of bond or letter of credit, cash on deposit, amount in a depository account or trust account. Failure to submit such information is grounds for revocation, or for not granting renewal of the solid waste facility license by the County Board. If there are no changes in financial assurance, it shall be so stated in the solid waste facility license renewal application.

C. CONTINUATION OF EXPIRED LICENSE. A person who holds an expired license, and who has submitted a timely and complete application for re-issuance of the license as required by Section 6.6(B) of this Ordinance may continue to operate the licensed solid waste facility under the terms and conditions of the expiring license until the County takes final action

on the application, so long as the Department determines that both of the following are true:

1. The licensee is in full compliance with the terms, and operational and special conditions of the expired license and this Ordinance; and,
2. The Department, through no fault of the licensee, has not taken final action of the application on or before the expiration date of the license.

D. TRANSFER OF LICENSE. A licensee shall not voluntarily or involuntarily, by operation of law or otherwise, sell, assign, transfer or otherwise dispose of, in whole or in part, a license issued under this Ordinance without the County's prior written consent.

1. For the purpose of determining whether to grant such consent, the County's inquiry shall be limited to determining to the County's satisfaction that the transferee possesses the technical and financial qualifications to operate and maintain the licensed solid waste facility. The licensee shall be responsible for ensuring that the transferee completes an application for approval of the transfer and for establishing, to the County's satisfaction, the transferee's qualifications to hold the license. Applications for approval of the transfer shall be reviewed within a reasonable time and the County's consent shall not be unreasonably withheld.
2. In addition to any other sale, assignment, transfer or disposal, this Section shall apply to a change of ownership or control that includes, without limitation: (a) sale of all or substantially all of the company assets, except those sales of assets in the normal course of business; (b) sale or acquisition of four percent (4%) of the controlling interest (voting) stock if the stock is publicly traded; (c) sale of more than fifty-one percent (51%) of voting stock if it is a closely held corporation; (d) execution of a management agreement by which control of the corporation is transferred; or, (e) if the company is a closely held corporation, the death of the Chief Executive Officer or the majority stockholder.
3. The licensee shall notify the County in writing of any foreclosure or other judicial sale of all or substantially part of the property and assets comprising the licensed facility. Such notice shall be considered notice that a change in ownership has taken place, and the provisions for obtaining County consent pursuant to this Section shall apply.

4. The granting of a security interest or mortgage in all or part of the licensed solid waste facility shall not require the consent of the County.
5. Any attempt to transfer a license or any or all of the licensee's obligations under a license without the County's consent shall be grounds for suspension or revocation of the license and other remedies available to the County, including, without limitation, grounds for drawing on the financial assurance provided pursuant to Section 6.9 of this Ordinance.

6.7 GENERAL REQUIREMENTS FOR ALL FACILITIES

- A. GENERAL REQUIREMENTS. The following items shall be established, constructed, or provided for at all solid waste facilities, unless specifically exempted by the Department:
1. Effective litter control devices such as portable fences shall be utilized.
 2. Firefighting equipment on site adequate to insure the safety of employees.
 3. Emergency first aid equipment to provide adequate treatment for all accidents.
 4. A contingency action plan identifying procedures and actions to be taken in the event of fire, spill, chemical release, physical injury, or other emergency situations at the facility.
 5. A potable water supply for site personnel.
 6. Adequate facilities to ensure that no vehicle desiring entry into the Site may have to wait outside the perimeter of a solid waste facility.
 7. Adequate communication facilities shall be provided for emergency purposes.
 8. An adequately maintained haul road to the unloading area.

9. Visual screening of the Site, as required by the Department, shall be provided by use of natural objects, trees, plants, seeded soil berms, fences, or other suitable means.
 10. An area shall be designated to inspect and store solid waste to determine whether or not unacceptable waste is contained in the solid waste deposited at a solid waste facility.
 11. Facilities shall not accept any material that cannot be readily and visually identified, except for material from a licensed processing facility.
- B. OPERATING RECORDS. All solid waste facilities shall maintain accurate operational daily records with regard to all aspects of the facility, including but not limited to the quantity and the types of materials received, and the disposition of all materials received. Records shall be available during normal business hours for the on-site review and inspection by the Department's or MPCA's designated agent.
 - C. QUARTERLY OPERATING REPORTS. Each quarter, the licensee shall submit an operating report to the Department on a form prescribed by the Department. Quarterly reports shall be due on the 15th day of April, July, October and January, and include information concerning the quantity and types of material received for each of the three preceding months.
 - D. COMPLIANCE WITH MINNESOTA RULES. Applicants, owners, and operators of licensed solid waste facilities shall comply with applicable State solid waste rules, including Minn. Rules Chapter 7035, as amended.
 - E. COMPLIANCE WITH ORDINANCE. The licensee shall be responsible for compliance with all of the provisions of this Ordinance.
 - F. FACILITY SITING. The licensee shall not locate or expand any solid waste facility at a site which conflicts with MPCA, County or local requirements for solid waste facility siting.
 - G. AIR, SOIL AND WATERS OF THE COUNTY. No licensee shall operate any solid waste facility, or dispose of, or permit to be disposed, any solid wastes in a manner so as to degrade the soil, air, or waters of the County. Any licensee who causes any degradation of the soil, air,

or waters of the County shall undertake whatever action is necessary to correct the degradation, and restore said soil, air, or waters to its condition prior to its degradation.

- H. ENVIRONMENTAL MONITORING. The licensee shall be responsible for facilitating all environmental monitoring, including but not limited to water, soil, and landfill gases, which are required by this Ordinance, the license, or the MPCA permit for the applicable solid waste facility.
- I. UNACCEPTABLE WASTE. A licensee shall maintain a contingency plan for the proper temporary storage, treatment and/or disposal of unacceptable waste received at the facility. Unacceptable waste shall be any waste not identified by the licensee in its application as acceptable waste, pursuant to Section 6.2(A)(7) of this Ordinance, and approved as part of the license by the County Board. The contingency plan shall include a written list of the nearest suitable facilities where the unacceptable waste can be disposed or received from the public. Unacceptable waste shall be transported only to solid waste or hazardous waste facilities operating with appropriate license for disposal, treatment, conversion, or recycling.

6.8 CLOSURE REQUIREMENTS FOR INTERMEDIATE DISPOSAL FACILITIES

- A. APPLICABILITY. The requirements of this section are applicable to the closure activities of all intermediate disposal facilities located within the County. The Department may require information in addition to that required in this section.
- B. CLOSURE REQUIREMENTS. When an intermediate disposal facility is to be closed for any reason, the Department shall be notified in writing at least one month prior to closure. At the time of closure, the licensee shall comply with the following closure requirements:
 - 1. All solid wastes, compost, residuals, and/or finished product shall be removed from the property;
 - 2. The property shall be clean, and in a nuisance free condition; and
 - 3. The Licensee shall identify an end use for the solid waste facility, and the property shall be compatible with existing land use restrictions and zoning regulations for that site.

- C. CERTIFICATION OF CLOSURE. When closure requirements in this Section 6.8(B) at an intermediate disposal facility have been completed, the Department shall be notified to allow for final inspection of the site. When a final inspection conducted by the Department determines that the closure requirements as specified in this Section 6.8(B) have been completed, the Department shall certify to the County Board, for County Board approval, that all required actions under Section 6.8(B) of this Ordinance have been completed. Required pre-closure financial assurance and insurance for intermediate disposal facilities shall not terminate until the County Board has approved the certification of closure.
- D. RECORDING. The certification of closure shall be recorded with the Mower County Recorder.

6.9 FINANCIAL ASSURANCE

- A. LICENSE CONTINGENT ON FINANCIAL ASSURANCE. Issuance of any solid waste facility license pursuant to the provisions of this Ordinance shall be contingent upon the applicant furnishing to the Department, financial assurance for pre-closure/operational, closure, post-closure periods, in an amount and form to be set by the County Board, and naming the County as obligee. The County Board may waive this requirement if the Board determines, based on the type of and associated conditions surrounding the proposed facility, that that financial assurance is not necessary to secure the licensee's performance of its obligations under the license, and is not necessary to protect public health and safety. The financial assurance shall be maintained throughout the term of each operational and closure license, unless the amount or form of the financial assurance is modified by the County Board based on the conditions and information present at the time of a renewal or violation of the license.
- B. CONDITIONS. The conditions of financial assurance shall include:
 - 1. If the licensee fails to obey any of the requirements or do any of the acts required by this Ordinance or the license in the pre-closure/operational, closure, and post-closure periods of the solid waste facility, or if, for any reason, ceases to operate or abandons the solid waste facility, and the County determines that it is necessary to expend any monies, labor or material to remediate conditions at or caused by the solid waste facility or restore the facility to the condition and requirements as provided by this

Ordinance, the obliger and the sureties on the financial assurance shall promptly remit to the County the amounts demanded.

2. The obliger and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any defaults of the obliger under the terms of their license to operate and the ordinances of the County.
3. The financial assurance shall be subject to cancellation by the surety at any time only upon giving 120 days' prior written notice of cancellation to the Department.
4. If any financial assurance requirements continue to apply to a solid waste facility, failure to provide the County with replacement financial assurance in the form and amount required by the Ordinance and the County Board at least thirty (30) days prior to the cancellation date, shall constitute a violation of the Ordinance and shall be grounds for a claim against the current financial assurance in the full amount.
5. The specific financial assurance mechanism(s) and amount(s) utilized by a licensee for closure and post-closure care shall be identified in the closure license and shall comply with Sections 6.9(C)(2) and 6.9(C)(3).

C. REQUIREMENTS FOR FINANCIAL ASSURANCE MECHANISMS.

1. Pre-Closure/Operational Period Financial Assurance. Licensees shall provide pre-closure/operational period financial assurance through one or a combination of the following mechanisms:
 - a. **Single Access Cash Account**. A single access cash account at a financial institution that is acceptable to the Mower County Attorney's Office. The funds in this account may only be withdrawn by or with the consent of Mower County. The Department shall notify the licensee when financial assurance funds are being withdrawn, and shall state the reasons for such withdrawal.
 - b. **Letter of Credit**. An irrevocable letter of credit from a financial institution that is acceptable to the Mower County Attorney's Office.
 - c. **Bond**. A surety bond in a form and from a financial institution that is acceptable to the Mower County Attorney's Office. In general, the surety bond shall be for purposes and in an amount set by resolution of the County Board and shall name

the County of Mower as the obligee. Acceptable surety companies include those companies that are licensed and authorized to transact corporate surety business in the State of Minnesota and that are listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1.

- d. **Trust.** A trust in a form acceptable to the Mower County Attorney's Office.
 - e. **MPCA Financial Assurance Plan.** In addition to the financial assurance required by this Section, the licensee shall maintain separate financial assurance as may be required by the MPCA for an operational permit. Failure to maintain MPCA-required financial assurance shall be grounds for modifying the form and amount of financial assurance required by this Ordinance, pursuant to Section 6.9(A).
 - f. **Release.** The pre-closure/operational period financial assurance shall be released by the County by notifying the obligor/surety in writing after the Department determines that the licensee has fully complied with the terms and obligations of the operational license, the licensee has been granted a closure license and has provided the required closure period financial assurance, and any pre-closure/operational period violations of the Ordinance have been corrected to the satisfaction of the Department.
2. Closure Period Financial Assurance. A licensee shall provide closure period financial assurance through one or a combination of the following mechanisms:
- a. **Single Access Cash Account.** A single access cash account at a financial institution that is acceptable to the Mower County Attorney's Office. The funds in this account may only be withdrawn by or with the consent of Mower County. The Department shall notify the licensee when financial assurance funds are being withdrawn, and shall state the reasons for such withdrawal.
 - b. **Letter of Credit.** An irrevocable letter of credit from a financial institution acceptable to the Mower County Attorney's Office.
 - c. **Bond.** A surety bond in a form and from a financial institution that is acceptable to the Mower County Attorney's Office. In general, the surety bond shall be for purposes and in an amount set by resolution of the County Board and shall name the County of Mower as the obligee. Acceptable surety companies include those

companies that are licensed and authorized to transact corporate surety business in the State of Minnesota and that are listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1.

- d. **Trust.** A trust in a form acceptable to the Mower County Attorney's Office.
 - e. **MPCA Financial Assurance Plan.** In addition to the financial assurance required by this Section, the licensee shall maintain separate financial assurance as may be required by the MPCA pursuant to a closure plan approved by the MPCA. Failure to maintain MPCA-required financial assurance shall be grounds for modifying the form and amount of financial assurance required by this Ordinance, pursuant to Section 6.9(A).
 - f. **Release.** The closure period financial assurance shall be released by the County by notifying the obligor/surety in writing after the Department determines that the licensee has fully complied with the terms and obligations of the closure license, that any closure period violations of the Ordinance have been corrected to the satisfaction of the Department, and that the licensee has provided the required post-closure financial assurance.
3. **Post-Closure Period Financial Assurance.** Licensees that have post-closure period obligations at a site shall provide post-closure period financial assurance through one or a combination of the following mechanisms:
- a. **Single Access Cash Account.** A single access cash account at a financial institution that is acceptable to the Mower County Attorney's Office. The funds in this account may only be withdrawn by or with the consent of Mower County. The Department shall notify the licensee when financial assurance funds are being withdrawn and shall state the reasons for such withdrawal.
 - b. **Trust.** A trust in a form acceptable to the Mower County Attorney's Office.
 - c. **Bond.** A surety bond in a form and from a financial institution that is acceptable to the Mower County Attorney's Office. In general, the surety bond shall be for purposes and in an amount set by resolution of the County Board and shall name the County of Mower as the obligee. Acceptable surety companies include those companies that are licensed and authorized to transact corporate surety business

in the State of Minnesota and that are listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1.

- d. **Letter of Credit.** An irrevocable letter of credit acceptable to the Mower County Attorney's Office may be used to supplement the mechanisms stated above in Sections 6.9(C)(3)(a), (b), and (c) of this Ordinance until certification of closure is submitted to the Department and approved by the County Board.
 - e. **MPCA Financial Assurance Plan.** In addition to the financial assurance required by this Section, the licensee shall maintain separate financial assurance as may be required by the MPCA for post-closure care. Failure to maintain MPCA-required financial assurance shall be grounds for modifying the form and amount of financial assurance required by this Ordinance, pursuant to Section 6.9(A).
4. **Annual Review and Adjustment.** The form and amount of financial assurance shall be subject to annual review by the Department. Adjustments shall be based on published economic indicators deemed relevant by the Mower County Attorney's Office and/or modifications to the solid waste facility specifications, operations, and/or closure plan or post-closure care standards. No adjustment shall be effective unless approved by the County Board.

6.10 INSURANCE REQUIREMENTS

A solid waste facility licensee shall provide and maintain at all times during the term of the license such insurance coverage as set forth in this section, and otherwise comply with the provisions that follow. Such policy(ies) of insurance shall apply to the extent of, but not as a limitation upon or in satisfaction of, the license indemnity provisions. The provisions of this section shall also apply to all subcontractors, and independent contractors engaged by the licensee with respect to the license. The licensee shall be entirely responsible for securing the compliance of all such persons or parties with these provisions.

A. WORKERS COMPENSATION INSURANCE

- 1. Worker's compensation insurance shall be in compliance with all applicable state statutes. Such policy shall include employer's liability coverage in at least such

amount(s) as are customarily issued in Minnesota and an All States or Universal Endorsement, if applicable.

2. In the event a licensee is a sole proprietor and has elected not to provide workers' compensation insurance, the licensee shall be required to execute and submit to the Department an affidavit of sole proprietorship in a form acceptable to the Department.

B. GENERAL LIABILITY.

1. Commercial General Liability Coverage (Insurance Services Office form title), providing coverage on an "occurrence", rather than on a "claims made" basis, which policy shall include, but shall not be limited to, coverage for bodily injury, property damage, personal injury, contractual liability (applying to this contract), independent licensees, "XC&U" and products-completed operations liability (if applicable). Such coverage may be provided under an equivalent policy form (or forms), so long as such equivalent form (or forms) affords coverage that is at least as broad. An Insurance Services Office "Comprehensive General Liability" policy that includes a "Broad Form Endorsement", GL 0404 (Insurance Services Office designation) shall be considered to be an acceptable equivalent policy form.
2. The licensee shall maintain at all times during the period of the license a total combined general liability policy limit of at least \$500,000 per person, \$1,500,000 for each occurrence, and \$2,000,000 aggregate, applying to liability for bodily injury, personal injury, and property damage, which total limit may be satisfied by the limit afforded under its "Commercial General Liability" policy, or equivalent policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy (or policies), provided, that the coverage afforded under any such "Umbrella" or "Excess Liability" policy is at least as broad as that afforded by the underlying "Commercial General Liability" policy (or equivalent underlying policy).
3. Such commercial general liability policy and "Umbrella" or "Excess Liability" policy (or policies) may provide aggregate limits for some or all of the coverage afforded there under, so long as such aggregate limits have not, as of the beginning of the term or at any time during the term, been reduced to less than the total required limits stated above, and further, that the "Umbrella" or "Excess Liability" policy provides coverage from the point that such aggregate limits in the underlying comprehensive general liability policy become reduced or exhausted.

- C. **AUTOMOBILE LIABILITY.** Business Automobile liability insurance shall be obtained and shall cover liability for bodily injury and property damage arising out of the ownership, use, maintenance, or operation of all owned, non-owned and hired automobiles and other motor vehicles utilized by the licensee in connection with the operation of the licensed Solid waste facility. Such policy shall provide total liability limits for combined bodily injury and/or property damage in the amount of at least \$500,000 per person and \$1,500,000 per incident, which total limits may be satisfied by the limits afforded under such policy, or by such policy in combination with the limits afforded by an “Umbrella” or “Excess Liability” policy(ies), provided, that the coverage afforded under any such “Umbrella” or “Excess Liability” policy(ies) shall be at least as broad with respect to such business automobile liability insurance as that afforded by the underlying policy. Unless included within the scope of the licensee’s commercial general liability policy, such business automobile liability policy shall also include coverage for motor vehicle liability assumed under contract.
- D. **ADDITIONAL INSURANCE.** The County may require a licensee to undertake an annual insurance evaluation, conducted by an independent evaluator selected by the County, which evaluator shall be reasonably acceptable to licensee. The County may, at any time during the period of the license, require that licensee secure any additional insurance, or additional feature to existing insurance, as is recommended by such evaluation as reasonably required for the protection of the County’s interests or those of the public.
- EVIDENCE OF INSURANCE.** A licensee shall promptly provide the Department with evidence that the insurance coverage required hereunder is in full force and effect at least twenty (20) days prior to the granting of a license by the County Board. At least thirty (30) days prior to termination of any such coverage, the licensee shall provide the Department with evidence that such coverage will be renewed or replaced upon termination with insurance that complies with these provisions. Such evidence of insurance shall be in the form of a “Certificate of Insurance”, or in such other form as the Department may reasonably request, and shall contain sufficient information to allow the Department to determine whether there is compliance with these provisions. At the request of the Department, the licensee shall, in addition to providing such evidence of insurance, promptly furnish the Department with a complete (and if so requested, insurer-certified) copy of each insurance policy intended to provide coverage required hereunder. All such policies shall be endorsed to require that the insurer provide at least a sixty (60) day notice to the Department prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The licensee’s insurance agent shall certify on the certificate of insurance, that he/she has error and omissions coverage.

- E. INSURER POLICIES. All policies of insurance required by this Ordinance shall be issued by financially responsible insurers licensed to do business in the State of Minnesota, and all such insurers shall be acceptable to the Department. Such acceptance shall not be unreasonably withheld or delayed. An insurer with a current A.M. Best Company rating of at least A: VII shall be conclusively deemed to be acceptable. In all other instances, the Department shall have twenty (20) business days from the date of receipt of a licensee's evidence of insurance to advise the licensee in writing of any insurer that is not acceptable to the County. If the Department does not respond in writing within such twenty (20) day period, the licensee's insurer(s) shall be deemed to be acceptable to the County.
- F. LOSS INFORMATION. At the request of the Department, the licensee shall promptly furnish loss information concerning all liability claims brought against a licensee (or any other Insured under licensee's required policies) that may affect the amount of liability insurance available for the benefit and protection of the County under this Ordinance. Such loss information shall include such specifics and be in such form as the Department may reasonably require.

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SECTION 7.0 SOLID WASTE FACILITY FEES AND DEPOSITS

7.1 FACILITY LICENSE FEES

- A. **APPLICATION FEE.** An application fee shall be submitted with all applications for a solid waste facility license, expansion of a solid waste facility, license renewal involving a major modification, or appeal of solid waste landfill fees and deposits. The application fees shall be in an amount set forth in the County's fee schedule. An application that does not include the required application fee shall be considered incomplete.
- B. **FACILITY LICENSE FEES.** In addition to the application fees, there shall be facility license fees for each type of solid waste facility. The facility license fees shall be set forth in the County's fee schedule and shall be reviewed annually by the County Board. The initial solid waste facility license fee shall be paid prior to issuance of the license. License fees shall be paid annually thereafter by December 31 of each year, as a condition of license renewal. Annual license fees shall terminate once the County Board has approved a certification of closure pursuant to Sections 6.8(C) or 8.10(G) of this Ordinance. Non-payment of the facility license fees shall be grounds for denial of a license application, modification or renewal, or revocation of an existing license, and may also be enforced as provided in Section 19 of this Ordinance.
- C. **LICENSE RENEWAL.** There shall be no fee for renewal of a license, provided that there are no major modifications to the license, as determined by the Department pursuant to Section 6.4 of this Ordinance. A license renewal that includes a major modification shall pay an application fee as required by Section 7.1(A) of this Ordinance.

7.2 SOLID WASTE LANDFILL FEES AND DEPOSITS

- A. **PURPOSE AND INTENT.** Pursuant to Minn. State Statute, chapters 115A and 400, the County hereby establishes a system of fees and other financial security to compensate the County for and protect the County against the costs, expenses and risks associated with locating a solid waste landfill within the County, including, without limitation, administrative costs, landfill abatement, response actions (both on and off-site), impacts to County infrastructure, and the closure costs, post-closure care and perpetual care of solid waste landfills. For purposes of this Section, perpetual care shall mean those

activities and costs associated with landfills located within the County that will continue beyond the post-closure care period prescribed by the MPCA and this Ordinance, and include, without limitation: (1) continual site maintenance, including fencing, building care, inspection of equipment and inspection and repair of slumping associated with steep-sided landfills; (2) monitoring of gas and ground water; (3) monitoring leachate collection; and (4) maintaining cover integrity and preventing uncontrolled stormwater and snow melt from entering a closed waste cell. Perpetual care may also include remediation or response activities that may not be undertaken by a responsible party, facility operator, or other state or federal agency and that may be necessary to protect the public health and the environment. It is the express intent of this Section that the costs and risks associated with hosting a solid waste landfill are not borne directly or indirectly by Mower County residents.

B. MSW FEES.

1. **BASE FEE.** All solid waste landfills in Mower County that accept and dispose of MSW shall pay a fee for each ton of MSW accepted and disposed of at the facility. The amount of the MSW Base Fee shall be established by the County Board and may be reviewed and revised annually.
2. **OUT-OF-COUNTY FEE.** In addition to the Base Fee, all solid waste landfills in Mower County that accept and dispose of MSW shall pay a fee for each ton of MSW generated outside of Mower County, that is accepted and disposed of at the facility. The amount of the Out-of-County Fee shall be established by the County Board and may be reviewed and revised annually.

C. CONSTRUCTION AND DEMOLITION WASTE FEE. All solid waste landfills in Mower County that accept and dispose of demolition waste and construction debris shall pay a fee for each ton of demolition waste and construction debris accepted and disposed of at the facility. The amount of the fee shall be established by the County Board and may be reviewed and revised annually.

D. PAYMENT OF FEES. The fees established by this Section 7.2 shall be charged to facility owners and shall be paid in the following manner:

1. Monthly returns shall be on a reporting form prescribed by the Department.
2. The return shall be signed by the facility operator or a person authorized by the facility

operator to do so.

3. A check for the full amount of the fee and made out to the County shall accompany the return form.
 4. The return shall be filed with the Department on or before the last day of the month immediately following the month in which the fee was incurred.
- E. EXEMPTION FROM BASE FEE AND OUT-OF-COUNTY FEE. If a solid waste facility achieves 85 percent or greater reduction in weight of solid waste that is managed through recycling, composting, or processing, the following solid waste materials shall then be exempt from Base Fees and Out-of-County Fees:
1. All Residuals or Residue.
 2. All Non-Processible Waste.
- F. INDUSTRIAL WASTE TRUST ACCOUNT DEPOSITS. Solid waste facilities that accept and dispose of industrial waste shall contribute to an Industrial Waste Trust Account established within the County for the purposes identified in Section 7.2(A) of this Ordinance. The Industrial Waste Trust Account shall be for the benefit of the County on behalf of its residents and its natural resources and is not intended to and shall not create any beneficial interest in or on behalf of any other party. The amount of the Industrial Waste Trust Account deposit for industrial waste facilities shall be on a per-ton basis for each ton of industrial waste accepted and disposed of at the facility as a separate waste stream from MSW. The per-ton amount shall be established by the County Board and may be reviewed and revised annually. The Industrial Waste Trust Account deposit shall be charged to facility owners and shall be paid in the manner provided in Section 7.2(D) of this Ordinance. Industrial Waste Trust Account deposits collected by the County shall be maintained by the County in a separate interest bearing account. Upon completion of the required post-closure care obligations and expiration of the prescribed post-closure care period for an industrial waste facility, the facility may purchase a perpetual bond or similar financial security, in an amount and form acceptable to the County, providing for the perpetual care of the facility and addressing to the County's satisfaction the perpetual care goals and needs identified in Section 7.2(A) of this Ordinance. A facility that has contributed Industrial Waste Trust Account deposits may, with the County's consent, use available funds from the County's Industrial Solid Waste Trust Account to purchase the perpetual bond or other financial security, or may assign to the County, with the County's

consent, the right to make payment on such perpetual bond or other financial security from the available Trust Account funds.

- G. MUNICIPAL SOLID WASTE COMBUSTOR ASH TRUST ACCOUNT DEPOSITS. Solid waste facilities that accept and dispose of municipal solid waste combustor ash (“MSW Ash”) shall contribute to an MSW Ash Trust Account established within the County for the purposes identified in Section 7.2(A) of this Ordinance. The MSW Ash Trust Account shall be for the benefit of the County on behalf of its residents and its natural resources and is not intended to and shall not create any beneficial interest in or on behalf of any other party. The amount of the MSW Ash Trust Account deposit for MSW Ash landfills shall be on a per-ton basis for each ton of MSW Ash accepted and disposed of at the facility. The per-ton amount shall be established by the County Board and may be reviewed and revised annually. The MSW Ash Trust Account deposit shall be charged to facility owners and shall be paid in the manner provided in Section 7.2(D) of this Ordinance. Provided, however, that the County Board may, in connection with issuing or renewing any Municipal Solid Waste Combustor Ash Landfill license, waive MSW Ash Trust Account deposits if the Board determines that the waiver of such deposits is beneficial and necessary to encourage and support processing of solid waste at any Resource Recovery Facility or Waste Combustor located within the County. MSW Ash Trust Account deposits collected by the County shall be maintained by the County in a separate interest bearing account. Upon completion of the required post-closure care obligations and expiration of the proscribed post-closure care period for an MSW Ash facility, the landfill may purchase a perpetual bond or similar financial security in an amount and form acceptable to the County providing for the perpetual care of the facility and addressing to the County’s satisfaction the perpetual care goals and needs identified in Section 7.2(A) of this Ordinance. A solid waste landfill that has contributed MSW Ash Trust Account deposits may, with the County’s consent, use available funds from the County’s MSW Ash Trust Account to purchase the perpetual bond or other financial security, or may assign to the County, with the County’s consent, the right to make payment on such perpetual bond or other financial security from the available Trust Account funds.
- H. HOST FEE AGREEMENT. In order to provide for longer-term certainty in connection with the amount of the fees and deposits established in this Section, solid waste facilities may enter into a Host Fee Agreement with the County for payment of Host Fees in lieu of the fees and deposits required pursuant to this Section 7.2. The Host Fee Agreement shall establish the amounts of fees and deposits applicable to the waste stream(s) accepted at the facility for a period of two or more years, provided that the initial amounts shall be at least equal to the amounts then currently established by the County Board. A Host Fee

Agreement will provide that the County will not impose on the facility the fees and deposits established in this Section 7.2 during the term of the Agreement. A Host Fee Agreement may also provide for credits against Host Fees for solid waste facilities that implement County-approved on-site landfill abatement, recycling programs or landfill improvements that are not otherwise required as part of the facility's County license or MPCA permit. Landfill abatement and recycling programs may be approved in the County's discretion based on the factors set forth in Section 6.5 of this Ordinance.

- I. NON-PAYMENT OF FEES. Non-payment of fees, deposits or other financial security required by this Section 7.2 shall be grounds for denial of a license application, modification or renewal, or suspension or revocation of an existing license, and may also be enforced as provided in Section 19 of this Ordinance.

- J. FEES TO BE UNIFORM; APPEAL.
 1. The County Board shall establish the amounts of fees and Trust Account deposits for each waste stream in a manner to be applied uniformly to solid waste landfills located within the County. A solid waste landfill may appeal the amount of the fees established by this Section 7.2 for the waste stream(s) applicable to that facility if the facility believes that, because of the unique characteristics of the facility, the amount of the fees or deposits should be reduced. Any such appeal must be submitted on a form to be provided by the Department with the facility's timely application for a solid waste facility license or renewal or modification of an existing license. No appeal will be accepted after a license, renewal or modification application has been submitted or, in connection with a license renewal application, after the time by which such application is required to be submitted pursuant to Section 6.6(B) of this Ordinance. An appeal submitted in connection with an application to modify an existing license shall be limited to the fees or deposits applicable to the proposed modification. The requirement that a facility submit an appeal under this Section at the time the facility applies for a license renewal or modification shall not apply in the event the County Board increases the amount of the fees or deposits applicable to the facility's waste stream during the term of an existing license. In that case, an appeal must be submitted within sixty (60) days after the date on which the County Board approves the fee or deposit increase and the appeal shall be limited to the amount of the increase only.

 2. The appeal shall be considered by the County Board at the same time as the Board considers the facility's application for a license, renewal or modification. In those

cases where an appeal is submitted in connection with a fee or deposit increase during the term of an existing license, the appeal shall be considered by the County Board within sixty (60) days after the Department determines a facility's appeal application is complete. It shall be the facility's burden to conclusively establish that the uniform fees and/or deposits applicable to the facility's waste stream exceed the direct and indirect costs, expenses and potential risks associated with the facility's landfill. A facility's request for reduction of fees or deposits shall include, without limitation, a detailed explanation of the unique attributes of the facility and its operations, including the facility property and the property and natural resources in the surrounding area, demonstrating that the potential costs, expenses and risks associated with the facility are substantially different than those presented by other facilities located within the County and accepting the same waste stream(s). The County Board may employ the use of a qualified individual to serve as a factfinder to assist the County Board in considering an appeal under this Section 7.2(J). The fees and expenses of the factfinder shall be shared equally by the applicant and the County. An appeal shall not relieve the facility of its obligation to make timely payments in the amounts established by the County. If an appeal is granted and the amount of the fee or deposit is reduced, the County shall refund to the facility the difference between the amounts paid and the amounts that would have been due based on the reduced fee or deposit, calculated from the date the appeal application was accepted as complete by the County. The County Board may require, as a condition of reducing the applicable fee or deposit, that the facility enter into an agreement with the County providing for the payment of the reduced fee or deposit and establishing a procedure for monitoring the unique conditions or characteristics of the facility that were accepted as the basis for reducing the applicable fee or deposit.

7.3 INDUSTRIAL SOLID WASTE REVIEW FEE

The industrial solid waste review fee, as established by the County Board, shall be paid for each application, renewal, and amendment of an application for disposal of an industrial solid waste pursuant to Section 9.0 of this Ordinance. Non-payment of fees shall be grounds for denial of a license application or renewal, or revocation of an existing license, and may also be enforced as provided in Section 19 of this Ordinance.

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7.4 OTHER FEES, RATES, AND SERVICE CHARGES

Other fees, rates, and charges pursuant to this Ordinance and applicable law shall be established by the County Board and set forth in the County's fee schedule. Such other fees, rates, and charges pursuant to this Ordinance may be billed in a manner determined by the County and payment enforced in the same manner as other fees required by this Section.

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SECTION 8.0 SOLID WASTE LANDFILLS

8.1 LOCATION OF FACILITY

Notwithstanding any other County or municipal ordinance authorizing the use of property for solid waste facility purposes, no portion of a solid waste landfill that is used for the deposit of solid waste into the land may be located in the following areas:

- A. Within areas considered unsuitable because of topography, geology, hydrogeology, or soils that may cause failures in the leachate collection system, or prevent effective monitoring, or containment of a release;
- B. Within areas affected by a 0.2 percent flood area (aka 500-year floodplain);
- C. Within 300 feet from a stream;
- D. Within a shoreland district;
- E. Within five feet of the seasonal high ground water table;
- F. Within 300 feet of a wetland;
- G. Within 10,000 feet of an airport runway used by turbojet aircraft, or 5,000 feet of any airport runway used by only piston-type aircraft;
- H. Within 1,000 feet of a residence, or park;
- I. Within 1,000 feet of the right-of-way of any federal, state, or interstate highway; or any county, city, or township road; or
- J. Within 1,000 feet from the normal high water mark of a lake, pond, or flowage.

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8.2 FINAL ELEVATIONS, SLOPE, AND RUN-OFF

Development of a solid waste landfill shall not:

- A. Exceed maximum final grade elevations approved in the solid waste facility license by the County Board.
- B. Exceed final contours of a minimum 2% and a maximum of 20 % slope over entire fill for solid waste landfills.
- C. Result in any net increase of rate or flow of surface water runoff from the site to any adjoining parcels.

8.3 LICENSE REQUIRED; APPLICATION REQUIREMENTS

It is a violation of this Ordinance for any person to establish, operate and maintain a solid waste landfill without first being licensed to do so by the County Board. An applicant for a solid waste landfill license shall submit an application on a form to be provided by the Department. In addition to the information required by Section 6.2(A) and any other section of this Ordinance, the following information, prepared by a Minnesota licensed professional engineer, shall be submitted as a part of the application for a solid waste landfill:

- A. ENVIRONMENTAL ASSESSMENT WORKSHEET. Solid waste landfills shall be required to prepare an Environmental Assessment Worksheet pursuant to Minn. Rule Chapter 4410, as amended.
- B. SITE-PLOT PLAN. The site-plot plan shall have a scale of not greater than 200 feet per inch and a vertical contour interval determined by the Department, but not greater than five feet. The site-plot plan shall include all land within 1,000 feet of the property boundaries for the proposed facility. The following shall be included as a minimum:
 - 1. Name and address of the facility, property owner, and the facility operator;
 - 2. Location and legal description of property for type of facility, and proposed operation;

3. Estimate of population to be served, and area of anticipated service;
4. Comprehensive plan of the community, if available, or existing and future land use maps;
5. A copy of the latest Zoning Ordinance, if the facility is to be located within any municipality that conducts its own planning and zoning activities;
6. City and/or township boundaries;
7. North arrow, section line, section number;
8. Waters of the state, ditches, flood plains, and floodways;
9. Adjacent residences and property ownership;
10. Roads and railroads; and
11. Easements and utilities.

C. ENGINEERING PLAN. The engineering plans shall include as a minimum:

1. A current map or aerial photograph of the area showing land use and zoning within 1/4 mile of the property boundaries for the proposed solid waste landfill. The map or aerial photograph shall be of sufficient scale to show: all homes, buildings, lakes, ponds, water courses, wetlands, dry runs, rock outcroppings, roads, and other applicable details, and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photograph, U.S.G.S. datum shall be indicated, and a north arrow shall be illustrated. A location insert map shall be included.
2. A plot plan including: legal description of the property that includes all areas of the solid waste facility intended for operations, and the immediate adjacent area showing dimensions; the results and location of soil borings required pursuant to Minn. Rules Chapter 7035, as amended; a description of each soil type applicable to the property; and present and planned pertinent features including but not limited to roads, fencing and cover stockpiles. The plan of development including any excavation, trenching, and fill shall be shown progressively with time. Cross sections shall be included on the

plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching, and fill. The scale of the plot plan shall not be greater than 200 feet per inch.

3. An ultimate land use plan of the site including stages identifying the total and complete land use of all property described in the application. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.
 4. Geological and ground water information shall be submitted that forms the basis or is otherwise used to establish the water monitoring system required by Section 8.5(O).
 5. Source and characteristics of cover material, and method of protecting cover material for winter operation.
 6. Type and amount of equipment to be provided at the site for excavating, earth moving, spreading, compacting, and other needs.
 7. Area of site in acres.
 8. Proposed access routes within a five (5)-mile radius of the proposed facility.
 9. Persons responsible for actual operation and maintenance of the site, and intended operating procedures.
 10. Description of improvements proposed to comply with applicable ordinances and standards.
 11. Landscape and grading plans.
 12. Drainage plan to prevent ponding and leachate run-off from the site. All surface water run-off and leachate shall be collected for re-use, on-site treatment, or transported off-site for treatment or proper disposal
- D. OPERATIONS PLAN. The operations plan shall include at a minimum:
1. A description of the solid waste proposed to be disposed, collected, stored, and processed at the facility.

2. A contingency action plan identifying procedures and actions to be taken in the event of fire, spill, chemical releases, physical injury, or other emergency situations at the facility.
 3. A description of the overall operation and sequencing of fill operations.
 4. A description of worker protection, training, and safety equipment to be employed on site.
 5. A description of the methods of weighing or measuring solid waste accepted at the facility.
- E. OTHER INFORMATION. Any other information deemed necessary by the County Board or the Department.

8.4 GENERAL REQUIREMENTS

The following shall be established, constructed, or provided for at the solid waste landfill site except as indicated below:

- A. LANDFILL EQUIPMENT. Equipment sufficient for spreading, compacting, and covering operations to include enough reserve equipment or arrangements to immediately provide for equipment during periods of breakdown.
- B. SIGN REQUIRED. At each entrance to the site, the licensee shall erect and maintain a sign stating the name of the facility, the schedule of days and hours the facility is open to the public if applicable, MPCA permit number, and the penalty for nonconforming dumping. The sign and its placement shall be subject to approval by the Department.
- C. SECURITY FENCE. All new facilities or expansions to existing facilities constructed after the effective date of this Ordinance shall maintain a six (6) foot high security fence around the perimeter of the landfill area.
- D. INDIVIDUAL DISPOSAL FACILITIES. Suitable disposal facilities shall be provided for individuals who wish to transport and dispose of their own solid waste if the facility is open to such individuals.

- E. RECORDS. Records as approved and requested by the Department shall be maintained and shall be accessible to the Department. These records shall show:
1. The total number of tons of solid waste accepted and disposed based solely on the difference between the tare weight of each vehicle and/or conveyance, and the gross weight of each vehicle and/or conveyance as measured on the landfill scale;
 2. General type or types of solid waste accepted and disposed, passed through, or rejected by the facility;
 3. Origin(s) of solid waste accepted and disposed;
 4. The date and time of delivery; and,
 5. The hauler(s) that delivered solid waste to the facility.
- F. SCALE REQUIRED. A solid waste landfill shall weigh all incoming solid waste and shall record the weight in tons on a Department of Commerce approved scale that is installed at the facility or on a Department of Commerce approved scale located at another solid waste facility in the County that is also owned and operated by the licensee. The weights shall be automatically recorded on the scale ticket. For mixed loads, the landfill operator may estimate the percentage of the recorded weight attributable to each waste stream identified in the mixed load. In the event of a mechanical issue that may temporarily render the scale inoperable, the landfill operator shall manually record the weight of each load delivered to the landfill. In such event, the landfill operator shall provide a report to the Department identifying the time period during which the scale was inoperable and the reason the scale was inoperable. The report shall be provided with the solid waste landfill's monthly fee reports.

8.5 OPERATING PROCEDURES

Any person who has been granted a license by the County Board to operate a solid waste landfill shall operate said landfill in conformance with Minn. Rules Chapter 7035, as amended, and comply with the following operating regulations.

- A. **MINIMUM SEPARATION DISTANCE.** All solid waste landfills shall be required to maintain a minimum of a 200-foot separation between the boundaries of the portion of the property used for the deposit of solid waste and the property line of the property described in the application. Access roads, replacement wetlands, storm water run-off ponds, monitoring wells, berming, screening activities, and potential future correction action may be located and occur within the buffer zone upon approval by the Department. The buffer zone shall not include public rights-of-way.
- B. **OPEN BURNING.** Open burning of solid waste is prohibited. No scavenging shall be allowed.
- C. **MINIMIZING LEACHATE.** Solid waste shall be deposited in such a manner (utilizing sound engineering and design methods) to minimize or prevent leachate production and movement that may cause surface and/or ground water contamination.
- D. **UNLOADING AREA.** Unloading of solid waste shall be confined to as small an area as practical and surrounded with appropriate structures to contain possible wind-blown material within the area.
- E. **LITTER CONTROL.** Solid waste landfills shall incorporate the use of litter control devices such as fencing for effective litter control. Upon conclusion of each day of operation, all litter and wind-blown debris resulting from the operation that departs the waste disposal boundary shall be collected and returned to the landfill working face and covered by the owner or operator. In addition, upon conclusion of each week of operation, all wind-blown material resulting from the operation shall be collected and returned to the landfill working face and covered by the owner or operator.
- F. **COMPACTION.** Solid waste shall be compacted as densely as practicable.
- G. **SURFACE WATER DRAINAGE.** Surface water drainage shall be diverted around the landfill operating area with due consideration given to the effects of any changes to watershed areas that may occur because of such diversion. Storm-water runoff shall be retained on site in holding ponds approved as part of the licensee's engineering plan. The top surface of the disposal site shall be appropriately graded to reduce rutting and shall be sloped for proper drainage. An adequate supply of granular material or crushed stone shall be stockpiled to ensure access to the disposal area in event of unstable conditions.

- H. WASTE TIRE PROHIBITION. The land disposal of waste tires is prohibited in any solid waste landfill.
- I. VECTOR, NUISANCE CONTROL. Control of vectors (such as rodents and flies), odors, dust, wind-blown material, and other potential public nuisances shall be sufficient to prevent or eliminate any public nuisance. The Department may require that the licensee, at its own expense, engage an exterminator or pest control agent to inspect the landfill on at least a monthly basis. A copy of each inspection report shall be sent to the Department immediately upon its receipt by the licensee.
- J. ATTENDANT ON DUTY. An attendant shall always be on duty at the site while it is open for public use. Unloading of solid waste shall be continuously supervised at the working face of the solid waste landfill.
- K. ACCEPTANCE OF SOLID WASTE FROM LICENSED HAULERS. A solid waste landfill licensed by the County Board shall immediately notify the Department if that facility has accepted any solid waste from a solid waste collection and transportation vehicle that is not licensed pursuant to this Ordinance, unless the vehicle, pursuant to this Ordinance, is not required to be licensed.
- L. LIFT HEIGHT. The height of any single lift of solid waste shall be dependent on the method of operation but shall not exceed twenty (20) feet.
- M. TEMPORARY COVER FOR CLOSED AREAS. Within one month after final elevation of the landfill site is achieved, for final termination of a site, or any continuous, unbroken area of two acres or greater of a continuing operation is brought to final elevation, the area shall be covered with two feet of approved, compacted material, properly and adequately sloped to provide surface water runoff. A temporary cover other than what is required by this Section 8.5(M) may be used provided that the proposed temporary cover is first approved by the both the Department and the MPCA. No holes or depressions that might result in collection of surface water shall remain or exist after such covering. Final closure shall proceed according to the facility closure plan.
- N. VEGETATIVE COVER. The finished surface of the filled area shall be covered with adequate topsoil and seeded with native grasses or other suitable vegetation immediately, or in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or mulching material to prevent erosion.

- O. **WATER MONITORING SYSTEM.** Solid waste landfills shall design, install, and maintain a water monitoring system that complies with Minn. Rules Chapter 7035, as amended. The applicant shall install monitoring wells at the facility in locations based on the groundwater flow direction established in the hydrogeological investigation. Down-gradient wells should be placed within the property boundary. Wells shall generally not be more than 200 feet from the edge of the waste fill area, unless necessary to adequately characterize the facility, provide for sufficient monitoring, and/or provide for remedial activities. Monitoring wells shall be horizontally and vertically located based on site-specific conditions. Monitoring parameters shall include a parameter list based on typical groundwater analyte lists, and/or parameters that are more specific to the waste type(s). Additional testing shall be required if the Department reasonably determines a need for additional wells or probes to be tested, additional parameters to be analyzed or increased frequency of tests based upon indications of the presence of contaminants in previous tests or migration of contaminants.
- P. **REPORT AND DATA EVALUATION.** The purpose of this Section 8.5(P) is to set forth requirements for the evaluation and reporting groundwater monitoring data that is acquired as part of the State-required ground water monitoring. The requirements contained herein are intended to supplement, but not replace, the State-required reporting. The reporting required under this ordinance will hereinafter be referred to as the “County-required report.”
1. **Frequency.** The County-required report will be submitted an annual basis compliant with the State-required report deadlines. The county-required report will be submitted to the County under separate cover coincident with a copy of the MPCA required report.
 2. **Statistical Evaluation.** The data for the applicable reporting year, in the context of the available historic site groundwater monitoring data, will be statistically evaluated in general accordance with the methods and procedures contained with the “Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities – Unified Guidance” as published by the United States Environmental Protection Agency in March 2009, as amended. The statistical evaluation must include, but not necessarily be limited to, inter- and/or –intra-well analysis as appropriate to the distribution of the data and hydrodynamic configuration of the site, graphical presentation of monitoring data, and trend analysis.

3. Geochemical Evaluation. The geochemical condition of the groundwater will be evaluated on an annual basis coincident with the statistical evaluation. The geochemical evaluation must include a determination of the redox state of the groundwater with emphasis on the presence or absence of trends toward an increased oxidative or reduced geochemical environment. The geochemical evaluation must include a discussion of any geochemical trends and the intensity of the redox environment relative to indications of landfill-related groundwater impacts.
4. Reporting Plan. Prior to the performance of the first groundwater monitoring data evaluation under this ordinance a Reporting Plan must be submitted to the county not later than six months prior to the reporting deadline. The County will review the plan and provide either approval of the plan or provide comments within 60 days of submission of the plan. Approval of the Plan by the County is required prior to the performance of the data evaluation and reporting. The County may, at its sole discretion, require periodic modifications to the Reporting Plan.

The reporting plan must include a full description of the statistical procedures and methods to be utilized along with the rationale for their selection. Items required to be considered include, but are not necessarily limited to:

- a. Hydrodynamic site configuration for the selection of compliance (downgradient) and background (upgradient) wells;
- b. Temporal and spatial volume and coverage of compliance and background datasets;
- c. Normal, non-normal or log-normal distribution of data and residuals;
- d. Presence of non-detect results in the datasets and statistical treatment of these values;
- e. Identification and rationale for retention and/or elimination of data outliers;
- f. Selection and rationale for use of inter- or intra-well methods;
- g. Procedure for identification and confirmation of Statistically Significant Increases;
- h. Proposed procedure for reacting to Statistically Significant Increases.

- Q. **DOWN-GRADIENT RESIDENTIAL WELL MONITORING.** The Department may require the licensee to conduct down-gradient residential well monitoring if a contaminant slug or plume attributable to the solid waste landfill appears to the Department to be migrating or is migrating off-site. Down-gradient residential well monitoring shall be conducted as specified in a monitoring plan to be promptly established by the licensee and approved by the Department. The Department may, at any time, require the licensee to modify the monitoring plan based on information relating to the type of contamination suspected to be migrating, surrounding land uses, soil conditions, well locations and depths and other relevant factors. If any contaminant is detected in a residential well that is attributable to the solid waste landfill at any time, the licensee shall immediately provide bottled water to the residents whose wells are affected until additional testing indicates the residential well is not affected by contaminants from a solid waste landfill. The cost of down-gradient residential well monitoring and bottled water shall be borne by the Licensee.
- R. **ADDITIONAL ON-SITE AND/OR OFF-SITE GROUNDWATER INVESTIGATION.** If any contaminants in the groundwater at a solid waste landfill exceed an intervention and/or health risk limit, additional on-site and/or off-site groundwater monitoring may be required by the Department if the Department reasonably determines a need for additional wells or probes to be tested, additional parameters to be analyzed or increased frequency of tests based upon indications of the presence of contaminants in previous tests or migration of contaminants. If required by the Department, a work plan for the on-site and/or off-site groundwater investigation shall be prepared and submitted to the Department for Department approval. The work plan shall address whether or not the confirmed exceedance(s) will result in impact to water supply wells, surface water, or receptors in the vicinity of the solid waste landfill.
- S. **UNIFORM REPORTING.** The licensee shall submit in a timely manner the following reports to the Department as prescribed by the County.
1. Quarterly Operating Report. Each quarter, the licensee shall submit an operating report to the Department on a form prescribed by the Department. Quarterly reports shall be due on the 15th day of April, July, October and January and include the following information for each of the three preceding months:
 - a. Tons of solid waste received as measured on a Department approved scale. Tonnage shall be determined by subtracting the tare weight of vehicles and/or conveyances from the gross weight of the vehicles and/or conveyances as measured on the landfill scale.

- b. Number of incoming loads accepted at the facility.
 - c. Identification of rejected, recycled and unacceptable waste, the weight or volume and type of rejected, recycled and unacceptable waste, and the destination of rejected, recycled and unacceptable waste.
 - d. Other information as determined by the Department that is required by this Ordinance to be kept by the facility.
2. Annual Report. The landfill operator shall submit to the County a copy of its annual report to the MPCA. At a minimum, the following information shall be included in or submitted with the annual report:
- a. Yearly totals for tons of solid waste received. Tonnage shall be determined as described in Section 8.5(S)(1)(a) above.
 - b. The landfill capacity in cubic yards utilized during the same period and the landfill capacity in cubic yards remaining at the close of the reporting period in accordance with MPCA permitted capacity.
 - c. A plan describing a reuse/recycling program at the facility to minimize the amount of waste landfilled.
3. Surface and Ground Water Monitoring Report. A surface and ground water monitoring report shall include the certified analytical data for representative samples taken from all established monitoring stations for those physical and chemical parameters required by the Department and the MPCA as well as all other data required by the Department.
4. Methane Monitoring Report. If requested by written notice from the Department, a methane monitoring report shall include all required data from established monitoring stations and methane recovery facilities.
5. Leachate Monitoring Report. If requested by written notice from the Department, a leachate monitoring report shall include all required data from established monitoring stations and leachate collection and treatment facilities.

- T. END USE. At each renewal of County license, the operator/owner shall identify an end use and shall provide evidence of engineering to attain such end use. The use shall be compatible with the uses within any municipality that is adjoining the property or where the property is included in a municipality's annexation plan.

8.6 ADDITIONAL REQUIREMENTS FOR MSW LANDFILLS

At a minimum, the following additional requirements shall be met for a MSW landfill:

- A. STATE RULE ADOPTED. The design, construction, and operation of a MSW land disposal facility shall be in accordance with this Section 8.0, and Minn. Rules Part 7035.2815, as amended, which are hereby adopted by reference as part of this Ordinance.
- B. DAILY COVER. Solid waste shall be covered at the end of each day with at least six inches of soil or other cover material approved by the Department.
- C. INTERMEDIATE COVER. Intermediate cover on all filled surfaces of the facility where no solid waste will be placed within thirty (30) days shall be provided immediately. This cover shall consist of compacted material of sufficient depth, at least twelve (12) inches if soil or similar material is used, to cover the waste completely, and shall be graded, seeded, and maintained to prevent water ponding, erosion, and public nuisance conditions.
- D. PUTRESCIBLE MATERIALS. Putrescible materials that have reached a foul state of decay or decomposition, such as spoiled food and animal carcasses, shall be immediately covered and compacted.
- E. REQUIREMENT TO ACCEPT SOLID WASTE. During the posted hours of operation, the licensee shall accept all solid waste offered for disposal that may legally and reasonably be disposed of at the site.
- F. PROHIBITED WASTES.
 - 1. The following shall not be acceptable for deposit in MSW landfills except in amounts normal in household waste:

- a. Liquids, except for approved recirculation of leachate.
 - b. Any of the following: digested sewage sludges, lime sludges, grit chamber cleanings, bar screenings, and other sludges, unless approved by the Department. Approval would be based on consideration of such factors as chemical composition, free moisture content, and workability.
 - c. In no case will raw sewage, sludge, raw animal manure, or septic tank pumpings be acceptable.
 - d. Hazardous waste as identified by the Department and the MPCA.
 - e. Industrial solid wastes, including sludge and ash, and other potentially hazardous materials or wastes that have not been tested and specifically approved for disposal by the Department pursuant to Section 9.0 of this Ordinance.
 - f. All other materials and wastes or mixtures thereof that may be determined by the Department to not be acceptable.
 - g. Radioactive material that exceeds radiation emission limit standards for solid waste as determined by the Minnesota Department of Health or the MPCA.
2. The following wastes in any amount are prohibited from disposal in a MSW landfill located in the County:
- a. Tires;
 - b. Lead-acid batteries;
 - c. Major appliances;
 - d. Trees and tree branches;
 - e. Waste oil and used oil filters;
 - f. Yard wastes;
 - g. Mercury-containing wastes as listed in Minn. Stat. §115A.932, or as amended; and

- h. Telephone directories.
- G. FIRE CONTROL. The licensee of a MSW landfill is responsible for adequate fire protection on the site. Firefighting equipment shall always be available on the site, or the licensee shall furnish the Department proof of a firefighting agreement between the licensee and the local fire protection agency to immediately acquire its services when needed.
- H. HOURS OF OPERATION. Receipt and disposal of solid waste by MSW landfills shall be performed between 6:00 A.M. and 8:00 P.M. Daily cover as required by Section 8.6(B) of this Ordinance shall be completed by 12:00 midnight.
- I. WASTE DISPOSAL ON UNLINED AREAS PROHIBITED. No person may place MSW in a portion of any final disposal facility that does not comply with the minimum requirements for design, construction, and operation of a new final disposal facility for the type of solid waste being disposed.
- J. WATER MONITORING. A ground and surface water monitoring system shall be established that complies with this Ordinance and Minn. Rules Part 7035.2815, as amended.

8.7 ADDITIONAL REQUIREMENTS FOR DEMOLITION LANDFILLS

At a minimum, the following additional requirements shall be met for a demolition landfill:

- A. STATE RULE ADOPTED. The design, construction, and operation of a demolition debris land disposal facility shall be in accordance with this Section 8.0, and Minn. Rules Part 7035.2825, as amended, which are hereby adopted by reference as part of this Ordinance.
- B. ACCEPTABLE WASTES. A demolition landfill may only accept demolition waste for disposal. If solid waste other than demolition waste is disposed at a demolition landfill, the licensee shall be responsible for removal and disposal of such waste at a solid waste facility properly licensed or permitted to receive the waste in question.
- C. ADDITIONAL MATERIALS. Additional materials may be allowed pursuant to an industrial solid waste management plan as approved by the Department pursuant to Section 9.0 of this Ordinance and the MPCA.

- D. LINER SYSTEM REQUIREMENTS. Demolition landfills shall have in place, prior to acceptance of waste, a liner system that complies with the following minimum standards:
1. Liner Requirement. The liner system shall comply with, at a minimum, the standards for Municipal Solid Waste Landfills as set forth in Minn. Rules Part 7035.2815, subp. 7, as amended. A liner other than what is allowed by Minn. Rules Part 7035.2815, subp. 7, or as amended, may be used if the liner offers equivalent or greater protection than liners allowed by Minn. Rules Part 7035.2815, subp. 7, as amended, and that the liner design is approved by the County and the MPCA.
 2. Leachate Detection, Collection, and Treatment. The facility shall include leachate detection, collection, and approved disposal or treatment method. A leachate management plan shall be submitted to and approved by the Department prior to the construction and operation of a demolition landfill.
 3. Leachate Collection Efficiency. The facility shall be designed to have a leachate collection efficiency of at least 98 percent of the precipitation falling on the fill area, using industry-standard modeling. The efficiency calculation shall consider the liner thickness, the liner slope, the saturated hydraulic conductivity of the liner and drainage layer, the drainage layer thickness, the permeability of the drainage layer and liner, the porosity of the drainage layer, the flow distance to collection pipes, and the amount of leachate to be generated and collected based on annual infiltration.
- E. LANDFILL GAS MANAGEMENT SYSTEM. A demolition landfill shall include a Department approved landfill gas management system. A landfill gas management plan shall be submitted to and approved by the Department prior to the construction and operation of a demolition landfill.
- F. WASTE DELIVERIES. All waste materials allowed into the demolition landfill shall be of such condition that upon immediate visual inspection, materials may be identified to determine acceptability, unless otherwise approved by the Department. No containerized wastes shall be accepted at the demolition landfill. The County shall encourage the licensee's ability to engage in recycling and other waste abatement activities.
- G. RENEWABLE RESOURCES. All demolition landfills shall use best management practices to facilitate reuse of renewable resources.

- H. INTERMEDIATE COVER. Intermediate cover on all filled surfaces of the facility where no solid waste will be placed within thirty (30) days shall be provided immediately. This cover shall consist of compacted material of sufficient depth, at least twelve (12) inches if soil or similar material is used, to cover the waste completely and shall be graded, seeded, and maintained to prevent water ponding, erosion, and public nuisance conditions.
- I. FINAL COVER REQUIREMENTS. Demolition landfills shall install a final cover system that is designed in consideration of the liner and leachate collection system, and to minimize erosion and prevent surface water infiltration. Facilities shall submit to the Department and MPCA for approval, no later than 90 days prior to closure activities, plans and Quality Assurance/Quality Control (QA/QC) Plans for approval that shall demonstrate compliance with this Ordinance section.
- J. WATER MONITORING. A ground and surface water monitoring system shall be established that complies with Minn. Rules Part 7035.2825, as amended.

8.8 ADDITIONAL REQUIREMENTS FOR INDUSTRIAL WASTE LANDFILLS

A solid waste landfill shall be licensed as an industrial waste landfill when applications or reporting submitted to the County identifies that a Disposal Facility has accepted, or proposes to accept, greater than 50% industrial solid waste annually by volume. At a minimum, the following additional requirements shall be met for an industrial waste landfill:

- A. STATE RULE ADOPTED. The design, construction, and operation of an industrial solid waste land disposal facility shall be in accordance with this Section 8.0, and Minn. Rules Parts 7035.1590 through 7035.2500, as amended, which are hereby adopted by reference as part of this Ordinance.
- B. ACCEPTABLE WASTES. Only wastes from approved source(s) and of the approved type(s) shall be disposed of at an industrial waste landfill.
- C. UNACCEPTABLE WASTES. The following shall not be accepted for disposal at an industrial waste landfill:
 - 1. Liquids;

2. Raw sewage, sewage sludge that does not meet PFRP, septage, or raw animal manure;
 3. Hazardous waste;
 4. Mixed municipal solid waste, except for those permitted to accept mixed municipal solid waste;
 5. Mattresses and furniture that are not considered industrial solid waste;
 6. Industrial solid wastes, including sludge and ash and other potentially hazardous materials or wastes that have not been tested and specifically approved for final disposal by the Department pursuant to Section 9.0 of the Ordinance; and
 7. All other materials and wastes, or mixtures thereof, that are unacceptable pursuant to a facility's industrial waste management plan.
- D. LINER SYSTEM REQUIREMENTS. Industrial waste landfills shall have in place, prior to acceptance of waste, a liner system that complies with the following minimum standards:
4. Liner Requirement. The liner system shall comply with, at a minimum, the standards for Municipal Solid Waste Landfills as set forth in Minn. Rules Part 7035.2815, subp. 7, as amended. A liner other than what is allowed by Minn. Rules Part 7035.2815, subp. 7, or as amended, may be used if the liner offers equivalent or greater protection than liners allowed by Minn. Rules Part 7035.2815, subp. 7, as amended, and that the liner design is approved by the Department and the MPCA.
 5. Leachate Detection, Collection, and Treatment. The facility shall include leachate detection, collection, and approved disposal or treatment method. A leachate management plan shall be submitted to and approved by the Department prior to the construction and operation of an industrial waste landfill.
 6. Leachate Collection Efficiency. The facility shall be designed to have a leachate collection efficiency of at least 98 percent of the precipitation falling on the fill area, using industry-standard modeling. The efficiency calculation shall consider the liner thickness, the liner slope, the saturated hydraulic conductivity of the liner and drainage layer, the drainage layer thickness, the permeability of the drainage layer and liner, the porosity of the drainage layer, the flow distance to collection pipes, and the amount of leachate to be generated and collected based on annual infiltration.

- E. **LANDFILL GAS MANAGEMENT SYSTEM.** An industrial waste landfill shall include a Department approved landfill gas management system. A landfill gas management plan shall be submitted to and approved by the Department prior to the construction and operation of an industrial waste landfill.
- F. **COVER MATERIAL.** Industrial solid waste shall be compacted as densely as practicable and covered after each day of operation, or as specified by the Department, with a compacted layer of at least six inches of suitable cover material. All previously filled areas shall be maintained with at least six inches of suitable cover material. If disposal areas will be exposed to the elements for a period of 30 days or longer, an intermediate cover totaling at least 12 inches of compacted, suitable cover material shall be provided, seeded and maintained.
- G. **FINAL COVER REQUIREMENTS.** Industrial waste landfills shall install a final cover system that is designed to minimize erosion and prevent surface water infiltration. Industrial waste landfills shall take into consideration, the liner and leachate collection system, when designing the final cover. Facilities shall submit to the County and MPCA for approval, no later than 90 days prior to closure activities, plans and Quality Assurance/Quality Control (QA/QC) Plans for approval that shall demonstrate compliance with this Ordinance section.

8.9 ADDITIONAL REQUIREMENTS FOR WASTE INCINERATOR ASH LANDFILLS

As a minimum, the following additional requirements shall be met for a waste incinerator ash landfill:

- A. **STATE RULE ADOPTED.** The design, construction, and operation of a waste incinerator land disposal facility shall be in accordance with this Section 8.0, and Minn. Rules Part 7035.2885, as amended, which are hereby adopted by reference as part of this Ordinance
- B. **ACCEPTABLE WASTES.** Only wastes from the approved source(s) and of the approved type(s) shall be disposed of at a waste incinerator ash landfill.
- C. **UNACCEPTABLE WASTES.** The following shall not be accepted for segregated disposal at a waste incinerator ash landfill:

1. Liquids;
2. Raw sewage, sewage sludge, septage, or raw animal manure;
3. Hazardous waste as identified by the MPCA and the Department;
4. Mixed municipal solid waste;
5. Industrial solid waste, including sludge and ash and other potentially hazardous materials or wastes that have not been tested and specifically approved for final disposal by the MPCA and the Department. The Department may sample and analyze any such materials or wastes at any reasonable time at the expense of the generator or facility to verify acceptance for segregated disposal. Written permission must be obtained from the Department prior to segregated disposal of any applicable waste. Disposal of industrial solid waste shall be in accordance with the requirements of Section 9.0 of this Ordinance; and
6. All other materials and wastes or mixtures thereof that may be determined by the Department to be not acceptable.

D. ADDITIONAL APPLICATION REQUIREMENTS FOR LICENSE.

1. Waste Description. Each waste incinerator ash landfill license application shall include a detailed description of the physical and chemical characteristics of the waste(s) to be disposed of at the proposed facility. As a minimum, this description shall include:
 - a. The process or source that generated the waste(s);
 - b. The amount of waste(s) generated during a specified time-period;
 - c. The chemical composition of the waste(s);
 - d. A physical description of the waste(s);
 - e. The percent moisture present in the waste(s) and if free moisture is present; and,
 - f. Other information that the Department may deem necessary.

2. Additional Waste Analysis. Based on the information provided in accordance with this section 8.9(D), the Department shall determine whether additional chemical analyses will be required to further define the waste characteristics. If the Department requires additional chemical analyses, the Department shall approve the proposed sampling and testing program.
 3. Waste Management Plan. Each waste incinerator ash landfill application shall include a waste management plan that shall, as a minimum, address all actual and planned deviations from facility operational and design requirements, specified in Section 8.0 of this Ordinance, and the reasons for these deviations.
- E. PUBLIC USE RESTRICTIONS. A waste incinerator ash landfill shall not be open for general public use. The use of a waste incinerator ash landfill shall be restricted to the licensee unless otherwise approved by the County Board.

8.10 CLOSURE, CLOSURE PERIOD, AND POST-CLOSURE CARE REQUIREMENTS

- A. APPLICABILITY. The requirements of this section are applicable to the closure of all solid waste landfills located within the County. The Department may require information in addition to that required in this section.
- B. CLOSURE LICENSE. All solid waste landfills licensed pursuant to this Ordinance shall apply for and be issued a closure license upon expiration of the final operational license issued for the facility, or when the solid waste landfill is closed for any reason. The licensee shall submit an application for a closure license, on a form to be provided by the Department, no later than six (6) months prior to expiration of the final operational license issued to the solid waste landfill or when the solid waste landfill will be closed. Applications for a closure license shall be reviewed in the manner provided for operational licenses as set forth in Section 6.2 of this Ordinance. An application for a closure license shall include the closure and post-closure plans required pursuant to Sections 8.10(C) and 8.10(D), respectively, and shall identify proposed standards for closure and post-closure care. Licensees acknowledge, as a condition of receiving a license under this Ordinance, that timely and proper closure and post-closure care is necessary to protect public health and safety. Accordingly, the failure to timely apply for a closure license as required shall be considered a violation of this Ordinance and the County shall be entitled to exercise any and all remedies available, including, without limitation, drawing on the financial

assurance required pursuant to this Ordinance if necessary to develop and implement a closure plan and post-closure care. Such actions shall not relieve the Licensee of its responsibilities and obligations under a license and this Ordinance, including, without limitation, closure and post-closure care and to indemnify and hold the County harmless.

- C. CLOSURE PLAN. As a condition of receiving a closure license under this Ordinance, a licensee shall submit a closure plan as required by this Section 8.10(C). The closure plan may be the same closure plan as required by Minn. Rules Part 7035.2625, subp. 3, as amended. In addition to the closure plan requirements of Minn. Rules Part 7035.2625, subp. 3, the closure plan shall include the following:
1. Detailed Map. A detailed map that includes the location of fill areas, buildings, roads, wells, hydrogeological information, elevations, scales, and any other features of the site. Documents submitted shall show the nature and location of property lines and waste disposed at the facility and all adjacent property ownership at the time of closure.
 2. Additional Compliance Requirements. The closure plan shall identify compliance with the following:
 - a. All acceptable and, if applicable, unacceptable wastes shall be removed from the property;
 - b. The property shall be left in a clean and nuisance free condition;
 - c. The Licensee shall identify an end use for the solid waste landfill and the property which shall be compatible with all applicable land use restrictions and zoning regulations.
 3. Time Line for Completion. The closure plan shall include a time line for completion of all closure activities, which in any event shall be completed no later than twelve (12) months following approval of the closure license, unless extended by the Department.
- D. POST-CLOSURE PLAN. As a condition of receiving a closure license under this Ordinance, a licensee shall submit a post-closure plan as required by this Section 8.10(D). The post-closure plan may be the same post-closure plan as required by Minn. Rules Part 7035.2645, as amended. In addition to the post-closure plan requirements of Minn. Rules Part 7035.2645, the licensee shall submit a detailed map that includes the location of fill

areas, buildings, roads, wells, hydrogeological information, elevations, scales, and any other features of the site. Documents submitted shall show the nature and location of property lines and waste disposed at the facility and all adjacent property ownership at the time of closure.

- E. LICENSE TERM AND CONDITIONS. A closure license shall be permanent and the terms and obligations, including standards for post-closure care and including closure and post-closure financial assurance, shall be binding on the licensee and, if a transfer of ownership is approved by the Department, the licensee's assigns.
- F. FINAL INSPECTION. Prior to termination of operations at the site, the MPCA and Department shall be notified in order that site inspection may be conducted prior to removal of any equipment from the property. The final condition of the landfill shall be approved by the Department and the MPCA before such removal may occur.
- G. CERTIFICATION OF CLOSURE. After completion of closure actions as specified in the closure plan, the licensee shall certify to the County Board, for County Board approval, that all required actions under the closure plan have been completed.
- H. FILING OF DISCLOSURE NOTICE. Upon completion of a final inspection of a solid waste landfill that has completed closure, the owner, responsible person, or operator shall file a solid waste disposal disclosure notice that meets the requirements of this Ordinance with the Mower County Recorder on a form approved by the Department. The Department shall approve such notice prior to filing. The notice shall, at a minimum, include the following:
 - 1. The approved closure license and closure and post-closure plans;
 - 2. The legal description of the solid waste landfill;
 - 3. The type and location of the buried solid waste on site;
 - 4. The cover material used to cover the solid wastes;
 - 5. The restrictions, if any, for use of the property; and

6. A certification by the owner or operator of the solid waste landfill that to the best of the owner or operator's knowledge, the information contained in the solid waste disposal disclosure notice is true and complete.

I. POST-CLOSURE PERIOD CARE REQUIREMENTS.

1. Post-closure Period Care. Post-closure period care shall continue for at least 30 years after the date of completing closure for MSW landfills, and 20 years for all other solid waste landfills, unless a longer period is determined to be appropriate by the County Board.
2. Reevaluation of Post-closure Period. During the post-closure period, based on the results of sampling, analysis, and other pertinent information, the County Board may, upon notice to the licensee and hearing, reevaluate and modify the closure license to the extent additional or alternative post-closure care is needed at a facility based on compliance with the requirements of Sections 6.7(G), 8.5, 8.10, and the landfill gas, leachate, and/or ground and surface water monitoring results.
3. Approved Post-closure Plan. All post-closure period care activities must be conducted in compliance with the approved post-closure plan.

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SECTION 9.0 INDUSTRIAL SOLID WASTE MANAGEMENT

9.1 GENERAL REQUIREMENTS

- A. **INDUSTRIAL SOLID WASTE MANAGEMENT PLAN REQUIRED.** Prior to acceptance of any industrial solid waste, a solid waste facility shall first submit an industrial solid waste management plan to the MPCA and the County for review and approval by the MPCA and the County, respectively. The industrial solid waste management plan shall meet the requirements set forth in Minn. Rules Part 7035.2535, subp. 5, as amended, this Ordinance, and all other applicable Minnesota rules and regulations.
- B. **DISPOSAL.** Chemical constituents and characteristics of industrial solid wastes accepted for disposal at solid waste landfills shall not exceed the acceptance levels set forth in the licensee's industrial solid waste management plan.
- C. **DEVIATION FROM ACCEPTANCE LEVELS.** Upon the submittal of an application by a licensee, the Department may approve the disposal of an industrial solid waste that exceeds the acceptance levels set forth within the licensee's industrial solid waste management plan. The application must provide evidence of the stability of the industrial solid waste through additional sampling and statistical analysis in accordance with the methodology outlined in EPA Publication SW 846, Chapter 9. In the application, the licensee shall also propose additional review procedures that will be used at the landfill prior to actual industrial solid waste acceptance and disposal. The information included in the application shall be sufficient to assure the Department that the industrial solid waste is not hazardous and that the industrial solid waste is suitable to be disposed in the applicant's landfill. The industrial solid waste shall not be accepted at the landfill until the Department has approved the application.

9.2 INDUSTRIAL SOLID WASTE MANAGEMENT AT DISPOSAL FACILITIES

- A. **REPORTING REQUIRED.** In addition to the requirements set forth in Section 8.5(S) of this Ordinance, each quarter, the licensee shall submit a report containing the following description of all industrial solid waste materials, except for exempt industrial solid wastes

as per Minn. Rules Part 7035.2535, subp. 5(D), that was accepted for disposal or use as cover during that reporting period:

1. Description of each industrial solid waste material received for disposal;
 2. Source and generator of each industrial solid waste material received for disposal;
 3. Disposal area(s);
 4. Disposal type (direct disposal or cover material) for each industrial solid waste material received;
 5. Quantity of industrial solid waste disposed or used, in volume or tons for that reporting period;
 6. Description of the process that generates the industrial solid waste;
 7. All test results on the industrial solid waste conducted, including all chemical constituents and characteristics provided.
- B. SPLIT AND RANDOM SAMPLING. The Department may conduct split sampling or random sampling of industrial solid wastes at any time to verify acceptance for disposal or use as cover. Upon request, the licensee shall provide the Department with its schedule for sampling wastes and shall allow the Department or its consultants access to such samples.
- C. RECORD EXAMINATION. The licensee and facility operators shall provide the Department or its duly authorized agent access to examine solid waste facility records, including computer records, related to the volume of solid wastes received. The Department upon prior notification shall be allowed access during normal business hours to inspect and copy all solid waste facility records to the extent the Department determines necessary to ensure that solid waste facilities are in compliance with this Ordinance. Such records shall be maintained by the solid waste facility for a minimum of six (6) years after the County Board has approved a Certificate of Closure pursuant to Section 6.8(C)(D).

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9.3 USE OF INDUSTRIAL SOLID WASTE AS COVER MATERIAL

- A. COVER MATERIAL CRITERIA. Unless otherwise allowed by the Department in writing, only those industrial solid wastes or contaminated soils that satisfy the following criteria will be allowed for use as cover material. The industrial solid waste or contaminated soil shall meet the minimum following standards:
1. Chemical constituents and characteristics of industrial solid wastes proposed for cover material at solid waste landfills shall not exceed the acceptance levels for cover material as listed in the licensee's industrial solid waste management plan;
 2. Shall be soil-like in nature or other appropriate material that functions as cover on its own merits;
 3. Shall be easily spread and shall spread uniformly;
 4. Shall not be subject to tracking;
 5. Shall not contain any sharps or other hazards;
 6. Shall not allow for excessive erosion, or cause for dust occurrence;
 7. Shall not have an offensive or foul odor; and
 8. Shall be capable of supporting vegetation when used as intermediate cover material.
- B. COVER MATERIAL RECORDS. Records for all waste used as cover shall be kept at the landfill pursuant to this Section 9.2(C), and be available for review by the Department upon request. These records shall include the name of the generator, the location the waste was generated, the date of acceptance, and the amount of waste accepted.

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SECTION 10.0 COMPOSTING FACILITIES

10.1 STATE RULE ADOPTED

The design, construction, and operation of a Compost Facility shall be in accordance with Minn. Rules Part 7035.2836, as amended, which is hereby adopted by reference as part to this Ordinance.

10.2 LICENSE REQUIRED; APPLICATION REQUIREMENTS

It is a violation of this Ordinance for any person to establish, operate, and maintain a composting facility without first being licensed to do so by the County Board. An applicant for a composting facility license shall submit an application on a form to be provided by the Department. In addition to the information required by Section 6.2(A) and any other section of this Ordinance, the following information, prepared by a Minnesota licensed professional engineer, shall be submitted as a part of the application for a composting facility:

- A. SITE-PLOT PLAN. Site-plot plans shall have a scale of one inch equal to not more than fifty (50) feet and have a vertical contour interval not greater than two feet. Site plot plans shall include the following:
 - 1. An existing conditions site plan identifying: area of the property described in the application in acres, existing topography, surface water drainage, buildings, vegetation, roadways, utilities, water supply wells, residences, surface water, drainage swales and closed depressions on-site and within 1,000 feet of the site.
 - 2. Name and address of the facility, property owner, and the facility operator.
 - 3. City and/or township boundaries.
 - 4. North arrow, section line, section number.
 - 5. Waters of the state, flood plains and floodways.

6. Land use and zoning within a 1,000-foot radius of the property lines.
7. Adjacent residences and property ownership.
8. Roads and railroads.
9. Easements and utilities.
10. Location, size, and ownership of the property described in the application.

B. ENGINEERING PLANS. The engineering plans shall include as a minimum:

1. Roads, screening, fencing, gates, dimensions of buildings, storage areas, loading and unloading zones, and the location of existing and proposed utilities.
2. Landscape and grading plans that delineate the composting facility surface water and leachate drainage characteristics; and shall be designed, at a minimum, to manage a 24-hour 100-year storm event, prevent ponding within compost piles or windrows, and divert surface water drainage from off-site away from the composting facility.
3. Engineering controls to be used for surface water and leachate drainage management that may include ditches, dikes, berms, walls, dividers culverts, energy breaks, sedimentation ponds, treatment ponds, rain gardens, vegetative filter strips and erosion control measures.
4. The Department may request a report on the subsurface conditions at the proposed facility. The Department may request data that is adequate to indicate suitable soils, geological and ground water information for the property. The license applicant shall detail the information in cross section(s) with the location of the cross section(s) indicated on the site plan.

C. OPERATIONS PLAN. The operations plan shall include as a minimum:

1. A description of the solid waste proposed to be collected, stored, and processed at the proposed facility.

2. A contingency action plan identifying procedures and actions to be taken in the event of fire, spill, chemical release, physical injury, or other emergency situations at the facility.
3. A description of the overall operation and a functional description of all composting equipment to be used, including design and anticipated performance. The operations plan shall describe the flow of solid wastes through the facility.
4. The procedures for facility start-up and scheduled and unscheduled shut down operations.
5. A description of potential safety hazards and methods of control including, but not limited to: fire and smoke detection, air monitoring, fire control devices, ventilation, and exhaust control systems.
6. A description of worker protection, training, and safety equipment to be employed on-site.
7. A description and schedule of cleaning procedures to be employed at the facility.
8. A description of the handling, storage, and disposal methods to be used for unmarketable compost and residuals.
9. A description of the methods of weighing or measuring the solid waste accepted and processed at the facility including: residuals, by-pass waste, and final product recovered.
10. Total capacity of the site including proposed storage and processing capacity for the incoming waste, residuals, compost in progress, curing compost, and finished compost.
11. Site access control methods.
12. Schedule of operation including days and hours of operation.
13. Special precautions or procedures for operation during wind, heavy rains, snow, and freezing conditions.

14. Procedures that address operator's response to odor, dust, ground or surface water contamination, on-site litter and blowing litter, and other nuisance conditions at the site.
 15. Methods of controlling the types of waste received at the facility. The plan shall specify inspection procedures, number and location of spotters, rejection criteria, and procedures to be followed if prohibited wastes are discovered.
 16. Methods and waste processing sequence, including the equipment to be used, the composting method to be employed (for example; in vessel, static pile, windrow, anaerobic, etc.), turning frequency, and total time of the composting process from initiation to completion and distribution.
 17. Proposed monitoring, sampling protocol, and chemical analyses to be performed on the composting and composted waste.
 18. The proposed end markets and quality of the finished compost, wood mulch, or chips produced at the facility.
- D. OTHER INFORMATION. Any other information as required by the County Board or the Department.

10.3 OPERATIONAL REQUIREMENTS

- A. The following shall be established and maintained at the composting facility:
1. A sign, subject to the approval of the Department, shall be posted on the premises indicating the facility name, the schedule of days and hours it is open and materials accepted.
 2. Roads and working surfaces on the premises shall be all-weather surfaced. Emergency and passenger vehicles shall be able to access and pass at all times of the year.
 3. Access control, including necessary gates and fencing.

4. Records as approved and requested by the Department shall be maintained for three years and shall be accessible to the Department. These records shall show:
 - a. The total number of tons of solid waste accepted and disposed based solely on the difference between the tare weight of each vehicle and/or conveyance, and the gross weight of each vehicle and/or conveyance as measured on a Department approved scale.
 - b. General type or types of solid waste accepted, passed through, or rejected.
 - c. Origin(s) of solid waste accepted or rejected by the facility.
 - d. The date and time of delivery.
 - e. The hauler(s) that delivered solid waste to the facility.
 5. The operator of a facility shall implement an inventory system and segregation procedure adequate to enable identification of the type(s), origin(s), and destination(s) of solid waste in storage at any time.
 6. The composting facility shall be situated, equipped, operated, and maintained as to minimize interference with other activities in the area.
- B. A composting facility licensee shall comply with the following requirements:
1. Adequate storage shall be provided for all solid waste delivered to the facility and for the unacceptable waste, residuals, compost and other products that are produced, with limitations to be set by the County Board as part of the license conditions.
 2. Surface water and leachate drainage shall be managed in compliance with the licensee's approved engineering plans pursuant to Section 10.2(B) above.
 3. All surface water run-off and leachate shall be collected for re-use, on-site treatment, or transported off-site for treatment or proper disposal.
 4. Such other requirements as may be established by the County Board in the license in order to protect the health, safety, and welfare of the public.

5. Within one month after facility closure, all non-impervious surfaces on which solid waste, compost, residuals, or finished product were staged, shall be seeded with native grasses or other suitable vegetation. If operations cease between October 1 and April 1, the site shall be seeded by May 1.

10.4 ADDITIONAL REQUIREMENTS FOR SOLID WASTE COMPOSTING, AND SOURCE SEPARATED COMPOSTABLE MATERIALS FACILITIES

In addition to the requirements established in Sections 10.2 and 10.3, solid waste composting and source separated compostable materials facilities waste shall comply with the following design and operational requirements:

- A. LOCATION OF FACILITY. Notwithstanding any other County or municipal ordinance authorizing the use of property for solid waste purposes, no portion of a solid waste compost facility or source separated organics material compost facility that is used for composting solid waste or source separated organic material may be located in the following areas:
 1. Within locations described in Minn. Rules part 7035.2555, as amended;
 2. On a site with Karst features including sinkholes, disappearing streams, and caves;
 3. Within five vertical feet of the water table; or
 4. Within areas affected by the 0.2 percent flood area (aka 500-year floodplain).
- B. MINIMUM SEPARATION DISTANCE. All solid waste composting and source separated organic composting facilities shall be required to maintain a minimum of a 500-foot separation between the boundaries of the portion of the property used for the deposit and management of solid waste and source separated compostable materials, and the property line of the property described in the application. Access roads, replacement wetlands, storm water run-off ponds, berming, screening activities, and fencing may be located and occur within this minimum separation distance area upon approval by the Department. The required separation/buffer area shall not include public rights-of-way.

- C. The facility operator shall provide a detailed description, including appropriate chemical and physical analysis, as determined by the Department, of the source(s), quality, and quantities of the solid waste(s) to be composted or used as bulking agents.
- D. The waste storage areas and the waste processing, composting, curing, and compost storage areas shall be constructed of water impermeable surfaces such as concrete or asphalt, and designed to control leachate and surface water run-off.
- E. The facility shall be designed and operated to control odors.
- F. The facility operator shall initiate the processing of all solid waste within forty-eight (48) hours of delivery to the facility.
- G. Facilities that compost solid waste possessing a pathogen concern shall meet the MPCA approved criteria for a process to further reduce pathogens and provide a description of temperature monitoring protocol and procedures.
- H. Daily operational records shall be maintained for the facility that includes temperature monitoring data, and operational data such as quantity and types of waste processed.
- I. Periodic analyses of the compost, as determined by the Department, shall be completed for the following parameters: percentage of total solids; volatile solids as a percentage of total solids; pH; Kjeldahl, ammonia, and nitrate nitrogen; total phosphorus; cadmium; chromium; copper; lead; nickel; zinc; mercury; and polychlorinated biphenyls (PCBs) and other parameters specified in Minn. Rules Part 7035.2836, subp. 6 as amended. All analyses shall be reported on a dry weight basis. The sampling and analysis program shall be established in the facility license based on the facility design, intended end use distribution of the compost, waste composted, and facility operations.
- J. Each quarter, the licensee shall submit an operating report to the Department on a form prescribed by the Department. Quarterly reports shall be due on the 15th day of April, July, October and January and include the following information for each of the three preceding months: all information and analyses specified in the license application, including copies of laboratory reports; the origin, types, and quantities of solid waste and bulking agents composted at the facility; the quantity of compost and residuals produced; sampling and monitoring locations and protocol used to obtain representative conditions and samples; operational information including temperature monitoring data and facility operational problems; and a description of the ultimate use and distribution of the finished compost.

10.5 ADDITIONAL REQUIREMENTS FOR YARD WASTE COMPOSTING FACILITIES

Yard waste composting facilities are subject to the following operational requirements, in addition to those contained in Sections 10.2 and 10.3, except that site plot plans required by Section 10.2(A) may alternately be prepared by a Minnesota licensed professional surveyor, and operations plans required by Section 10.2(C) may alternately be prepared by the owner or operator of the facility:

- A. All yard waste solid waste compost facilities shall be required to maintain a minimum of a 200-foot separation distance between the boundaries of the portion of the property used for the deposit and management of yard waste materials, and the property line of the property described in the application. Access roads, replacement wetlands, storm water run-off ponds, berming, screening activities, and fencing may be located and occur within this minimum separation distance area upon approval by the Department. The required separation distance area shall not include public rights-of-way.
- B. Only yard waste, compostable bags, or similar vegetative waste as specifically approved by the Department may be accepted at the facility.
- C. Bagged waste shall be de-bagged within seventy-two (72) hours after being delivered to the facility, unless otherwise approved by the Department.
- D. The facility operator shall take steps to prevent the incoming material from undergoing anaerobic decomposition.

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SECTION 11.0 TRANSFER STATIONS

11.1 STATE RULE ADOPTED

The design, construction, and operation of Solid Waste Transfer Stations shall be in accordance with Minn. Rules Part 7035.2870, as amended, which is hereby adopted by reference as part of this Ordinance.

11.2 LICENSE REQUIRED; APPLICATION REQUIREMENTS

It is a violation of this Ordinance for any person to construct, establish, operate, or maintain a transfer station without first being licensed to do so by the County Board. An applicant for a transfer station license shall submit an application on a form to be provided by the Department. In addition to the information required by Section 6.2(A) and any other section of this Ordinance, the following information, prepared by a Minnesota licensed professional engineer, shall be submitted as a part of the application for a transfer station:

- A. SITE PLOT PLAN. The site-plot plan shall have a scale of one inch equal to not more than fifty (50) feet and have a vertical contour interval not greater than five (5) feet. The site-plot plan shall include all land within 1,000 feet of property described in the application. The following shall be included as a minimum:
1. Location, size and ownership of the property described in the application.
 2. City and/or township boundaries.
 3. North arrow, section line, section number.
 4. Waters of the State, flood plains and floodways.
 5. Land use and zoning within a 1,000-foot radius of the boundaries of the property described in the application.

6. Adjacent residences and property ownership.
7. Roads and railroads.
8. Easements and Utilities.

B. ENGINEERING PLANS. The following engineering plans shall include as a minimum:

1. Roads, screening, fencing gates, dimensions of building, dimensions of storage areas, loading and unloading zones, location of existing utilities.
2. Dikes, berms, walls, dividers.
3. Landscape and grading plans.
4. The Department may request a report on the subsurface condition at the proposed facility. The Department may request data that is adequate to indicate suitable soils, geological and groundwater information at the site. The above data will be detailed on cross sections, the location of which will be indicated on the site plan.

C. OPERATIONS PLAN. The operations report shall include at a minimum:

1. Complete plans and specifications, proposed operating procedures for the transfer station, place of ultimate disposal and equipment to be used.
2. A description of the solid waste proposed to be collected, stored, and transferred at the facility.
3. An industrial solid waste management plan, pursuant to Section 9.0 of this Ordinance.
4. A description of the overall operation and a functional description of all equipment to be used, including design and anticipated performance. The operations shall describe the flow of solid waste, including recyclable materials, through the facility.

5. The procedures for facility start-up and scheduled and unscheduled shut down operations.
 6. A description of potential safety hazards and methods of control including, but not limited to: fire and smoke detection, air monitoring, fire control devices, odor, ventilation, and exhaust control systems.
 7. A description of worker protection, training, and safety equipment to be employed on-site.
 8. A description and schedule of cleaning procedures to be employed at the facility.
 9. A description of the methods of weighing or measuring the solid waste accepted and transferred at the facility.
 10. The composition, thickness, preparation or compaction of the impervious lines, if used.
 11. The name of the local fire Department. Describe the arrangements that have been made and will be made with the local fire Department to ensure the safety of fire response personnel and to minimize pollution which might otherwise occur as a result of fire or firefighting efforts.
- D. OTHER INFORMATION. Any other information as required by the County Board or the Department.

11.3 GENERAL OPERATIONAL REQUIREMENTS

- A. The following shall be established and maintained at the transfer station site:
1. A sign, subject to the approval of the Department shall be posted on the premises indicating the station name, the schedule of days and hours it is open to the public.

2. Roads on the premises shall be all-weather surfaced. Facilities on the property shall be constructed and the premises shall be landscaped in such a manner as to be aesthetically pleasing in appearance in order that the facility will be harmonious with surrounding land uses.
 3. Adequate sanitary facilities and shelter for personnel shall be provided on the premises.
 4. Records approved by the Department shall be maintained indicating the type and quantity of solid waste passing through the transfer station. These records shall show:
 - a. The total number of tons of solid waste accepted and disposed based solely on the difference between the tare weight of each vehicle and/or conveyance and the gross weight of each vehicle and/or conveyance as measured on the landfill scale;
 - b. General type or types of solid waste accepted, transferred, or rejected;
 - c. Origin(s) of solid waste accepted;
 - d. The date and time of delivery; and
 - e. The hauler(s) that delivered solid waste to the facility;
 5. The operator of the facility shall implement an inventory system and segregation procedure sufficient to enable identification of the sources of all containers in storage at any time.
 6. The transfer station shall be so equipped, situated, operated and maintained so as to minimize interference with other activities in the area.
- B. OPERATIONAL REQUIREMENTS.** A transfer station licensee shall comply with the following operational requirements:
1. Unless otherwise provided in the license, the licensee shall take away all solid waste, and wash, clean and disinfect the station at the end of each day of use.

2. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
 3. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe entrance and exit.
 4. No alterations or additions to the disposal system will be made without the written consent of the County Board.
 5. All unloading of solid wastes from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the station.
 6. Solid wastes shall not remain in the transfer station longer than 48 hours. The Department may approve solid waste remaining in the transfer station beyond 48 hours on a case-by-case basis in the event of circumstances beyond control.
- C. REPORTING REQUIRED. Transfer stations shall keep records and report as required by the Department, but not less than annually, information as required by this Ordinance, and MPCA Permit.

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SECTION 12.0 PROCESSING FACILITIES

12.1 LICENSE REQUIRED; APPLICATION REQUIREMENTS

It is a violation of this Ordinance for any person to construct, establish, operate, or maintain a processing facility without first being licensed to do so by the County Board. An applicant for a processing facility license shall submit an application on a form to be provided by the Department. In addition to the information required by Section 6.2(A) and any other section of this Ordinance, the information in A to F below, prepared by a Minnesota licensed professional engineer, shall be submitted as a part of the application for a processing facility. For small scale processing facilities that will be operated in existing structures, the Department may, in its discretion, accept an application containing the information required by this section prepared by the owner or operator of the proposed facility.

- A. SITE PLOT PLAN. A site-plot plan at a scale of one inch equal to not more than fifty (50) feet and a vertical contour interval of not greater than five feet. The site-plot plan shall include all land within 1,000 feet of the property described in the application. The following shall be included as a minimum:
1. Name and address of the facility, property owner, and the facility operator.
 2. City and/or township boundaries.
 3. North arrow, section line, section number.
 4. Waters of the state, floodplains, and floodways.
 5. Land use and zoning within a 1,000-foot radius of the property lines.
 6. Adjacent residences and property ownership.
 7. Roads and railroads.
 8. Easements and utilities.

B. OPERATIONAL PLAN. The operational plan shall include as a minimum:

1. Area of the property in acres;
2. Owner of the property and proposed licensee;
3. Individuals responsible for actual operation and maintenance of the processing facility and attending operating procedures;
4. Landfill or other solid waste facility where any residue will be transferred, the owner, hours of operation and the MPCA permit number;
5. Type and amount of equipment to be provided for the operation of the processing facility;
6. Population and geographical areas where solid waste is generated that is proposed to be served by the facility;
7. An estimate of recyclable materials to be delivered to the facility;
8. Proposed storage capacity on-site;
9. Intended end-use for processed materials;
10. Proposed access routes within a one (1) mile radius of the proposed facility;
11. Suitable soils, geologic and ground water information as required by the Department.

C. INDUSTRIAL SOLID WASTE MANAGEMENT. If applicable, an industrial solid waste management plan, pursuant to Section 9.0 of this Ordinance

D. MPCA PERMIT. If applicable, a copy of the facility's MPCA approved permit shall be submitted to the Department.

E. OTHER INFORMATION. Any other information as required by the County Board or the Department.

12.2 GENERAL OPERATIONAL REQUIREMENTS

- A. The processing facility shall conform to the following operational requirements:
1. Recycling facilities shall be in compliance with Minn. Rules Part 7035.2845 (Recycling Facilities), as amended, and Minn. R. 7035.2855 (Solid Waste Storage Standards), as amended.
 2. Waste tire facilities shall be in compliance with Minn. Rules Chapter 9220 (Waste Tire Programs), as amended.
 3. A sign, subject to the approval of the Department, shall be posted on the premises indicating the facility name, and schedule of days and hours it is open to the public.
 4. Records shall be maintained indicating the type and quantity of solid waste passing through the facility.
 5. The processing facility shall be so situated, equipped, operated and maintained so as to limit interference with other activities in the area.
 6. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
 7. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.
 8. All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside of the facility.
 9. Such other requirements as may be established by the Board in the license in order to protect the health, safety and welfare of the public.
 10. All processing, with the exception of necessary product recovery as described in the license, shall occur in an enclosed structure.

- B. REPORTING REQUIRED. Processing facilities shall keep records and report as required by the Department, but not less than annually, information as required by this Ordinance, and MPCA Permit.

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SECTION 13.0 RDF PROCESSING FACILITIES

13.1 LICENSE REQUIRED; APPLICATION REQUIREMENTS

It is a violation of this Ordinance for any person to establish, operate, and maintain a RDF processing facility without first being licensed to do so by the County Board. An applicant for a RDF processing facility license shall submit an application on a form to be provided by the Department. RDF processing facilities shall meet all of the requirements of this Ordinance and Minn. Rules Part 7035.2875, as amended. In addition to the information required by Section 6.2(A) and any other section of this Ordinance, the following information, prepared by a Minnesota licensed professional engineer, shall be submitted as a part of the application for a RDF processing facility:

- A. A current map or aerial photograph of the area showing the land use and zoning within 1/4 mile of the property described in the application. A location insert map shall be included.
- B. A site-plot plan at a scale of one inch equal to not more than fifty (50) feet and a vertical contour interval of not greater than five feet. The site-plot plan shall include all land within 1,000 feet of the property described in the application. The following shall be included as a minimum:
 1. Name and address of the facility, property owner, and the facility operator.
 2. City and/or township boundaries.
 3. North arrow, section line, section number.
 4. Waters of the state, floodplains, and floodways.
 5. Land use and zoning within a 1,000-foot radius of the property lines.
 6. Adjacent residences and property ownership.
 7. Roads and railroads.

8. Easements and utilities.
- C. A report shall accompany the plans indicating:
1. Area of the property in acres.
 2. Owner of the property and proposed licensee.
 3. Individuals responsible for actual operation and maintenance of the RDF processing facility and intended operating procedures.
 4. The total amount of waste proposed to be landfilled as excess Transfer Load-Out (TLO), unprocessed, reject, recovered (recycling) and residual wastes landfilled, by month.
 5. A description of excess, rejects and residuals management.
 6. For the wastes identified in this Section 13.1(C)(4) above, a description of the designated RDF processing facility's efforts to further process each waste, other facilities that were contacted to process each waste, the frequency and manner of contact made to the other facilities and the final decision of the facilities that were contracted. Waste tonnages and the date that the designated RDF processing facility pursued cooperative waste agreements for additional processing of each waste shall be included in the report.
 7. Sanitary landfill or other solid waste facility where any residue will be transferred, the owner, hours of operation, and MPCA Permit Number.
 8. Type and amount of equipment to be provided for operations of the RDF processing facility.
 9. Population and geographical areas where solid waste is generated that is proposed to be served by the facility.
 10. Existing collection service areas in the proposed supply area and contiguous communities.

11. Anticipated supply (tons per day) of solid waste delivered to the facility from each community within the proposed supply area.
 12. A detailing of the composition of solid waste to be delivered to the facility, including estimates of the following components: paper, ferrous metal, non-ferrous metal, glass, food wastes, yard wastes, trees, tires, junk automobiles, major appliances, and demolition waste.
 13. Proposed storage capacity on-site.
 14. Proposed access routes within a one-mile radius of the proposed facility.
 15. Suitable soils, geological and groundwater information as may be required by the Department.
- D. An industrial solid waste management plan, pursuant to Section 9.0 of this Ordinance.
- E. Any other information deemed necessary by the County Board or the Department.

13.2 OPERATIONAL REQUIREMENTS

- A. The following shall be established and maintained at a RDF processing facility site:
1. A sign, subject to the approval of the Department, shall be posted on the premises indicating the facility name, the schedule of days and hours if it is open to the public, and emergency contact information.
 2. Records shall be maintained indicating the type and quantity of solid waste passing through the RDF processing facility, including the following:
 - a. The total number of tons of solid waste accepted based solely on the difference between the tare weight of each vehicle and/or conveyance, and the gross weight of each vehicle and/or conveyance as measured on the scale;
 - b. General type or types of solid waste accepted, passed through, or rejected by the facility;

- c. Origin(s) of solid waste accepted and disposed;
 - d. The date and time of delivery; and
 - e. The hauler(s) that delivered solid waste to the facility.
3. The RDF processing facility shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area.
- B. A RDF processing facility licensee shall comply with the following regulations and shall be in violation of this Ordinance if the regulations are not followed:
1. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
 2. All incoming and out-going traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.
 3. All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to minimize odor and eliminate litter outside the facility.
 4. Such other requirements as may be established by the County Board in the license in order to protect the health, safety, and welfare of the public.
- C. REPORTING REQUIRED. Processing facilities shall keep records and report as required by the Department, but not less than annually, information as required by this Ordinance, and MPCA Permit.

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SECTION 14.0 WASTE INCINERATORS

14.1 STATE RULE ADOPTED

The design, construction, and operation of a Waste Incinerator shall be in accordance with Minn. Rules Parts 7007, 7011, and 7017, as amended, which is hereby adopted by reference as part of this ordinance.

14.2 LICENSE REQUIRED

It is a violation of this Ordinance for any person to establish, operate, and maintain a Waste Incinerator having a capacity greater than 1,000 pounds per hour without first being licensed to do so by the County Board.

14.3 APPLICATION REQUIREMENTS

An applicant for a Waste Incinerator license shall submit an application on a form to be provided by the Department. The license application shall meet all requirements of Section 6.0 of this Ordinance and shall include an industrial solid waste management plan, pursuant to Section 9.0 of this Ordinance. In addition to the information required by Section 6.2(A) and any other section of this Ordinance, the following information, prepared by a Minnesota licensed professional engineer, shall be submitted as a part of the application for a Waste Incinerator:

- A. LAND USE AND ZONING MAP. A current map or aerial photograph of the area showing the land use and zoning within 1/4 mile of the property described in the application. A location insert map shall be included.
- B. SITE PLOT PLAN. A site-plot plan at a scale of one inch equal to not more than fifty (50) feet and a vertical contour interval of not greater than five feet. The site plan

shall include all land within 1,000 feet of the property described in the application. The following shall be included as a minimum:

2. Name and address of the facility, property owner, and the facility operator.
 3. City and/or township boundaries.
 4. North arrow, section line, section number.
 5. Waters of the state, floodplains, and floodways.
 6. Land use and zoning within a 1,000-foot radius of the property lines.
 7. Adjacent residences and property ownership.
 8. Roads and railroads.
 9. Easements and utilities.
- C. A site-plot plan including the legal description of the property described in the application; a description of the adjacent properties showing dimensions, present and planned pertinent features, including but not limited to roads, buildings, fencing, landscaping, and other applicable details; and the general topography. The scale of the site-plot plan shall not be greater than 100 feet inch, with a five-foot contour interval.
- D. OPERATIONAL PLAN. An operation plan shall accompany the application indicating:
1. Area of the property in acres.
 2. Owner of the property and proposed licensee.
 3. Individuals responsible for actual operation and maintenance of the Waste Incinerator and intended operating procedures.
 4. Type and amount of equipment to be provided for operations of the Waste Incinerator.

5. Population and geographical areas where solid waste is generated that is proposed to be served by the facility.
 6. A detailing of the composition of solid waste to be delivered to the facility.
 7. Proposed storage capacity on-site.
 8. Proposed access routes within a one-mile radius of the proposed facility.
 9. Suitable soils, geological and groundwater information as may be required by the Department.
- E. An industrial solid waste management plan, pursuant to Section 9.0 of this Ordinance.
- F. Any other information as required by the County Board or the Department.

14.4 OPERATIONAL REQUIREMENTS

- A. The following shall be established and maintained at the Waste Incinerator:
1. Records shall be maintained indicating the type and quantity of solid waste passing through the Waste Incinerator, including the following:
 - a. The total number of tons of solid waste accepted based solely on the difference between the tare weight of each vehicle and/or conveyance, and the gross weight of each vehicle and/or conveyance as measured on the scale;
 - b. General type or types of solid waste accepted, passed through, or rejected by the facility;
 - c. Origin(s) of solid waste accepted and disposed;
 - d. The date and time of delivery; and
 - e. The hauler(s) that delivered solid waste to the facility.

2. The Waste Incinerator shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area.
- B. A Waste Incinerator licensee shall comply with the following regulations and shall be in violation of this Ordinance if the regulations are not followed:
1. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
 2. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.
 3. All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to minimize odor and litter outside the facility.
 4. Such other requirements as may be established by the County Board in the license in order to protect the health, safety, and welfare of the public.
- C. REPORTING REQUIRED. Waste Incinerators shall keep records and report as required by the Department, but not less than annually, information as required by this Ordinance, and MPCA Permit.

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SECTION 15.0 INFECTIOUS WASTE FACILITIES

15.1 STATE RULE ADOPTED

The design, construction, and operation of an Infectious Waste Facility shall be in accordance with Minn. Rules Part 7035.9100 through 7035.9150, as amended, which are hereby adopted by reference as part of this Ordinance.

15.2 LICENSE REQUIRED; APPLICATION REQUIREMENTS

It is a violation of this Ordinance for any person to establish, operate, and maintain an infectious waste facility without first being licensed to do so by the County Board. An applicant for an infectious waste facility license shall submit an application on a form to be provided by the Department. In addition to the information required by Section 6.2(A) and any other section of this Ordinance, the following information, prepared by a Minnesota licensed professional engineer, shall be submitted as a part of the application for an infectious waste facility:

- A. SITE-PLOT PLAN. The site-plot plan shall have a scale of one inch equal to not more than fifty (50) feet and have a vertical contour interval not greater than five feet. The site-plot plan shall include all land within 1,000 feet of property described in the application. The following shall be included as a minimum:
1. Name and address of the facility, property owner, and the facility operator.
 2. City and/or township boundaries.
 3. North arrow, section line, section number.
 4. Waters of the state, flood plains, and floodways.
 5. Land use and zoning within a 1,000-foot radius of the property lines.
 6. Adjacent residences and property ownership.

7. Roads and railroads.
8. Easements and utilities.
9. Location, size, and ownership of the land upon which the facility will operate.

B. ENGINEERING PLANS. The engineering plans shall include as a minimum:

1. Roads, screening, fencing, gates, dimensions of buildings, dimensions of storage areas, loading and unloading zones, and location of existing utilities.
2. Dikes, berms, walls, dividers.
3. Landscape and grading plans.
4. If applicable, an engineering report including treatment equipment design criteria and expected performance data, the present and future population and area to be served by the facility, and the characteristics, quantities, and sources of infectious waste to be treated, disposed, or stored.
5. Such additional data as may be requested by the County.

C. OPERATIONS PLAN. The operations plan shall include as a minimum:

1. Plans for the final disposal of the treated waste.
2. A management plan in compliance with Minn. Rule part 7035.9130, as amended, that requires information regarding infectious waste facility handling, contingencies, packaging, staff training, processing, and disposal, to be submitted to and approved by the Minnesota Pollution Control Agency.
3. The name of the local fire Department and a description of the arrangements that have been made and will be made with the local fire Department to ensure the safety of fire response personnel and to minimize health hazards that might otherwise occur as a result of fire or firefighting efforts.

D. INDUSTRIAL SOLID WASTE MANAGEMENT. If applicable, an industrial solid waste management plan, pursuant to Section 9.0 of this Ordinance.

- E. OTHER INFORMATION. Any other information as required by the County Board or the Department.

15.3 OPERATIONAL REQUIREMENTS

- B. The following shall be established and maintained at the infectious waste facility:
2. A sign, subject to the approval of the Department, shall be posted on the premises indicating the facility name, the schedule of days and hours it is open and materials accepted;
 3. Roads on the premises shall be all-weather surfaced. The premises shall be constructed, screened, and landscaped in such a manner as to be aesthetically pleasing in appearance;
 4. Adequate sanitary facilities and shelter for personnel shall be provided on the premises;
 5. Records shall be maintained and shall be accessible to the Department identifying:
 - a. The total number of tons of infectious waste accepted, based solely on the difference between the tare weight of each vehicle and/or conveyance, and the gross weight of each vehicle and/or conveyance as measured on a Department approved scale;
 - b. General type or types of infectious waste accepted at the facility;
 - c. Origin(s) of infectious waste accepted, passed through, or rejected from the facility;
 - d. The date and time of delivery; and,
 - e. The hauler(s) that delivered infectious waste to the facility;
 6. The operator of a facility shall implement an inventory system and segregation procedure sufficient to enable identification of the type(s), origin(s), and destination(s) of solid waste in storage at any time;

7. The infectious waste facility shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area;
 8. The premises, entrances, and exits shall be maintained in a clean, neat, and orderly manner at all times; and,
 9. All unloading of wastes from waste transportation vehicles shall be conducted in such a manner as to reduce odor, not cause litter outside the station, and not create a public nuisance.
- C. An infectious waste facility licensee shall comply with the following operational requirements:
2. An infectious waste facility shall comply with the provisions of Section 6.0 and with other applicable provisions of this Ordinance except for those provisions specifically waived by the Department, and shall pay the appropriate fees as required by Section 7.0 of this Ordinance.
 3. The facility shall notify the Department prior to implementing any alterations or additions to the treatment or disposal system.
 4. Infectious wastes shall not remain at the facility longer than five working days.
 5. Decontaminated infectious wastes shall not be stored on site longer than seventy-two (72) hours unless specifically approved by the County Board.
 6. Each quarter, the licensee shall submit an operating report to the Department on a form prescribed by the Department. Quarterly reports shall be due on the 15th day of April, July, October and January and include the following information for each of the three preceding months:
 - a. Monthly totals of cubic yards or, if the facility is equipped with an approved weighing scale, tons of infectious waste received. Tonnage shall be determined by subtracting the tare weight of vehicles and/or conveyances from the gross weight of the vehicles and/or conveyances as measured on the scale.
 - b. Number of incoming loads accepted at the facility.

- c. Number of loads and weight or volume of outgoing and rejected waste, type of outgoing and rejected waste, and the destination of the outgoing waste.
- d. Other information as requested from time to time by the Department that is required by this Ordinance to be kept by the facility.

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SECTION 16.0 HOUSEHOLD HAZARDOUS WASTE FACILITIES

It is a violation of this Ordinance for any person to construct, establish, operate, and maintain a household hazardous waste facility without first being licensed to do so by the County Board. A person requesting a household hazardous waste facility license shall submit an application on a form to be provided by the Department the information required by Section 6.2(A) and any other section of this Ordinance. In addition, any other information that is required by the County Board or the Department shall be submitted.

With the exception of household hazardous waste facilities that are owned and operated by the County, this section shall apply to all persons seeking a license to accept, store, process and ship household hazardous waste. Minn. Rules Part 7001.0500 through 7001.0730, as amended, are hereby adopted and made part of this Ordinance.

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SECTION 17.0 LAND APPLICATION OR TREATMENT OF WASTES

17.1 LAND APPLICATION OF SOLID WASTE

It is a violation of this Ordinance for any person to land apply solid waste without first being licensed to do so by the Department. The responsible person shall submit an application on a form provided by the Department requesting approval not less than sixty (60) days prior to the proposed initiation of land application activities. Land application of certain solid wastes (e.g. water treatment lime, industrial by-products from food and beverage processing or ethanol production, petroleum contaminated soils, agricultural contaminated soils, and landfill leachate) may be conducted in accordance with this Section 17.1. Sewage sludge and solid or dissolved materials in domestic sewage are exempt from this Ordinance.

- A. APPLICATION. For each type of solid waste proposed to be land applied, the responsible person (applicator, landowner or tenant) shall submit to the Department a description of proposed land application activities, including:
1. Identification of the proposed land application sites by Mower County property identification number (PIN) and by legal description of the property;
 2. Description of the solid waste to be land applied and the amount of waste in tons, gallons, or cubic yards;
 3. The results of industry standard laboratory tests that characterize the solid waste by identifying contaminants in the waste. Testing to characterize solid wastes that are defined as yard waste, or source separated food waste, is not required;
 4. Identification of the proposed land application areas on soil survey plates available from the National Resource Conservation Service, identifying site features from which separation distances are required and the acreage on which land application is proposed;
 5. The results of soil tests and recommended application rates from a Minnesota Department of Agriculture certified laboratory for the fields where the landowner or applicator proposes to land-apply solid waste;

6. The names, addresses and telephone numbers of the generator, applicator, transporter (if different than the applicator), land operator, and the landowner;
 7. The status of certifications and licenses of the applicator and transporter if required by the MPCA;
 8. A description of the land application method and incorporation method proposed and the months of the year that land application activities will occur;
 9. Evidence of notification to adjacent and affected cities and townships;
 10. The status of any approvals required by the State or local governments; and,
 11. A listing of other solid wastes, soil amendments, or other materials, including but not limited to manure and sewage sludge, that were land applied on the property in the previous three (3) years.
- B. **GENERAL REQUIREMENTS.** All land application and land treatment activities, including activities exempted under Section 17.1(F), shall comply with the following requirements:
1. Operations shall not create a public nuisance or any conditions that adversely affect the environment or public health; and,
 2. Activities shall not violate state or local laws, ordinances, rules, regulations, policies and orders.
- C. **LOCATIONAL REQUIREMENTS.**
1. Slope. Slope restrictions for application sites are as follows:

Slope (Percent)	Surface Application	Injection or Immediate Incorporation
0 to 6	Allowed	Allowed
>6 to 12	Not Allowed	Allowed
>12	Not Allowed	Not Allowed

2. Soils. Sites proposed for land application of solid waste shall meet the minimum requirements for each of the following soil characteristics:

Characteristic	Minimum Requirements
Soil Texture at zone of solid waste application	Fine sand, loamy sand, sandy loam, loam, silt, silt loam, sandy clay loam, clay loam, sandy clay, silty clay loam, silty clay, or clay
Organic soils or peat soils	Cannot be used unless adequately tiled for drainage to avoid standing water
Depth to Bedrock	3 feet (<i>5 feet if soil is classified as having a "rapid" or "very rapid" permeability rate as defined by the Soil Survey of Mower County</i>)
Depth to seasonal high water table (<i>if the site is tiled, the depth from top of tile line is considered the seasonal high water table</i>)	3 feet (<i>5 feet if soil is classified as having a "rapid" or "very rapid" permeability rate as defined by the Soil Survey of Mower County</i>)
Percent Slope	Less than twelve percent (12%)

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3. Features. Land application of solid waste that is incorporated or injected shall not take place within the following separation distances or within areas otherwise restricted by wellhead protection plans:

Feature		Surface Applied	Incorporated within 48 Hours	Injected
Residential Development		600'	600'	300'
Residences		200'	200'	100'
Depth to Bedrock		3'	5'	5'
Depth to Seasonal High Water Table		3'	5'	5'
Private Drinking Water Supply Wells		200'	200'	200'
Public Drinking Water Supply Wells		1,000'	1,000'	1,000'
Down gradient lakes, rivers, streams, type 3, 4, and 5 wetlands, intermittent streams, drainage ditches, road ditches, or tile inlets connected to these surface water features.	slope 0 % to 6 %	300'	50'	50'
	slope 6 % to 12 %	Not Allowed	100'	100'
	winter (0 % to 2 %)	600'	N/A	N/A
Grassed Water Ways	slope 0 % to 6 %	100'	33'	33'
	slope 6 % to 12 %	Not Allowed	33'	33'

For the purpose of this Ordinance: 1) Intermittent stream means a drainage channel with definable banks that provides for runoff flow to any of the surface waters listed in the above table during snow melt or rainfall events; 2) Grassed waterways are natural or constructed and seeded to grass as protection against erosion. Separation distances are from the centerline of grassed waterways. For a grassed waterway which is wider than the separation distance required, application is permitted to occur at the edge of the grass strip.

D. OPERATIONAL REQUIREMENTS.

1. Mixed municipal solid waste and hazardous waste shall not be land applied.
2. Solid waste applied to land shall be applied at rates that do not exceed University of Minnesota Agronomic Rates.
3. Solid waste shall not be land applied unless the land will be cropped within the current cropping season (September 1 of one year to August 31 of the following year).

4. All land applied solid waste shall be incorporated within twenty-four (24) hours of application except as specified in Section 17.1(D)(5).
5. If solid waste is applied to land that is actively pastured or is being cropped for a hay crop and the solid waste is not incorporated, the following criteria shall apply:
 - a. The minimum requirements for soil characteristics listed in Section 17.1(C)(2) shall be met except that land application of solid wastes on slopes greater than six percent (6%) is not allowed;
 - b. The minimum requirements for slope listed in Section 17.1(C)(1) shall apply;
 - c. The minimum requirements for separation distances listed in Section 17.1(C)(2)(3) shall apply;
 - d. The land-applied material and the land application activities shall not create a nuisance condition due to debris, attraction to vermin, visual impact, or odors;
 - e. The land-applied material and the land application activities shall not have detrimental effects to the growing crops, the natural environment, or to human or animal health;
 - f. The land-applied material shall not translocate and its impacts shall not be transmitted via animals grazing on the land application sites;
 - g. The land-applied material shall not migrate from the site of application via overland flow or storm water drainage;
 - h. Land application of solid waste shall not take place when the ground is frozen or snow covered, except as permitted in the table referenced in Section 17.1(C)(3) above. Land application of solid waste shall not take place when standing water is present; and,
 - i. The responsible person (applicator, landowner or tenant) shall keep records for each land application site for a period of five years including: all application information that is required to be submitted under Section 17.1(A); any soil test results; waste characterization test results; any statements of loading limits for the site as applicable for contaminants pursuant to rule, permit or other regulation;

amounts of solid waste applied; and other information required by the Department to enforce this Section 17.1.

6. The responsible person (applicator, landowner or tenant) shall submit an annual report to the Department for each kind of solid waste that is land applied. The report shall be submitted by December 31 following a cropping year. A cropping year ends August 31. The report shall include the following information: sites of application; the amount of solid waste applied for the cropping year, in tons, gallons or cubic yards per acre; the cumulative amounts of solid waste applied to the same site, beginning with the initial land application; the dates of application; and other information as required by the Department that is necessary to enforce this Section 17.1.
- E. LICENSE TERM. Unless otherwise provided by the County Board, the term of solid waste land application License granted pursuant to the provisions of this Ordinance shall be for a period of not more than one (1) year but shall expire on December 31 of the year the permit was granted, unless earlier suspended or revoked.
- F. EXEMPTED LAND APPLICATION. A responsible person is exempt from the application requirements of Section 17.1(A) and the reporting requirements of Section 17.1(D)(6) of this Ordinance if the amount of solid waste land applied for is less than one thousand (1,000) pounds per cropping year, the area on which this solid waste is applied is less than one acre, and the material is incorporated and evenly distributed.

17.2 LAND TREATMENT OF CONTAMINATED SOILS

- A. AGRICULTURAL CHEMICAL CONTAMINATED SOIL. It is a violation of this Ordinance for any person to land apply agriculture chemical contaminated soil without notifying the Department of the proposed land treatment activity. This is done by submitting to the Department copies of all forms required by the Minnesota Department of Agriculture including: application; maps of the proposed application area; analytical data; and rate calculations. The responsible person shall submit such notification no less than thirty (30) days prior to the initiation of the land treatment activities. The requirements and procedures for land treatment of agricultural contaminated soil in Mower County shall be in accordance with Minnesota Department of Agriculture Guidance Document 13.
- B. PETROLEUM CONTAMINATED SOILS. It is a violation of this Ordinance for any person to land apply petroleum-contaminated soil in Mower County without notifying the

Department of the proposed land application activity. This is done by submitting to the Department copies of all forms required by the MPCA including: the application for the land treatment site; the application to land treat the specific batch of soil; and copies of the site pre-approval and batch approval issued by the MPCA prior to the initiation of the land application activities. The responsible person shall submit such notification no less than thirty (30) days prior to the initiation of the land treatment activities. The requirements and procedures for land treatment of petroleum-contaminated soil in Mower County shall be in accordance with Minn. Rules chapter 7037, as amended.

17.3 LAND TREATMENT OF LEACHATE

Land treatment of leachate may be conducted only at a licensed and permitted solid waste landfill site, and as approved by the County Board as part of an application for a solid waste landfill license, license modification, or renewal. The application for land treatment of leachate shall contain a site-plot plan, engineering plans and an operational plan, prepared by a Minnesota licensed professional engineer, and any other information deemed necessary by the Department or the County Board. The requirements and procedures for land treatment of Leachate in Mower County shall be in accordance with the MPCA Guidance Document on Land Treatment of Landfill Leachate dated April 2011, as amended; and, this Section 17.3.

- A. LOCATION. Land Treatment of Leachate shall not occur in the following areas:
1. Within areas affected by a 0.2 percent flood area (aka 500-year floodplain);
 2. Within five feet of the seasonal high ground water table;
 3. Within 600 feet of a private well, residence, or park;
 4. Within 1,000 feet of public water supply well; or
 5. Within 300 feet of a lake, river, stream, wetland, intermittent stream, drainage ditch, road ditch, or tile inlet.

B. SITE-PLOT PLAN. Site-plot plans shall have a scale of one inch equal to not more than fifty (50) feet and have a vertical contour interval not greater than two feet. Site plot plans shall include the following:

1. An existing conditions site plan identifying: area of the property described in the application in acres, existing topography, surface water drainage, buildings, vegetation, roadways, utilities, water supply wells, residences, surface water, ditches, drainage swales and closed depressions on-site and within 1,000 feet of the property.
2. Name and address of the facility, property owner, and the facility operator.
3. City and/or township boundaries.
4. North arrow, section line, section number.
5. Waters of the state, flood plains and floodways.
6. Land use and zoning within a 1,000-foot radius of the property lines.
7. Adjacent residences and property ownership.
8. Roads and railroads.
9. Easements and utilities.
10. Location, size, and ownership of the property described in the application.

C. ENGINEERING PLANS. The engineering plans shall include as a minimum:

1. A description of the land treatment system including specifics of the proposed pre-treatment and storage design, irrigation system, intended cover crop, etc.
2. The total number of acres proposed for a buffer zone and for land application. A minimum buffer zone of not less than 200 feet between the spray site and the property boundary shall be incorporated into the spray site design.

3. A description of the land use activities and applications on the property for the past three (3) years, including the application of pesticides and fertilizer, sewage sludge, past crop use, etc.
4. Potential wind drift (aerosol) receptors.
5. Flood plains, surface waters, wetlands and other area land uses within one mile of the proposed site which may be affected by land application of the effluent.
6. A United States Geologic Survey (USGS) topographic map of the proposed site with the buffer zone and the land application area boundaries drawn on the map.
7. A soil survey map of the property described in the application with the site boundaries drawn on the map. This map must be based on a recent/annual survey of the site. Reliance should not be placed on the more general soil maps from the Soil Conservation Service (SCS). The soil survey must be made by an individual with expertise in soil classification.
8. A description of the soils identified on the map including:
 - a. United States Department of Agriculture textural classification;
 - b. Percentage of organic matter using loss of ignition methodology (pretreated with acid to remove carbonates);
 - c. Depth to the seasonally high water table;
 - d. Available water holding capacity above the water table in the rooting zone (top 5 feet);
 - e. Extractable phosphorous in pounds per acre;
 - f. Exchangeable potassium in pounds per acre
 - g. Soil pH;
 - h. Cation exchange capacity expressed in millequivalents per 100 grams, measured by soil analysis; and

- i. Specific conductance/soluble salts measured on a saturation extract of the soil (millimhos per centimeter). To preclude a build-up of salts in the soil the specific conductance shall not exceed 4.0 millimhos/cm.
 - j. The results of soil baseline testing required pursuant to Section 17.3(D)(1).
9. The maximum slope allowed for land treatment of leachate shall be as follows:

Maximum Hydraulic application rates for various soil textures and slopes

	Slope/inches per hour		
	0 to 3 percent	3 percent to 5 percent	6 percent
Sands	1	0.7	0.5
Loamy sands	0.7 to 1	0.5 to 1	0.4 to 0.7
Sandy loams and fine sandy loams	0.5 to 1	0.4 to 0.7	0.3 to 0.5
Loams and silt loams	0.3 to 0.7	0.2 to 0.5	0.15 to 0.3
Sandy clay loams and silty clay loams	0.2 to 0.4	0.15 to 0.25	0.1 to 0.15
Clays, sandy clays, silty clays	0.1 to 0.2	0.1 to 0.15	0.1

10. Predicted land application site life expectancy based on fill acreage (to calculate leachate volume), spray site acreage, and the average metal concentrations using leachate data.
11. Compliance boundary as required by Minn. Rule part 7035.2815 Subp. 4.
12. The methods of controlling access to the pond(s) or tank and spray sites by use of signs and/or fencing. Fencing should be considered to discourage access to trespassers or wildlife.

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D. OPERATIONAL REQUIREMENTS.

1. Baseline Soil Sampling. A fixed grid shall be established within the area to receive irrigated leachate. One composite soil sample shall be collected for every three (3) acres of area to receive irrigated leachate. Each composite soil sample shall be prepared by collecting 15 individual soil samples from randomly selected locations within each designated three (3) acre area. All soil samples shall be obtained from top eight (8) inches of the soil profile. The composite soil samples shall be analyzed and a baseline established for the following parameters: Arsenic, Cadmium, Copper, Lead, Mercury, Nickel, Selenium, Zinc, Boron, Nitrogen, Chloride, percent organic matter, extractable phosphorous in pounds per acre, exchangeable potassium in pounds per acre, soil pH, cation exchange capacity expressed in millequivalents per 100 grams (required every three years), and specific conductance. This baseline data set shall be used as a point of comparison over the life of a Licensee's land treatment of leachate program to determine if leachate constituents are accumulating in the soil.
2. Annual Soil Sampling. The Licensee shall conduct annual soil sampling in April or May at the land treatment of leachate site in accordance with the sampling procedures set forth in Section 17.3(D)(1). The results of the annual soil sampling shall be provided to the Department.
3. Soil Sampling by County. The Department, at its own discretion, may sample the soil within the land treatment area, including, without limitation, for all or some of the following parameters: Arsenic, Cadmium, Copper, Lead, Mercury, Nickel, Selenium, Zinc, Boron, Nitrogen, Chloride, percent organic matter, extractable phosphorous in pounds per acre, exchangeable potassium in pounds per acre, soil pH, cation exchange capacity expressed in millequivalents per 100 grams and specific conductance. Upon notification, the licensee and the property owner shall provide access to the Department for soil sampling and inspection. All test results conducted by the Department will be provided to the Licensee.
4. Quarterly Leachate Sampling. Raw leachate from the solid waste landfill shall be analyzed quarterly for parameters based on typical groundwater analyte lists, and/or parameters that are more specific to the waste type(s). The Department, on its sole discretion, may also require raw leachate from the solid waste landfill to be analyzed quarterly for any of the following parameters:
 - a. Field Parameters. Appearance, Temperature, Specific Conductance, pH, Eh,

Alkalinity;

- b. Metals. Arsenic, Barium, Cadmium, Chromium, Cobalt, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, Zinc;
 - c. Major Anions. Bicarbonate, Bromide, Carbonate, Chloride, Nitrate + Nitrite Nitrogen, Sulfate;
 - d. Major Cations. Boron, Calcium, Magnesium, Potassium, Sodium, Iron, Manganese, Ammonia Nitrogen;
 - e. Other Parameters. Total Suspended Solids, Total Dissolved Solids, B.O.D., C.O.D., Cyanide, TKN, Total Coliform Bacteria, Total Phosphorus;
 - f. Volatile Organic Compounds; and
 - g. Perfluorochemicals.
5. Application Rate Calculation. Each quarter, the Licensee shall calculate the application rate based on the most recent results of the quarterly leachate sampling.
6. Leachate and Application Rate Report. The Licensee shall submit to the Department a report that details the results of the quarterly leachate sampling and the calculated application rates based on the most recent quarterly leachate sampling.

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7. Loading and Air Quality Standards. Leachate land treatment shall be limited by the hydraulic, nutrient, salt, or metals loading and air quality standards for the application site including, but not limited to the requirements set forth within the MPCA's Guidance Document (as referenced above in this Section 17.1) and the following, whichever is the most limiting:

Parameter	Maximum cumulative addition, (pounds/acre)
Arsenic	37
Cadmium	35
Copper	1,339
Lead	268
Mercury	15
Nickel	375
Selenium	89
Zinc	2,500

Parameter	Maximum addition, (pounds/acre/yr)
Sodium	170
Boron	4
Nitrogen	12.8

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Parameter	Allowable Air Quality (emission rate) (kg/yr)
Benzene	10.7
Chloroform	3.8
Dichlorodifluoromethane	1,791.4
1,1-dichloroethane	4,478.4
1,2-dichloroethane	3.4
1,1-dichloroethylene	1.8
1,2-dichloroethylene	7,832
dichlorofluoromethane	414.8
Ethylbenzene	941.9
Methylene chloride	188.1
1,1,2,2-tetrachloroethane	1.5
Tetrachloroethylene	152.3
1,1,1-trichloroethane	8,956.8
1,1,2-trichlorotrifluor	5.6
Trichloroethylene	52.8
Trichlorofluoromethane	6,269.7
Toluene	813.5
Vinyl chloride	1.1
Xylenes	941.9

8. Loading or Air Quality Standard Exceedences. In the event that the loading or air quality standards referenced in Section 17.3(D)(7) are exceeded, the Licensee shall immediately cease land treatment of leachate at the site. The licensee may restart land application of leachate when loading or air quality standards are longer exceeded, subject to Department approval.

9. Perfluorchemicals. In the event any perfluorochemical exceeds an intervention and/or health risk limit during quarterly leachate sampling, the licensee shall immediately cease land treatment of leachate at the site and report the matter to the Department. The licensee may restart land application of leachate when intervention and/or health risk limits for all PFCs are no longer exceeded, subject to prior Department approval.

10. Monitoring During Operation. The Licensee shall continuously monitor the land treatment of leachate site during operation of the spray irrigation site for presence of runoff, ponding of water, foul odor, and or aerosol drift beyond the property boundary. Upon occurrence of any of these, the Licensee shall immediately cease operation of the spray irrigation.
11. Precipitation Events. Spray irrigation of leachate shall not occur during rain/precipitation events.
12. Vegetation. Land treatment of leachate shall not be allowed until at a minimum, 80 percent emergence of vegetation has occurred in the spring. The Licensee shall properly maintain the perennial crop and shall cease land application of leachate in the event that less than 80 percent of vegetation is visibly present on the land treatment of leachate site.
13. Use of Perennial Crop. Perennial crop derived from the land treatment of leachate site shall be limited to facility use only.
14. Use of Soils from Leachate Management Site. Prior to any offsite use, the Licensee shall first demonstrate to the Department that soils removed from the land treatment site meet and or exceed all applicable standards and guidance documents for beneficial use and remediation.

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SECTION 18.0 EXISTING NON-CONFORMING SITES OR FACILITIES

Non-licensed facilities in existence on the effective date of this Ordinance shall be reported to the Department and conform to the provisions of this Ordinance. A record, including a map location of any area used for land disposal, shall be filed at the office of the County Recorder and the Department. Non-licensed operations shall be terminated within one year of the effective date of this Ordinance or brought into compliance with this Ordinance, except that a non-licensed operation that in the opinion of the Department is in good faith working towards compliance may continue to operate beyond a year of the effective date of this Ordinance for a reasonable time to be determined by the Department.

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SECTION 19.0 INSPECTIONS, VIOLATIONS, AND HEARINGS

19.1 INSPECTIONS

- A. **INSPECTIONS.** All real property affected by this Ordinance shall be subject to inspection by the County, MPCA, Law Enforcement Officer, or their designees in accordance with Minnesota Statutes and this Ordinance. Routine inspection and evaluation of solid waste facilities and solid waste management activities shall be made by the Department with such frequency as to ensure consistent compliance with this Ordinance, or license. After presentation of credentials, the County, MPCA, Law Enforcement Officer, or their designees may conduct an inspection for the enforcement of this Ordinance; the scope of such an inspection may include, but is not limited to the following:
1. Reviewing files, records, plans, and other documents, in both paper and/or electronic form;
 2. Physical access to all areas of the site or facility;
 3. Collecting environmental samples, including, but not limited to, samples of air, water, soil, wastes, residuals, rejects; and
 4. Taking photographs and recordings by video, audio, or other electronic means.
- B. **LICENSED FACILITIES.** The licensee shall allow free access to the County, MPCA, or their authorized representatives at any reasonable time for the purpose of conducting such inspections to determine compliance with this Ordinance, MN Rules, or license. Failure of the applicant or licensee to permit such inspection shall be grounds for denial of license, or suspension or revocation of a license as provided in Section 19.2 of this Ordinance. The licensee shall be provided with written and documented notice of any deficiencies, requirements for correction, and the date when the corrections shall be accomplished.
- C. **RIGHT OF ENTRY.** No person shall refuse to permit the County, MPCA, Law Enforcement Officer, or their designees, to inspect any facility, property, building or premises, or interfere with or resist the County, MPCA, Law Enforcement Officer, or their designees, in the discharge of their duty to protect the public health and safety; reasonable effort shall be made to locate the owner or manager prior to conducting such inspection. If entry is

refused, or refusal to permit such an inspection, the County shall have recourse to any and all remedy provided by law to secure entry in order to properly conduct an inspection in accordance with this Ordinance.

19.2 VIOLATIONS

For violations of this Ordinance or any license issued under this Ordinance, the County may take any of the actions provided for in this Section 19.0; these actions shall not be deemed cumulative and the County may use any or all of the actions in its discretion.

- A. **WARNING NOTICE.** The Department may issue a warning notice as defined in this Ordinance to any person or landowner alleged to have committed a violation of this Ordinance or any license. A warning notice shall serve to place the person on notice that compliance with specified Ordinance requirements shall occur to avoid additional enforcement actions. A warning notice may be in the form of an inspection report for a licensed facility. A warning notice may be served in person, U.S. mail service, or by certified mail. The Department is not required to issue a warning notice before the County proceeds with other enforcement action.
- B. **NOTICE OF VIOLATION (NOV).** The Department may issue a notice of violation (NOV) as defined in this Ordinance to any person or landowner alleged to have committed a violation of this Ordinance or any license. A NOV shall serve to place the landowner and the person alleged to have committed a violation on notice that compliance with specified Ordinance requirements shall occur to avoid additional enforcement actions. The NOV may be served in person, U.S. mail service, or by certified mail. The Department is not required to issue a NOV before the County proceeds with other enforcement action.
- C. **MISDEMEANOR CITATION.** Any person within the County who violates this Ordinance or any license, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. The County, MPCA, Law Enforcement Officers, or their designees, may issue citations for violations of this Ordinance or any license. The citation shall be issued to the person charged with the violation, or in the case of a corporation or

municipality, to the supervisor at the site of the violation or any officer or agent with express or implied authorization to accept such issuance.

D. **ABATEMENT.** In the event of an emergency abatement by the County as described in Section 19.2(D)(6) below, or if a property owner does not complete corrective actions within the timelines provided in a NOV, a Stipulation Agreement, a court order, or any other notice to correct a violation, the Department may abate the violations by performing the corrective actions and may recover the costs of the abatement action from the property owner as provided:

1. Abatement Order. An abatement order shall include the following:

- a. Notice that the property owner has not completed the corrective actions within the time period required in the NOV(s), Stipulation Agreement, court order, or other notice;
- b. Notice that the Department or its agent intends to enter the property and commence abatement of the conditions on the property that violate this Ordinance within a specified period;
- c. Notice that the property owner shall correct the violation(s) before expiration of the specified period to avoid any civil liability for the costs of inspection and abatement that the County may incur; and
- d. A statement that if the property owner desires to appeal the abatement order, the property owner shall file with the Department a request for an appeal hearing with the County Board that meets the requirements of Section 19.2(D)(3) below within fifteen (15) days, exclusive of the day of service.

2. Service. The abatement order shall be served on a property owner by certified mail or personal service. Service by certified mail shall be deemed complete upon mailing. If the property owner is unknown or absent and has no known representative upon whom the abatement order can be served, the Department shall post the abatement order at the property. The posting shall constitute the notice required under this Section. The Department shall send a copy of the abatement order to the County Attorney's Office.

3. Right to Appeal the Abatement Order.
 - a. Request for Hearing. The property owner's request for a hearing shall be in writing and shall state the grounds for appeal and be served personally or by certified mail on the Department, with a copy to the County Coordinator, or County Administrator no later than the close of regular County business hours on the 15th day following service of the abatement order. Following receipt of a request for a hearing, the County Board shall set a time and place for the hearing to be held pursuant to Section 19.3 below.
 - b. Stay of Order. Pending the appeal hearing and final determination by the County Board the Department shall take no further action on the abatement order.
4. Abatement by the County. In the event a property owner does not abate the Ordinance violations or does not appeal the abatement order within the applicable time period, the Department may expend funds necessary to abate the violation(s) in accordance with applicable County policies and procedures.
5. Recovery of Abatement Costs.
 - a. The Department may pursue recovery of all costs, including enforcement costs, from the property owner for abatement incurred by the County, by any means allowable by law. The cost of any enforcement action may be assessed and charged against the real property on which the violations are located.
 - b. The Department shall keep a record of the costs of abatements done under this Ordinance and report all work done for which assessments are to be made, stating and certifying the description of the land, lots or parcels involved and the amount assessable to each to the County Auditor by September 1 of each year.
 - c. On or before October 1 of each year, the County Auditor shall list the total unpaid charges for each abatement made against each separate lot or parcel to which they are attributable under this Ordinance to the County Board.
 - d. The County Board may then spread the charges or any portion thereof against the property involved as a special assessment, for certification to the County Auditor and for collection the following year along with current taxes.

6. Emergency Abatement by County. In the event of an imminent hazard or a public health nuisance, the Department shall have the authority to immediately enter on to the property and abate the violations and recover the costs as set out in Section 19.2(D)(5) above. The Department shall attempt to give verbal notice to the property owner as soon as practicable and written notice within 15 days. The property owner shall have the right to appeal the assessment of costs to the County Board pursuant to Section 19.3 of this Ordinance.
- E. STIPULATION AGREEMENT. The Department and a person alleged to have violated provision(s) of this Ordinance may voluntarily enter into a Stipulation Agreement, whereby the parties to the agreement: identify conditions on the property that require Corrective Action; agree on the Corrective Actions that shall be performed by the Person; and agree on the timelines in which the Corrective Actions shall be completed. If the timelines have not been met as agreed in the Stipulation Agreement, the County may abate the violations in accordance with Section 19.2(D) above. The parties may seek compliance with the terms of the Stipulation Agreement through a court of competent jurisdiction.
 - F. LICENSE SUSPENSIONS.
 - a. Any license required under this Ordinance may be suspended by the County Board for violation of any provision of this Ordinance. Upon written notice to the licensee a license may be suspended by the County Board for a period not longer than sixty (60) days or until the violation is corrected, whichever is shorter.
 - b. Such suspension shall not occur earlier than ten County working days after written notice of suspension by the County Board has been served on the licensee or, if a hearing is requested, until written notice of the determination of the County Board action has been served on the licensee. Notice to the licensee shall be served personally or by registered or certified mail at the address designated in the license application. Such written notice of suspension shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations has occurred, and a statement that if the licensee desires to appeal, the licensee shall within fifteen (15) days, exclusive of the day of service, file a request for an appeal hearing with the Department. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the Department no later than the close of regular County business hours on the 15th calendar day following service. Following receipt of a request for a hearing, the County Board shall

set a time and place for the hearing to be held pursuant to Section 19.3 below.

- c. Continued Suspension. If said suspension is upheld and/or the licensee has not demonstrated within the sixty (60) day period that the provisions of the Ordinance have been complied with, the Department may serve one or more notices of continued suspension for periods of up to sixty (60) additional days and/or initiate revocation procedures.

G. EMERGENCY SUSPENSION.

- a. If the Department finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, emergency suspension of a license may be ordered by the Department upon written notice to the facility, with a copy to the County Attorney's Office and the County Board. The County Board shall make a determination if the emergency suspension should be ratified at its next board meeting. Written notice of such emergency suspension shall be personally served on the licensee, or shall be served by certified mail to the licensee at the address designated in the license application. If the property owner is unknown or absent and has no known representative upon whom the emergency suspension notice can be served, the Department shall post the notice at the licensed facility or property being used for the licensed activity. The posting shall constitute the notice required under this Section 19.0.
- b. The written notice in such cases shall state the effective date of the emergency suspension and the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations has occurred and a statement that if the licensee desires to appeal, the licensee shall, within fifteen (15) days, exclusive of the day of service, file a request for a hearing with the Department. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the Department no later than the close of regular business hours on the 15th day following service. Following receipt of a request for an appeal, the County Board shall set a time and a place for the hearing to be held pursuant to Section 19.3 below.
- c. The emergency suspension shall not be stayed pending an appeal to the County Board, but shall be subject to dismissal upon a favorable re-inspection by the Department or favorable appeal to the County Board.

H. **SUSPENSION RE-INSPECTIONS.** Upon written notification from the licensee that all violations for which a suspension or emergency suspension was invoked have been corrected, the Department shall re-inspect the facility or activity within a reasonable length of time, but in no case more than three (3) County working days after receipt of the notice from the licensee. If the Department finds upon such re-inspection that the violations constituting the grounds for the suspension have been corrected, the Department shall immediately dismiss the suspension subject to County Board ratification at its next meeting, by written notice to the licensee, served personally or by certified mail on the licensee at the address designated in the license application, with a copy to the County Board and the County Attorney's Office. The County Board shall make a determination at its next Board meeting about whether the violations have been corrected and whether the Department's decision to reinstate the license should be ratified.

I. **LICENSE REVOCATION**

- a. Any license granted pursuant to this Ordinance may be revoked by the County Board for violation of any provision of this Ordinance or any provision of a license.
- b. Revocation shall not occur earlier than fifteen (15) days from the time that written notice of revocation by the County Board is served on the licensee or, if an appeal hearing is requested, until written notice of the County Board's action has been served on the licensee. Notice of revocation to the licensee shall be served personally or by certified mail at the address designated in the license application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for the revocation, the facts which support the conclusion that a violation or violations has occurred and a statement that if the licensee desires to appeal, the licensee shall, within fifteen (15) days, exclusive of the day of service, file a request for a hearing with the Department. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the Department, no later than the close of regular County business hours on the 15th day following service. Following receipt of a request for a hearing, the County Board shall set a time and a place for the hearing to be held pursuant to Section 19.3 below.

J. **STATUS OF FINANCIAL ASSURANCE.** Financial Assurance issued for the facility shall remain in full force and effect during all periods of suspension, emergency suspension and revocation of the license and is subject to claim by the County in accordance with the

provisions of this Ordinance and the license.

- K. **COMMENCEMENT OF A CIVIL COURT ACTION.** In the event of a violation or a threat of violation of this Ordinance or any license, the County Attorney may also institute other appropriate civil actions or proceedings in any court of competent jurisdiction, including requesting injunctive relief, to prevent, restrain, correct or abate such violations or threatened violations. The County may recover all costs, including reasonable attorney's fees, incurred for enforcement of this Ordinance or license through a civil action. If a property owner does not complete the corrective actions within the timelines in a court order, the Department may correct the violations and the Department has the authority to enter the property and perform the corrective actions. The Department may recover the costs of the same from the property owner through the court process or through the process set out in Section 19.2(D)(5) above.

19.3 HEARINGS

A request for hearing on a denial, suspension, emergency suspension, non-renewal, or revocation of a license, or receipt of a notice of abatement shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.

- A. **TIMEFRAME FOR HEARING.** Unless an extension of time is requested by the appellant in writing directed to the Chair of the County Board and is granted, the hearing will be held in a reasonable period of time after the date of service of request for a hearing, exclusive of the date of such service. In any event, such hearing shall be held in a reasonable period of time after the date of service of request for a hearing, exclusive of the date of such service.
- B. **NOTICE OF HEARING.** The Department shall mail notice of the hearing to the appellant, with a copy to the County Attorney's Office, at least fifteen (15) working days prior to the hearing. Such notice shall include:
1. A statement of time, place and nature of the hearing.
 2. A statement of the legal authority and jurisdiction under which the hearing is to be held.

3. A reference to the particular Section of the Ordinance, the license and MPCA Rules, if any, involved.
- C. HEARING EXAMINER. The County Board may by resolution appoint an individual, to be known as the hearing examiner, to conduct the hearing and to make findings of fact, conclusions and recommendations to the County Board. The hearing examiner shall submit the findings of fact, conclusions and recommendations to the County Board in a written report, and the County Board may adopt, modify or reject the report.
 - D. CONDUCT OF THE HEARING. The appellant and the Department may be represented by counsel. The Department, the appellant, and additional parties, as determined by the County Board or hearing examiner, in that order, shall present evidence. All testimony shall be sworn under oath. All parties shall have full opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The County Board or hearing examiner may also examine witnesses.
 - E. BURDEN OF PROOF. The Department shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is provided by substantive law, and all findings of fact, conclusions, and decisions by the County Board shall be based on evidence presented and matters officially noticed.
 - F. ADMISSION OF EVIDENCE. All evidence that possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to rely in the conduct of their serious affairs. Evidence that is incompetent, irrelevant, immaterial or unduly repetitious may be excluded. The hearing shall be confined to matters raised in the Department's written notice of denial, suspension, emergency suspension, non-renewal or revocation of a license, denial of a variance, or abatement notice and in the appellant's written request for a hearing.
 - G. PRE-HEARING CONFERENCE. At the request of any party, or upon motion of the County Board or hearing examiner, a pre-hearing conference shall be held. The pre-hearing conference shall be conducted by the hearing examiner, if the County Board has chosen to use one, or by a designated representative of the County Board. The pre-hearing conference shall be held no later than five (5) County working days before the hearing. The purpose of the pre-hearing conference is to:
 1. Clarify the issues to be determined at the hearing.

2. Provide an opportunity for discovery of all relevant documentary, photographic or other demonstrative evidence in the possession of each party. The hearing examiner or County Board's representative may require each party to supply a reasonable number of copies of relevant evidence capable of reproduction.
 3. Provide an opportunity for discovery of the full name and address of all witnesses who will be called at the hearing and a brief description of the facts and opinions to which each is expected to testify. If the names and addresses are not known, the party shall describe them thoroughly by job duties and involvement with the facts at issue.
 4. If a pre-hearing conference is held, evidence not divulged as provided above shall be excluded at the hearing unless the party advancing the evidence took all reasonable steps to divulge it to the adverse party prior to the hearing and:
 - a. The evidence was not known to the party at the time of the pre-hearing conference; or
 - b. The evidence is in rebuttal to matters raised for the first time at or subsequent to the pre-hearing conference.
- H. FAILURE TO APPEAR. If the appellant fails to appear at the hearing, they shall forfeit any right to a public hearing before the County Board or hearing examiner and their failure to appear shall be deemed their waiver of their right to appeal the decision made by the Department and the decision made by the Department will stand.
- I. APPEAL OF COUNTY BOARD DECISION. Any appellant aggrieved by the decision of the County Board may appeal that decision to any Court with appropriate jurisdiction.

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SECTION 20.0 EFFECTIVE DATE

This Ordinance shall be effective after formal adoption by the County Board and publication according to law, and filed with the County Auditor.

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SECTION 21.0 REPEALER

The enactment of this Ordinance repeals and replaces Mower County Solid Waste Management Ordinance adopted February 25, 1992 and all amendments thereto, provided that the repeal shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.

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