Solid Waste Ordinance

Redwood County

July 20, 1972
An ordinance authorizing and providing for County Solid Waste Management, establishing powers and duties in connection therewith, establishing standards for and regulating solid waste management operations within the County of Redwood, requiring a license for the establishment and use of a solid waste management operation; establishing requirements for certain facilities on a disposal site, for control of special solid wastes; embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring a performance bond; and imposing penalties for failure to comply with these provisions; in purpose and object to promote the health, welfare and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes 1971, Chapters 115, 116 and 400.

The County Board of Commissioners of the County of Redwood, hereinafter referred to as the County Board, does ordain:

SECTION 1. DEFINITIONS. Unless specifically altered, terms and abbreviations used in this ordinance shall be interpreted in a manner consistent with Minnesota Statutes, 1971, Chapters 115, 116 and 400 and regulations of the Agency, which have been or hereafter may be adopted under those provisions. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

Subd. I. "Agency" means the Minnesota Pollution Control Agency.

Subd. 2. "Air Contaminant" means the presence in the outdoor atmosphere of any dust, fumes, mist, vapor, gas or gaseous, fluid or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

Subd. 3. "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.

Subd. 4. "County" means any department or representative of the county who is authorized by this ordinance or otherwise by the County Board to represent the County of Redwood in the enforcement or administration of this ordinance.

Subd. 5. "Cover Material" is granular material, generally soil, which is used to cover compacted solid waste in a sanitary landfill, is generally free of large objects that would hinder compaction, and is free of organic content that would be conducive to vector harborage, feeding or breeding.

Subd. 6. "Garbage" means material resulting from the handling, processing, storage, preparation, serving and consumption of food.
Subd. 7. "Incineration" means the process by which solid wastes are burned for the purpose of volume and weight reduction in facilities designed for such use.

Subd. 8. "Intermediate Disposal Facility" means a facility for the storage, reduction, recycling, or processing of solid waste prior to final disposal.

Subd. 9. "Land Pollution" means the presence in or on the land of any solid waste in such quantity, of such nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Subd. 10. "Licensee" means a person who has been issued a license by the County Board for solid waste management purposes, pursuant to this ordinance.

Subd. II. "Operation" means any site, facility, or activity relating to solid waste management.

Subd. 12. "Person" means any human being, any municipality or any other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

Subd. 13. "Putrescible Material" means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.

Subd. 14. "Refuse" means putrescible and non-putrescible solid wastes, including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, market and industrial solid wastes, and sewage treatment wastes which are in a dry form.

Subd. 15. "Sanitary Landfill" means an area of land which is or could be used for the disposal of solid waste without creating pollution of land, water or air, hazards to the public health or safety, or public nuisance, by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with at least six inches of cover material at the conclusion of each day's operation, or at more frequent intervals as may be necessary.

Subd. 16. "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters: (a) land within 1,000 feet from the normal high watermark of a lake, pond, or flowage; and (b) land within 300 feet of a river or stream or the landward side of flood plain delineated by ordinance on such a river or stream, whichever is greater.

Subd. 17. "Solid Waste" means garbage, refuse, and other discarded solid, materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, agricultural operations, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as
silt, dissolved or waste-water effluent, dissolved materials, suspended solids in irrigation return flows, or other common water pollutants.

Subd. 18. "Solid Waste Management" means the storage, collection and removal of solid waste from public and private property, its transportation to intermediate or final disposal facilities and its disposal by approved methods.

Subd. 19. "Toxic or Hazardous Wastes" means substances, whether in 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.

Subd. 20. "Transfer Station" means an intermediate solid waste disposal facility, whether fixed or mobile, in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

Subd. 21. "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, no as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use, or to animals, birds, fish or other aquatic life.

Subd. 22. "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 through or border upon the state or any portion thereof.

SECTION If. GENERAL PROVISIONS

Subd. 1. No persons shall cause, permit, or allow his land or property under his control to be used for solid waste management purposes, except at an operation for which a license has been granted by the County Board, unless otherwise provided by this ordinance. A license shall not be required under this ordinance for any site used for the disposal of solid waste from only a single family or household, a member of which is the owner, occupant or lessee of the property, but such site shall be operated and maintained in a nuisance free and aesthetic manner consistent with the intent of this ordinance.

Subd. 2. Any operation to be used for any method of solid waste management not otherwise provided for in this ordinance must be licensed by the County Board before operation may commence. The license application shall include sets of complete plans, specifications, design data, ultimate land use plan, if applicable, and proposed operating procedures prepared by a registered professional engineer of Minnesota. Where applicable, the applicant shall procure
and accompany the application with a proper zoning permit if required by the County Zoning Ordinance.

Subd. 3. After receiving an application for an operation, the County Board shall refer such application to the County Solid Waste Officer who shall give his recommendation to the County Board concerning whether it should issue or deny the license. If an applicant is denied a license, he shall be notified in writing of the reasons therefor by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to his right to file a further application after revisions are made to satisfy objections specified as reasons for the dismissal.

Subd. 4. The County Board shall refuse to issue a license for any operation which does not comply with this ordinance, Agency regulations and the County's solid waste management plan.

Subd. 5. Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board and naming the County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to comply with any of the requirements or fails to perform any of the acts required of an operation or ceases to operate or abandons the operation, and the County is required to expend any monies or expend any labor or material to restore the oration to a condition in compliance with this ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy failure to the principal to comply with the terms of the ordinance, and the obligor 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 default of the obligor under the terms of his license to operate in compliance to the terms of the ordinances of the County.

Subd. 6. In addition to the bond to be furnished, the licensee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, including general liability, automobile liability, loading and unloading, completed operations liability, bodily injury liability in an amount of at least 100,000 dollars for injury or death of any one person in any one occurrence and aggregate bodily liability in an amount of at least 300,000 dollars for injuries or death arising out of any one occurrence. Property damage liability shall be furnished in an amount of at least 50,000 dollars for any one occurrence and in the unencumbered aggregate amount of at least 50,000 dollars.

Subd. 7. Any license granted by the County Board under the provisions of this ordinance may be suspended at any time for noncompliance with the provisions of this ordinance or applicable state laws and regulations, or upon written notification by the Solid Waste Officer or by an SWRSWC Solid Waste Management Plan, Appendix E Ordinances Page | 254
authorized representative of the Agency, that the continued use of the operation may endanger the health, welfare or safety of the public or may cause pollution or impairment of the environment. The notice of suspension may be served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof. A copy thereof shall be provided to the County Board. A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning use of the operation shall have the right to be heard. The date of the hearing for license revocation shall be set by the County Board and shall not be held earlier than ten calendar days after notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of this ordinance, the Board may revoke the license or continue such suspension in effect until the operator has demonstrated that full compliance with the ordinance has been attained and that such compliance will be continued in the foreseeable future.

Subd. 8. Routine Inspection and evaluation of an operation shall be made by the Solid Waste Officer at such frequency as to insure consistent compliance by the operation with the provisions of this ordinance. The licensee shall be provided with a written inspection report containing a precise description of any deficiencies, recommendations for the correction and the date when the corrections shall be accomplished. The licensee shall be required to allow free access to authorized representatives of the County, the County Board, the Agency, or to the authorized representatives of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, or any other applicable statute, ordinance, or regulations.

Subd. 9. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance, or any other applicable law, ordinance, rule or regulation, the provision which establishes the higher standards for the promotion of the public health, safety and general welfare shall prevail.

SECTION III. SOLID WASTE OFFICER

The duties and responsibilities of the Solid Waste Officer under this ordinance are hereby delegated to the County Agricultural Inspector. The Solid Waste Officer shall have all necessary authority to implement and carry out the provisions of this ordinance, including, but not limited to, the following:
(a) To review and consider all license applications and supporting materials which are referred to him for operations within the County, and after consideration, to recommend in writing with documentation to the County Board that a license may be granted or denied.

(b) To inspect operations to determine compliance with this ordinance and to investigate complaints about violations of this ordinance.

(c) To recommend to the County Attorney that legal proceedings be initiated against a person to compel compliance with the provisions of this ordinance or to abate or control an operation not in compliance with this ordinance.

(d) To encourage and conduct studies, investigations and research relating to aspects of solid waste management, including, but not limited to, methodology, chemical and physical considerations, and engineering.

(e) To advise, consult, and cooperate with the public and other governmental agencies in furtherance of the purpose of this ordinance.

SECTION IV. SOLID WASTE STORAGE

Subd. 1. The owner, lessee and occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment or industry. No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation, and disposal of all solid wastes.

Subd. 2. Putrescible waste, including, but not limited to, garbage shall be stored in: (a) durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, and easily cleanable containers, with close-fitting, fly-tight covers having adequate handles to facilitate handling; or (b) other types of containers acceptable to the solid waste collection service, comply with Agency regulations, and approved by the Solid Waste Officer. The size and allowable weight of the containers may be determined by the solid waste collection service as approved by the Solid Waste Officer.

Subd. 3. Solid Waste shall be stored in durable containers or as otherwise provided in this ordinance. Where putrescible wastes are stored in combination with non-putrescible wastes, containers for the storage of the mixture shall meet requirements for non-putrescible waste containers.

Subd. 4. Toxic or hazardous wastes shall be stored in durable, leak-proof containers which are labeled with a description of the chemical composition of the substance stored therein. Such wastes shall be stored in a safe location and in compliance with the requirements of Agency regulations and this ordinance.
Subd. 5. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition.

Subd. 6. Solid Waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free, nuisance-free and satisfactory to the to the Solid Waste Officer.

Subd. 7. Solid wastes shall not be stored on public or private property for more than two (2) weeks without the written approval of the Solid Waste Officer.

Subd. 8. No person shall cause, suffer, allow or permit the open burning of solid waste within the corporate limits of any municipality.

SECTION V. COLLECTION AND TRANSPORTATION OF SOLID WASTES

Subd. 1. Unless otherwise provided in these regulations, the owner, lessee and occupant of any premises, business establishment or industry and the solid waste collection service which is responsible for the collection and transportation of solid waste from the premises, establishment or industry, shall collect and remove all solid waste accumulated at the premise, business establishment or industry and transport it to an operation for which a permit has been issued by the Agency and the County.

Subd. Z. Vehicles or containers used for the collection and transportation of garbage and other putrescible wastes, or solid waste containing such materials, shall be covered, leak proof, durable and of easily cleanable construction. These shall be cleaned to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

Subd. 3. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the content will not fall, leak or spill therefrom, and shall be covered to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned.

Subd. 4. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leak proof and shall be constructed, loaded, transported and unloaded in a safe, sanitary and nuisance-free manner.

Subd. 5. The County Board shall issue licenses for the collecting and hauling of solid waste for hire, upon compliance with the following requirements:

(a) Solid waste must be disposed of at an operation having a permit from the Agency and a license from the county.
(b) Filing of an application for solid waste collection and transportation license upon a form provided by the County Board.

(c) Filing of a performance bond with sufficient sureties, in the penal sum of 10,000 dollars which bond shall be conditioned upon the applicant's full compliance with this ordinance, said bond to be subject to approval of the County Board and the County Attorney.

(d) Submission of specifications of all vehicles to be used for solid waste collection and transportation. Such vehicles shall have leak-proof bodies of easily cleanable construction, completely covered with metal or heavy canvas, and shall be subject to approval and periodic inspection by the Solid Waste Officer.

(e) Submission of a description of the route to be followed by all solid waste collection and transportation vehicles between the area of collection and the solid waste operation, which route shall be subject to approval by the Solid Waste Officer.

(f) Submission to the County Board for approval of a schedule of charges for the hauling of solid waste.

SECTION VI. SOLID WASTE DISPOSAL BY SANITARY LANDFILL

A sanitary landfill shall comply with the following provisions:

Subd. 1. No person shall establish, operate or maintain a sanitary landfill without first obtaining a permit from the Agency and a license from the County Board. Where the location of the proposed operation is consistent with the county solid waste management plan, the County Board shall issue a license for the operation of a sanitary landfill upon its approval of the construction plans and specifications describing the sanitary landfill proposed to be constructed. A minimum of three sets of said plans and specifications shall be prepared by a registered professional engineer of Minnesota and said plans shall be folded to 8 1/2 x 11 inch size. The application shall include the following information:

(a) A current map or aerial photograph of the area showing land use and zoning within 1/4 mile of the operation. 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 maps or aerial photograph, U.S.G.S. date shall be indicated, and a north arrow drawn. A location insert map shall be included.

(b) A plot plan including legal description of the site and immediate adjacent area showing dimensions, location of soil borings 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 areas 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 areas. The scale of the plot plan shall not be greater than 300 feet per inch.

(c) An ultimate land use plan, including intermediate states, describing all proposed future uses of the land upon which the operation is located. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.

(d) A report indicating:

1. Population and areas expected to be served by the proposed operation.

2. Anticipated type, quantity and source of material to be disposed of at the operation.

3. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the operation, including the high water table. Such data shall be obtained by soil borings or other means approved by the Solid Waste Officer.

4. Source and characteristics of cover material and method of protecting cover material for winter operation.

5. The type and amount of equipment to be provided at the operation for excavating, earth moving, spreading, compacting and other needs.

6. Area of operation in acres.

7. Owner of operation.

8. Persons responsible for actual operation and maintenance of operation and intended operating procedures.

9. Provision for training and periodic retraining of operation and maintenance personnel.

10. Information relating to items in Sections 1, 2 and 4 of Agency Regulation SW 6.


(e) Evidence that disposal of toxic and hazardous wastes will be conducted in a manner which will prevent the creation of land or water pollution and will safeguard the public health, including complete construction plans and specifications, design date and proposed operating procedures for the area in which disposal of the toxic and hazardous wastes shall take place.
(f) Written proof that the applicable local government has been given at least thirty (30) days written notification of the pedency of the application for the license.

(g) A certificate from the County Zoning Administrator that the use proposed is in accordance with the established County Zoning Ordinance.

Subd. 2. The fill and trench areas of sanitary landfill operations are prohibited within the following areas:

(a) Within "Shoreland."

(b) Within 1,000 feet, at the time of commencement of the operation, of the nearest edge of the right-of-way of any state, federal or interstate highway or an occupied dwelling. Notwithstanding said distance requirements, an operation shall be considered to comply with this provision if it is screened by natural objects, plantings, fences or other appropriate means so that it is not readily visible from such a highway or park.

(c) Within one mile of a municipal well or one mile of a municipal water intake.

Subd. 3. A sanitary landfill operation shall be constructed, operated and maintained in accordance with the following requirements:

(a) Sanitary facilities adequate for employees shall be available at the site.

(b) Shelter facilities adequate for employees and maintenance and storage for equipment shall be available at the site.

(c) Litter control devices shall be provided at the site.

(d) Electrical service adequate for operations and repairs shall be provided at the site.

(e) Firefighting facilities adequate to insure the safety of employees and adjacent property owners shall be provided.

(f) Emergency first aid equipment adequate to provide treatment for persons injured in accidents while at the site shall be provided at the site.

(g) A portable water supply adequate for employees shall be provided at the site.

(h) Communication facilities adequate for emergency purposes shall be provided at the site.

(i) The operation shall be fenced and a gate shall be provided at its entrance which is kept locked when an attendant is not on duty.
(j) An all weather haul road to the unloading area shall be provided at the site.

(k) Equipment sufficient for spreading, compacting and covering operations, including sufficient reserve equipment or arrangements to immediately provide cover during periods of breakdown, shall be provided at the site.

(l) A sign shall be provided at each entrance of the operation, stating the name of the licensee, the schedule of days and hours upon which the operation is open to the public, the procedures for use of the operation, the Agency permit number, and the penalty for violation of this ordinance.

(m) A ground water and surface water monitoring system acceptable to the Solid Waste Officer and the Agency shall be provided at the expense of the licensee and a report submitted to the Solid Waste Officer and the Agency on a form prescribed by the Agency on a quarterly basis or such more frequent basis as the Agency may prescribe.

(n) Visual screening of the sanitary landfill operation, as approved by the Solid Waste Officer, shall be provided by use of natural objects, trees, plants, seeded soil berms, fences, or other suitable means.

(o) A suitable disposal area shall be provided for individuals who wish to transport and dispose of their own solid waste.

(p) No person shall cause, suffer, allow or permit the open burning of solid waste.

(q) Solid waste shall be deposited in such a manner as to prevent the pollution of ground or surface waters.

(r) Dumplings of solid waste shall be confined to as small an area as practicable and surrounded with appropriate facilities to confine possible wind-blown material within the area. At the conclusion of each day of operation, all wind-blown material resulting from the operation shall be collected and returned to the area by the owner or operator.

(s) Solid Waste shall be compacted as densely as practicable and covered after each day of operation, or as specified by the Agency, with a compacted layer of at least six inches of suitable cover.

(t) Surface water drainage shall be diverted around the landfill operating area.

(u) The disposal operation and the adjacent property line shall be separated by a distance of at least 20 feet.

(v) Flies, rodents, and other insects or vermin shall be effectively controlled.
(w) Salvaging is prohibited on the operating area of a sanitary landfill site. Where salvaging is conducted on a sanitary landfill site, it shall be conducted in a manner acceptable to the Solid Waste Officer.

(x) An attendant shall be on duty at all times while the sanitary landfill is open for public use.

(y) Within one month after final termination of a sanitary landfill operation, or a major part thereof, the area upon which disposal was so terminated shall be covered with at least two feet of compacted earth material and adequately graded to allow surface runoff.

(z) The finished surface of the filled area shall be covered with adequate top soil and seeded with native grasses or other suitable vegetation immediately upon completion, or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.

(aa) Prior to completion of a sanitary landfill operation, the Agency and the Solid Waste Officer shall be notified in order that an investigation of the operation may be conducted by each before earth moving equipment is removed from the property.

(bb) Toxic and hazardous wastes shall be disposed of in a sanitary landfill site in accordance with the following procedures or as otherwise designated by the Agency:

1. A separate area shall be designated for the disposal of these materials. A permanent sign shall be posted in the area, indicating its designated use and precautions which shall be taken during disposal.

2. Disposal shall take place at least ten feet above the ground water level and at least ten feet above bedrock formations. The toxic and hazardous waste disposal areas to be used shall be sealed in a manner acceptable to the Solid Waste Officer prior to disposal.

3. No toxic and hazardous waste materials shall be accepted for disposal or disposed of in a sanitary landfill having a license under this ordinance unless the material is identified to the satisfaction of the Solid Waste Officer.

4. Where considered possible by the Solid Waste Officer, toxic and hazardous waste materials shall be neutralized or otherwise made harmless prior to disposal.

5. Upon disposal of toxic and hazardous wastes, containers and any materials washed from the vehicles transporting the materials shall be immediately covered with at least 18 inches of earth.

6. Where necessary to prevent land pollution, water pollution, a public nuisance or threat to public health, welfare or safety, the Solid Waste Officer may impose conditions for the disposal.
of toxic and hazardous wastes within a disposal facility in addition to those specifically established in this ordinance.

Subd. 4. Non-putrescible materials such as brick, stone, sand and similar materials may be disposed of as a base in surface waters at sanitary landfill sites if such disposition can be accomplished without creating a potential for water pollution or land pollution or a threat to the public health, welfare or safety. Any such proposed disposition must be detailed in the permit application and approved by the Solid Waste Officer and the Agency.

Subd. 5. Reports describing the types and quantities of waste, including, but not limited to, toxic or hazardous wastes, which are disposed of at this site shall be submitted to the Agency and to the Solid Waste Officer each month, together with other information on the operation of the sanitary landfill.

Subd. 6. A sanitary landfill shall be terminated so as to prevent the creation of air, water or land pollution, a public nuisance, or a threat to the public health, welfare or safety. A sanitary landfill shall not be construed to be adequately terminated until a description of the general type and specific location of solid waste materials disposed of on the site, the number, type and depth of lifts, the original and final surface elevation profiles and other pertinent information have been approved by the Solid Waste Officer and registered with the County Register of Deeds, and until the manner of termination of the site has been approved by the Solid Waste Officer. The notice so filed shall also include a description of the type and location of toxic and hazardous waste materials disposed of on the site, the number of gallons of each kind of such material so disposed, original and final surface elevations and profiles, construction details concerning the disposal pit, pit lining and pit walls, and other pertinent information, as approved by the Solid Waste Officer.

SECTION VII. INCINERATION

All new and existing incinerators having a capacity greater than 6,000 pounds per hour and all incinerators used for the incineration of toxic and hazardous wastes shall be designed, operated, and maintained in accordance with this ordinance and Agency regulations.

Subd. 1. It is unlawful for any person to construct, establish, maintain, or operate an incinerator without first obtaining a license from the County Board for each incinerator so constructed, maintained or operated. The following information shall be submitted as a part of the application:

(a) A minimum of three (3) sets of construction plans and specifications, folded to 8 1/2 x 11 inch size, prepared by a registered engineer of Minnesota to serve as a basis for construction of facilities adequate to comply with this ordinance and Agency regulations. The construction
plans and specifications shall include a plot plan showing land use, zoning, and the location, type and height of all buildings within 500 feet of the proposed installation.

(b) An engineering report including furnace design criteria and expected performance data, the present and future population and area to be served by the incinerator, and the characteristics, quantities and sources of solid waste to be incinerated.

(c) Plans for the disposal of incinerator residue, and emergency disposal of solid waste in the event of major incinerator plant breakdown.

(d) Owner of the incinerator.

(e) Persons responsible for actual operation and maintenance of the plant, intended operating procedures, and provision proposed to be made for periodic training and re-training of operating and maintenance personnel.

(f) Such additional information as may be requested by the Solid Waste Officer.

(g) Written proof that the applicable local government has been given at least thirty (30) days notification of the pendency of the application for a licensee.

Subd. 2. Incinerators shall be constructed, operated and maintained in accordance with recognized engineering principles and the following requirements:

(a) The incinerator plant shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.

(b) Shelter and sanitary facilities adequate for plant personnel shall be provided at the site.

(c) A permanent sign shall be posted at the entrance of the operation identifying the operation, and showing its Agency permit number, and indicating the hours and days when the operation is open for public use. Public access to the operation shall be limited to those times when authorized personnel are on duty.

(d) All incoming solid waste to be incinerated at the operation shall be confined to the unloading area. Adequate holding bin capacity shall be provided to accommodate all incoming solid waste.

(e) Facilities shall be designed to provide for dust control in the unloading and charging areas, and dust control measures shall be employed throughout the operation to prevent avoidable amounts of particulate from becoming airborne.
(f) The incinerator operation shall have weighing facilities available. Permanent records shall be maintained indicating the total weight of material incinerated, the total quantity or resulting residue, the total hours of incinerator operation, and the means employed for disposal of residue. These records shall be submitted monthly to the Solid Waste Officer and the Agency in a form prescribed by the Agency.

(g) Fire-fighting equipment, meeting the standards of Underwriters Laboratory, Inc., or such other nationally recognized safety standards as the Solid Waste Officer shall approve, shall be available in the storage and charging areas and elsewhere as needed.

(h) Arrangements shall be made with the local fire protection agency to provide fire-fighting forces in an emergency.

(i) Communication facilities adequate for emergency purposes shall be provided.

(j) Equipment shall be provided in the storage and charging areas and elsewhere as necessary to allow cleaning after each day of operation and to maintain the operation in a sanitary condition.

(k) All equipment throughout the operation, including, but not limited to, charging openings shall be provided with safety equipment.

(l) A continuously recording pyrometer shall be provided in order to maintain continuous records of temperature in the combustion chambers. Such records shall be submitted to the Solid Waste Officer on a monthly basis in a form prescribed by the Agency.

(m) All residue removed from the incinerator operation shall be promptly disposed of in a sanitary landfill. Residue containing toxic or hazardous wastes shall be analyzed to determine its chemical composition, identified to the satisfaction of the Solid Waste Officer and disposed of in a toxic pit within the sanitary landfill or as otherwise designated by the Agency.

(n) Performance tests of the plant may be required by the Solid Waste Officer. A report covering the results of the performance tests in such cases shall be prepared by the design engineer of the project and submitted to the Solid Waste Officer with a copy of all supporting data.

(o) Upon completion of the plant and prior to initial operation, the Solid Waste Officer and the Agency shall be notified to allow their personnel to inspect the plant both prior to and during the performance tests.

SECTION VIII. INTERMEDIATE SOLID WASTE DISPOSAL FACILITIES

Subd. 1. No intermediate solid waste disposal operation shall be constructed, established, maintained or operated unless a license therefore shall have been first obtained from the County SWRSWC Solid Waste Management Plan,
Board. Where the location of the proposed operation is consistent with the county solid waste management plan, the County Board shall issue a license for the operation upon its approval of the construction plans and specifications describing the operation proposed to be constructed. A minimum of three sets of said plans and specifications shall be prepared and submitted to the Solid Waste Officer and Agency by a registered professional engineer of Minnesota and shall include design data, ultimate land use plan, and proposed operating procedures. In addition to said plans and specifications, the application for a license shall contain the following information:

(a) Location, size and ownership of land upon which the operation will be situated.

(b) General description of property use in the immediate vicinity of the operation.

(c) Complete construction plans and specifications and proposed operating procedures for the operation.

Subd. 2. An intermediate solid waste disposal facility shall be constructed, operated and maintained in compliance with the following requirements:

(a) A sign shall be posted on the premises indicating the name of the operation, the days and hours during which it is open to the public, and user charges, if any. The sign shall be approved by the Solid Waste Officer.

(b) Roads on the premises shall be bituminous, concrete or other impervious material acceptable to the Solid Waste Officer.

(c) The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance.

(d) Sanitary facilities and shelter adequate for employees shall be provided on the premises.

(e) Records in a form acceptable to the Solid Waste Officer shall be maintained indicating the type and quantity of solid waste processed by the operation.

(f) The operation shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area.

(g) All solid waste shall be removed from the operation at the end of each day's activities and the equipment and floor of the operation disinfected.

(h) The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
(i) All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.

(j) All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the facility.

SECTION IX. LICENSE FEES

Approval of an application to the County Board for a license for a solid waste management facility shall be contingent upon the payment to the county of a license fee in the amount determined by the County Board. Such license fees are to defray the cost to the county of processing the license applications and administering and enforcing this ordinance with respect to said licenses.

The fees prescribed shall be paid by a license applicant with respect to each facility maintained by him. Solid waste collectors' fees shall be paid annually on each unit, as a condition for license renewal. Nonpayment of the annual solid waste collector's fee shall be grounds for denial of license renewal. Fees shall be paid to the County Treasurer prior to issuance of licenses.

A license application for the operation of a sanitary landfill, or other solid waste management facility shall be accompanied by a performance bond, with sufficient sureties in the penal sum of 1,000 dollars, which bond shall be conditioned upon the applicant's full compliance with this ordinance; said bond to be approved by the County Board and the County Attorney.

SECTION X. RATES AND CHARGES FOR SOLID WASTE MANAGEMENT

Subd. 1. Owners, lessees and occupants of property. Owners, lessees, and occupants or property situated within the county shall pay for solid waste management services to their properties provided by the County or through its contractor, according to adopted schedules.

Subd. 2. Users of facilities. Users of solid waste management facilities provided by the County, by and through its contractor, who are not owners, lessees, or occupants of property situated within the county shall pay charges for the use of said facilities according to the adopted schedules.

SECTION XI. VARIANCES.

Upon written application by the applicant or operator, the County Board may grant variances from the provisions of this ordinance in order to promote the effective and reasonable application and enforcement of the provisions of this ordinance.

A variance may be granted by the Board after a public hearing where the Board determines that enforcement of this ordinance would cause the applicant undue hardship, or that the ordinance
cannot be complied with due to technological impossibility or economic unreasonableness. Such a variance shall not be granted for a period in excess of two years, but may be renewed upon application of the applicant and after public hearing. A variance may be revoked by the Board at the public hearing prior to expiration of the variance. An application for a variance shall be accompanied by a plan and time schedule for achieving compliance with the ordinance. Prior to any public hearing held by the Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least thirty (30) days notice to said public hearing.

SECTION XII. NONCONFORMING SITES AND FACILITIES.

Solid waste management facilities in existence on the effective date of this ordinance and operation of such facilities shall conform to the provision of this ordinance no later than 60 days after the adoption of the ordinance, or terminate operations no later than that date, unless granted a variance.

SECTION XIII. ADDITIONAL REQUIREMENTS.

For the purpose of protecting the public health, safety and welfare, the County Board may impose additional requirements consistent with the intent of this ordinance for the operation of solid waste management sites or facilities.

SECTION XIV. SEVERABILITY.

It is hereby declared to be the intention of the County Board that the several provisions of this ordinance be severable in accordance with the following:

Subd. 1. If any Court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

Subd. 2. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular structure, site, facility or operation, such judgment shall not affect the application of said provision to any other structure, site, facility or operation not specifically included in said judgment.

SECTION XV. PROVISIONS ARE ACCUMULATIVE.

The provisions of this ordinance are accumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this ordinance,

SECTION XVI. NO CONSENT.
Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate or maintain any site, facility or operation, or to carry on any activity.

SECTION XVII. VIOLATIONS.

Subd. 1. Any person who shall violate or fails, neglects or refuses to comply with the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished therefor as provided by Minnesota law. A separate offense shall be deemed committed upon each separate day during or on which a violation occurs or continues. The County is responsible for the enforcement of this ordinance.

Subd. 2. This ordinance, in addition to other remedies, may be enforced by injunction, action to compel performance or other appropriate action in District Court to prevent, restrain, correct or abate violations.

SECTION XVIII. OTHER ORDINANCES AND REGULATIONS.

Nothing in this ordinance shall preclude any local unit of government from adopting more stricter regulations that this ordinance.

SECTION XIX. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF REDWOOD COUNTY THIS 18TH DAY OF JULY, 1972.

/s/Elmer Hines

Chairman

July 18, 1972

ATTEST: /s/ P. R. Byram

County Auditor

APPROVED AS TO FORM AND EXECUTION:

/s/ Wayne R. Farnberg

County Attorney

abcdefghijklmnopqrstuvwxyz
COUNTY OF RENVILLE

OLIVIA, MINNESOTA

Solid Waste Management in accordance with Minnesota Statutes 1971, Chapters 115-116-400.

An ordinance authorizing and providing for Solid Waste Management, establishing powers and duties in connection therewith, and establishing standards for and regulating Solid Waste Management operation within Renville County; also providing for the protection of Renville County’s water, air, and land resources and the promotion of the public safety, health, welfare, and productive capacity of the County’s population and providing penalties for violation.

The County Board of Commissioners of Renville County does ordain:

Definitions -

Terms and abbreviations used in this ordinance shall be interpreted in a matter consistent with Minnesota Statutes 1971, Chapters 115-116-400.

Agency or State Agency means the Minnesota Pollution Control Agency, its agent or representative.

Air Contaminant means the presence in the outdoor atmosphere of any dust, fumes, mist, vapor, and gas differing in composition from or exceeding in concentration the natural components of the atmosphere.

County will be the County of Renville or any department or representative who is authorized by this ordinance or the County Board to represent Renville County in the enforcement of this ordinance.

County Board or Board of Commission shall be the Board of Commissioners of Renville County.
Cover Material - Granular Material, generally soil used to cover compacted solid waste.

Facilities means all or any vehicles, equipment, machinery, incinerators, plants, structures, private or public grounds however acquired and whether temporarily or permanently acquired.

Final Solid Waste Disposal is the site, facility, operating procedures and maintenance thereof for the complete and ultimate disposal of solid waste by the Sanitary Landfill Method.

Garbage as used herein shall mean and include any organic refuse and incidental admixtures thereto resulting from the preparation of food and any decayed or spoiled food of any source.

Incineration is the process of burning wastes, for the purpose of volume and weight reduction, in facilities designed for such use.

Intermediate Disposal Facility means a facility for the storage, reduction, recycling, or processing of solid waste prior to final disposal.

Municipality - in Renville County - the villages of Bird Island, Buffalo Lake, Danube, Fairfax, Franklin, Hector, Morton, Olivia, Renville, Sacred Heart. The recreation area of Lake Allie is considered a municipality in the Ordinance of Solid Waste Management.

Open Burning is the burning of any matter whereby the resulting combustion products are emitted directly into the open atmosphere without passing through an adequate stack, duct, or chimney.

Person or Persons means any human being, any municipality or any other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any legal entity.
Pollution or Air Pollution is 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 and welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

Land Pollution means the presence in or on the land of any solid waste in such quantity, of such nature or duration, and under such conditions as would affect injuriously any water of the state or cause air pollution.

Putrescible Material means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.

Refuse means putrescible and non-putrescible solid wastes including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in dry form.

Refuse Collection Service is a public or private operation engaged in Solid Waste Collection and Solid Waste Management.

Rubbish as used herein shall mean and include all waste material except garbage and human or animal excrete.

Rules and Regulations are all the rules of the State Agency and of the Renville County Ordinance regarding solid waste.

Sanitary Landfill means an area of land which is or could be used for the disposal of solid waste without creating pollution of land, water, or air, hazards to the public health or safety, or public nuisance, by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with at least six inches of cover material at the conclusion of each day’s operation, or at more frequent intervals as may be necessary.
Solid Waste is garbage, refuse, and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, and agricultural operations, and community activities. Solid Waste does not include earthen fill, boulders, rock, and other materials normally handled in construction operations, solids, or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or other common water pollutants.

Solid Waste Collection is the gathering of solid waste from public or private places.

Solid Waste Management System is the total concept for the storage, collection, transportation, and disposal of solid waste.

Solid Waste Storage is the holding of solid waste near the point of generation.

Solid Waste Transportation is the conveyance of solid waste from one place to another by the means of vehicle, rail car, conveyor, or other means.

Toxic or Hazardous Wastes means substances, whether in 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, or similar noxious substances which require special handling and must be disposed of in a manner to conserve the environment and protect the public health and safety.

Waters shall mean all waters - streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, and all other bodies for accumulations of water, surface or underground, public or private. Water Pollutior means the contamination of any waters so as to create a nuisance or render such waters unclean, obnoxious, or impure, so as to be actually or potentially harmful or detrimental to public health, safety, or welfare or to animals, birds, fish, or other aquatic life.
General Provisions

All solid wastes shall be stored, collected, transferred, utilized and disposed of, or reclaimed in a manner consistent with requirements of these regulations. The Agency is responsible for enforcement of these regulations and encourages cooperation of municipalities which may adopt these regulations for use in local laws, ordinances, and regulations.

Renville County Solid Waste Landfill is for the use of Renville County citizens only, but a variance to the ordinance may be granted by [the administrator or his agent] in cases involving spoilage, hardship, or emergency situations.

There will be one permit issued for a Sanitary Landfill in Renville County. That permit issued to Renville County under the Renville County Solid Waste Management Plan. The County Board shall refuse to issue a license for any solid waste operation that does not comply with this ordinance. The County Board may revoke any license for non-compliance. Minnesota Administrative Rules and Regulations of the Minnesota Pollution Control Agency, Division of Solid Waste, adopted by the Minnesota Pollution Control Agency January 12, 1970, Articles SW1 thru SW10 are hereby adopted by reference.

In that the "Preliminary Solid Waste Survey, Plan and Summary for Renville County" and further studies made in preparing the "Final Solid Waste Plan for Renville County" have shown it to be economically feasible to establish only one sanitary landfill in Renville County, and in that Renville County has proceeded to establish the Renville County Sanitary Landfill which will be operated under a permit from the Minnesota Pollution Control Agency; it has therefore been determined that in the best interests of the residents of Renville County and of the State of Minnesota that the one permit issued to Renville County shall be the only permit issued in Renville County.
Solid Waste Storage

The owner and occupant of any premises, business establishment, or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that premises, business establishment, or industry.

Garbage and similar putrescible waste shall be stored in:

1. Durable, rust resistant, nonabsorbent, watertight, rodent proof, and easily cleanable containers, with close fitting, fly tight covers and having adequate handles or bails to facilitate handling.

2. Containers of a size and type determined by and acceptable to the municipality and of a weight and size determined by the refuse collection service subject to requirements as set by the municipality or county.

3. Refuse shall be stored in durable containers as ordained by the municipality when refuse and garbage are combined it shall be stored as garbage.

4. Solid waste objects or materials too large or otherwise unsuitable for storage container shall be stored in a nuisance and pollution free manner in compliance to the regulation of the municipality and of county and state ordinances.

5. Toxic or hazardous wastes shall be stored in durable, leak proof containers which are labeled with the description of the chemical composition of the substance stored therein.

Solid Waste Collection and Transportation

1. Shall be defined as a public or private operator engaged in solid waste collection and solid waste transportation.

2. Municipalities shall be responsible for the refuse collection in their individual communities and for the transportation of rubbish and garbage to the Renville County landfill site.

3. Outside the municipal limits of any community in the area zoned agriculture, the owner, lessee and occupant of any premises or business establishment shall be responsible for the collection and transportation of solid waste.
4. A solid waste disposal site complying to State Pollution Standards is being provided by the County located on CSAH #4 in the N1/2 of NE1/4, Section 23, Henryville Township.

5. All demolition materials collected in Renville County must be disposed of at an MPCA approved landfill.

6. All rubbish must be boxed or placed in containers.

7. Vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom and shall be covered to prevent blowing of material. When spillage does occur the material shall be picked up immediately by the collector or transporter, returned to the vehicle or container and the area cleaned properly.

8. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be constructed, loaded, moved, and unloaded in a safe manner and in compliance with the regulation of Federal, State, and Local Governments and their regulatory agencies.

9. The County Board may issue permits for the commercial collecting and hauling of solid waste. Such license to be issued after inspection by and upon the recommendation of the solid waste administrator.

10. All commercial collectors and transporters of solid wastes, may be required to submit the specification and description of vehicles used in solid waste collection and transportation.

WASTE TIRE MANAGEMENT

1. Applicability. The requirements of this section shall apply to any person who disposes of, transports, stores, processes, or otherwise possesses waste tires within the County of Renville.

2. Definitions. The terms used in this section shall have meanings as defined in Minn. Stat. SS115A.90 and Minn. Rules pts. 9220.0110 and .0210.
3. Disposal.

   a. Requirement. Any person who possesses waste tires in the County of Renville shall:

      (1) deliver the waste tires to a person who possesses a valid Waste Tire Transporter Identification Number as required by Minn. Rules pt. 9220.0530;

      (2) deliver the waste tires directly to a permitted or exempt waste tire storage, transfer or processing facility; or

      (3) obtain a permit from the Minnesota Pollution Control Agency to store or process the waste tires as required by Minn. Rules pts. 9220.0230 and .0240. Such storage or processing shall be in accordance with all conditions of the State permit.

   b. Exemptions. A person may store or process waste tires without a State permit if:

      (1) such storage or processing is pursuant to an exemption under Minn. Rules pt. 9220.0230, subp. 2;

      (2) fewer than 50 waste tires are stored at any one time; or

      (3) fewer than 50 waste tires are processed during any 30 days.

4. Transportation.

   a. Requirement. Any person who transports waste tires for hire in the County of Renville shall first obtain a Waste Tire Transporter Identification Number from the Minnesota Pollution Control Agency as required by Minn. Rules pt. 9220.0530.

   b. Exemptions. A person may transport waste tires without a Waste Tire Transporter identification Number if such transportation is pursuant to an exemption under Minn. Rules pt. 9220.0530, subpt. 2.

   c. Conditions. A person who transports waste tires for hire shall:

      (1) deliver the waste tires to a waste tire processing, storage, or transfer facility that has a State permit or is exempt from the requirement to obtain a State permit; and
3. Dumping of solid waste in the Renville County Sanitary Landfill Site shall be confined to a small area and regulated by the Landfill Operator and the Renville County Solid Waste Administrator. The area shall be surrounded by suitable fencing and all windblown material will be confined within the area. All windblown materials escaping from the landfill area shall be collected and returned to the area by the operator.

4. Flies, rodents, and other insects or vermin shall be controlled by means supplied by the operator who may call upon professional help if necessary.

5. An attendant will be on duty at all times the site is open to public use and the premises shall be locked when the attendant is not on duty. The attendant or operator shall enforce the following regulations:

a. the regulation prohibiting salvaging.

b. the regulation of the dumping of solid waste.

c. have an understanding of the operation of first aid and of the fire fighting equipment housed in the area.

d. check to the compacting of solid waste and cover daily such compacted material with compacted layer of at least a six inch suitable cover.

e. use existent means to control flies, rodents, and other insects, or vermin and if an infestation should occur, report such infestation to the Solid Waste Administrator who will obtain professional help if necessary.

6. Human and animal excrete including the accumulation from septic tanks or livestock lagoons will not be accepted at the Sanitary Landfill Site.

7. The attendant on duty and the Solid Waste Administrator will make the final disposal of non-putrescible materials such as brick, stone, sand and similar and shall direct such material to storage spots designated for such materials.
(2) transport the waste tires in accordance with all conditions of the applicable Waste Tire Transporter Identification Number.

5. Penalties.
   a. Criminal penalties. Any person who willfully or negligently violates this section shall upon conviction be guilty of a misdemeanor.
   b. Civil penalties. Any person who disposes of waste tires on public or private land, shoreland, roadways or waters in the County of Renville in violation of this section shall be subject to the civil penalties of Minn. Stat. ch. 115A.99.

Official Haul Routes -

In order to avoid dust problems during dry weather, restricted traffic flow during inclement weather and road damage during the spring breakup, the following roads are designated official haul routes to the Renville County Sanitary Landfill:

All Weather official haul routes are U.S. Highways #71 and #212, Minnesota Highways #4 and #19 and Renville County CSAH #4 between U.S. #71 and the Renville County Sanitary Landfill.

Official haul routes for other than the spring break-up period, when roads are posted, shall include Renville County CSAH #1, #2, #3, #4, #5, #6, #8, #9, #13, #17, #21 and those portions of CSAH #23 and #24 between CSAH #8 and #11 in the Lake Allie area.

Solid Waste Site Operation & Regulations -

1. Open burning is prohibited at all intermediate and at the solid waste disposal except as shall be allowed by any regulation of the Department of Natural Resources now or hereafter adopted.

2. Solid waste shall be deposited at the Renville County disposal site or at an intermediate site in such manner that no material or leachings therefrom may cause pollution of ground surface waters.
Solid Waste Administrator

The Renville County Board shall appoint an administrator who shall be responsible for the operation of the Renville County Solid Waste Management Program and who shall:

shall make and be responsible to the reports necessarily made to the agency and be responsible for carrying out the rules and regulations as set forth by the agency.

shall be responsible for the collection of any charges as set by the County and for the enforcement of this ordinance.

review and consider all license applications and supporting materials which are referred to him for operations within the county.

to inspect operations to determine compliance with this Ordinance; to investigate complaints about the violations of this Ordinance; to recommend to the County Attorney that legal proceedings be initiated against a person to compel compliance with the provisions of this Ordinance or to abate or control an operation not in compliance with this Ordinance.
Site Operation - Solid Waste

Garbage, rubbish, and waste material shall be accepted at the Renville County Solid Waste Management Site on the following days at the hours herein prescribed:

Mondays thru Fridays  8:00 a.m. to 4:30 p.m.
Saturdays:
   April 1 - October 30  9:00 a.m. to 12:00 noon
Sundays and Holidays  Closed

Holidays as shown to be such holidays as set down in Minnesota Statutes 1971, Section 645.44., Subd. 5

Operator  Renville County
Solid Waste Administrator  Doug Knutson
Solid Waste Management  Renville County Board
Solid Waste Landfill Fees  Disposal of solid waste at landfill site will be at such fee charge until such time that an adequate fee schedule based on costs and usage can be determined.

The operation and fee schedule is subject to revision by the County Board at any time.

For the purpose of protecting the public health, safety, and welfare the County Board may impose additional requirements consistent with the intent of this Ordinance for the operation of the Renville County Solid Waste Site or a variance may be granted by the County Board if after hearing the Board determines that the enforcement of the Ordinance would cause the applicant undue hardship.

Violation-

The County Board has the power to declare that the violation of any ordinances shall be a penal offense and to prescribe the penalties therefor under Minnesota Statutes 1971 Chapter 375.33. The penalties for the violation of the Solid Waste Ordinance shall be as a misdemeanor and shall not exceed those permitted for the conviction of a misdemeanor as defined by law.
Rock County
Solid Waste Management Ordinance

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ROCK COUNTY

Solid Waste Management Ordinance

The County Board of Commissioners of Rock County, Minnesota does ordain:

I. TITLE

This ordinance shall be entitled: Solid Waste Management Ordinance, Rock County, Minnesota.

II. PURPOSE AND COMPLIANCE

The purpose of this ordinance is to authorize and provide for Solid Waste Management for Rock County, Minnesota; establish powers and duties in connection therewith; to establish standards for and regulations of management operations; to establish requirements for certain facilities on a disposal site, require a license for the establishment and use of a solid waste management operation(s); for control of special solid wastes, embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency, providing for enforcement of said requirements, requiring bond, and imposing penalties for failure to comply with these provisions. Further, the purpose and object thereof is to promote health, welfare and safety of the public and protect resources of land, water and air.

III. LEGAL AUTHORITY

This Ordinance is enacted pursuant to Minnesota Statutes 1971, Chapters 115, 115A, 116 and 400 and 1984 Chapters 473.811 Subdivision 5A.

Subd. 1 This Ordinance supersedes all provisions of any Rock County Ordinance that relates to control and collection of solid and hazardous waste.

Subd. 2 The governing body of any town or local unit of government may continue to exercise the authority to plan solid waste management, but after the adoption of official controls for a county by the County Board of Commissioners, no local unit of government shall enact official controls inconsistent with the standards prescribed in this Ordinance. Nothing in this section will limit any local governmental unit to exercise a more restrictive ordinance than provided in the controls adopted by the county.

Subd. 3 It is not otherwise intended by this Ordinance to repeal, abrogate or impair any existing restrictions or ordinances other than solid waste ordinances to the extent
specified above. Where the conditions imposed by any provisions of this Ordinance are either more restrictive than comparable conditions imposed by any other provision of this Ordinance or any other applicable law, ordinance, rule, and regulation, the provision which established the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

IV. DEFINITIONS

The following word and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this Section.

Subd. 1 The word "shall" is mandatory and not discretionary.

Subd. 2 "Agency" means the Minnesota Pollution Control Agency.

Subd. 3 "Air Contaminant Treatment Facility" is a facility which generates a waste residue of air contaminants as a product of air filtration through industrial or air pollution control processes.

Subd. 4 "County" means any department or representative of Rock County who is authorized by the Ordinance or otherwise by the County Board of Commissioners to represent Rock County in the enforcement and administration of this Ordinance.

Subd. 5 "County Board" is the Rock County Board of Commissioners.

Subd. 6 "Cover Material" is granular material, generally soil, which is used to cover compacted solid waste in a sanitary landfill, is generally free of large objects that would hinder compaction, and is free of organic content that would be conducive to vector harborage, feeding or breeding.

Subd. 7 "Cubic Yard" is defined as a cubic yard of solid waste as received at the entrance of a waste facility. Waste facilities and haulers weighing and reporting tons of solid waste received at the entrance shall use the conversion factor of six hundred pounds per cubic yard (600 lb/yd³) of solid waste when required or authorized by this Ordinance.

Subd. 8 "Demolition Landfill" is defined as an area of land used for the disposal of demolition waste without creating nuisances or hazards to the environment, public health and safety, and is operated in compliance with the provisions of this ordinance.
Subd. 9  "Demolition Waste" is defined as material normally found in buildings to be demolished, such as, but not limited to, bricks, stone facing, concrete, cement blocks, stucco, plaster, wall boards, glass pipe, wire, metal, plastic, and any inert materials as may be approved by the Environmental Officer.

Subd. 10  "Environmental Office" is the Rock County Environmental Office.

Subd. 11  "Garbage" means materials resulting from handling, processing, storage, preparation, serving and consumption of food and various food by-products.

Subd. 12  "Hauler" means any person who owns, operates, or leases vehicles for the purpose of collection and transportation of any type of solid waste, including recyclables.

Subd. 13  "Household Hazardous Waste" means any waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household. Household Hazardous Wastes include, but are not limited to: paints, solvents, cleaners, pesticides, herbicides, paint thinner, drain openers, varnishes, stains, and adhesives.

Subd. 14  "Incineration" means the process by which solid wastes are burned for the purpose of volume and weight reduction in facilities designed for such use.

Subd. 15  "Land Disposal Facility" means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of on or on the land.

Subd. 16  "Land Pollution" means the presence in or on the land of any solid waste in such quantity, or such nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Subd. 17  "Mixed Municipal Solid Waste" [MMSW] is defined as garbage, refuse, and other solid waste form residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, demolition waste, mining debris, sludges, tree and agricultural wastes, tires, pesticides and hazardous wastes, and other materials collected, processed and disposed of as separate waste streams.
Subd. 18 "Open Burning" is burning any matter whereby the resultant combustion products are emitted directly to open atmosphere without passing through an adequate stack, duct or chimney.

Subd. 19 "Open Dump" is a land disposal site 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, insects, rodents and scavengers.

Subd. 20 "Operation" means any site, facility, or activity relating to solid waste management.

Subd. 21 "Packer Truck" means a truck with a solid waste container that compacts refuse by hydraulic method or other mechanical means.

Subd. 22 "Person" means any human being, any municipality, public subdivision or other governmental or public agency, any public or private corporation, any partnership, firm or association, or any other organization, any receiver, trustee, assignee, agent or any other legal representative of any of the foregoing, or other legal entity.

Subd. 23 "Putrescible Material or Garbage" means a solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.

Subd. 24 "Recyclables" means those materials found within Mixed Municipal Solid Waste that have been designated by the Environmental Office as subject to source separation and recycling.

Subd. 25 "Recycler" means any commercial or business established to collect, transport, process, store, redeem, or dispose of recyclables.

Subd. 26 "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 recyclable materials in a manner that precludes further use.

Subd. 27 "Shoreland" is defined as land located within the following distances from the ordinary high water mark of public waters: (a) land within 1,000 feet from the normal high water mark of a lake, pond, reservoir impoundment, or flowage; and (b) land within 300 feet or a river or stream or the landward side of a flood plain delineated by ordinance on such a river or stream, whichever is greater.
Subd. 28 "Site or Facility" is defined as all real or personal property which is or may be used for the utilization, processing, or final disposal of solid waste and which requires a license for disposal therein under the provision of this ordinance.

Subd. 29 "Solid Waste" is defined as garbage, refuse, demolition waste, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded solid waste materials and sludges in solid, semi-solid, liquid, or contained gaseous form, but does not include hazardous waste; animal waste used as fertilizer; earthen fill; boulders; rock; sewage sludge; solids or dissolved material in domestic sewage or other pollutants in water resources, such as silt dissolved or 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; 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.

Subd. 30 "Source Separation" means the separation, by the generator, of any material for the purposes of preventing its introduction into the mixed municipal solid waste stream.

Subd. 31 "Solid Waste Collection Service" means a collection and/or transportation service, for hire, of Solid Waste within Rock County, operated by any person under contract or other agreement with the solid waste generator.

Subd. 32 "Solid Waste Management" means the storage, collection and removal of solid waste from public and private property, its transportation to intermediate or final disposal facilities and its disposal by approved methods, the management of a recycling program, solid waste education and other solid waste operations or services.

Subd. 33 "State" means the State of Minnesota.

Subd. 34 "Toxic and Hazardous Waste/Hazardous Substance" shall have meanings given it in Minnesota Statutes, section 115B.02, subdivision 8.

Subd. 35 "Transfer Station" is defined as an intermediate solid waste facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.
Subd. 36  "Waste Tire" is defined as solid waste which consists of the rubber or other resilient material product which is used on a vehicle or other equipment wheel to provide tread which is discarded or which cannot be used for its original purpose because it is used, damaged, or defective.

Subd. 37  "Water Pollution" means the contamination of any waters of the state so as to create a nuisance or enter such waters as unclean, obnoxious or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use, or to animals, birds, fish, or other aquatic life.

Subd. 38  "Waters of the State" means all lakes, streams, ponds, marshes, water courses, water ways, 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 through or border upon the state or any portion thereof.

Subd. 39  "White Goods" means major appliances. Major appliances include, but are not limited to: clothes washers and dryers, dishwashers, hot water heaters, garbage disposers, microwave ovens, trash compactors, conventional ovens, ranges and stoves, humidifiers and dehumidifiers, air conditioners, refrigerators, freezers, and residential furnaces.

Subd. 40  "Yard Waste" means garden waste, leaves, lawn cuttings, weeds and prunings generated on residential or commercial properties. For this definition, prunings are defined as the green stemmed portion of plants and does not include tree trimmings.
V. ADMINISTRATION

Subd. 1  Environmental Officer. There shall be appointed by the Rock County Board of Commissioners an Environmental Officer who shall be responsible for the administration of this ordinance.

Subd. 2  Duties. The Environmental Officer shall have all necessary authority to implement and carry out the provisions of this ordinance including, but not limited, to the following:

1. To review and consider all applications and supporting materials which are referred to the Environmental Office for operations within the county, and after such review and consideration, to recommend in writing with documentation to the County Board whether a permit should be granted or denied.

2. To enter upon premises and into buildings to inspect operations to determine compliance and to investigate complaints about violations of this ordinance, following procedures set forth in this ordinance in Sections XV and XVI.

3. To recommend to the County Attorney that legal proceedings be initiated against a person or group of persons to compel compliance with the provisions of this ordinance or to terminate or control an operation not in compliance with this ordinance.

4. To encourage and conduct studies, investigations and research relating to aspects of solid waste management, including, but not limited to, methodology, chemical and physical considerations, and engineering.

5. To advise, consult, and cooperate with the public and other governmental agencies in furtherance of the purpose of this ordinance.

6. To plan, implement and administer all County operated solid waste management facilities.
VI. SOLID WASTE COLLECTOR REQUIREMENTS

Subd. 1 Solid Waste Hauling. It shall be unlawful for any Solid Waste Hauler to haul solid waste or materials for hire within Rock County without securing a permit to do so from the Board of Commissioners.

Subd. 2 Solid Waste Hauling Permits. The County Board may in its discretion, issue a permit for the hauling of solid waste, for hire, only upon compliance with the following requirements;

(a) Filing of an application for a solid waste hauling permit, upon a form provided by the County Board and available at the County Environmental Office.

(b) Filing proof of comprehensive general liability insurance covering bodily injury and property damage (combined limit) in the amount of $200,000 per person and $600,000 per occurrence, and personal injury in the amount of $200,000 per person and $600,000 per occurrence.

(c) Filing proof of comprehensive automobile liability insurance including owned, non-owned and hired automobile in the amount of $200,000 per person and $600,000 per occurrence.

(d) The type, number and capacity of solid waste hauling vehicles, and other containers or collection equipment used in Rock County for solid waste. Such vehicles shall have leak-proof bodies of easily cleanable construction, completely covered with metal or heavy canvas, and shall be subject to approval and periodic inspection by the Environmental Officer.

(e) Submission of a description of the route to be followed by all solid waste hauling vehicles between the area(s) of collection and the Solid Waste Disposal Facility. This need not include information about specific customers. The route shall be subject to approval by the Environmental Officer.

(f) Payment of an annual permit fee set by resolution by the County Board. Payment of the permit fee may be waived by the County Board if the applicant is a governmental agency.

(g) Collectors of solid waste from residential customers must charge for collection on the basis of the volume or weight of waste collected. For single family customers, the collector must offer a minimum 1 can/bag/tag rate. Non-offering of volume/weight rates shall be grounds for license termination or denial of.
license renewal. A brief description of how the solid waste hauler will comply with this rule shall be submitted with the permit application.

Subd. 3 Compliance. The solid waste hauler and the vehicles used in collecting and transporting solid waste/designated recyclable materials within Rock County must comply with all state and local laws.

Subd. 4 Pickup Schedules. The Solid Waste Hauler must specify the time and day of collection that their customers are to place their solid waste out on their property for collection. The Solid Waste Hauler must collect the Solid Waste within 12 hours of the stated time. The stated time must be communicated to customers through local broadcast or print media or other means that reasonably insures that customers are aware of regular or modified pickup schedules. The collection location must be on the customer's property in a location at or near the regular solid waste collection site or such other location mutually agreeable to the hauler and the customer.

Subd. 5 Licensed Hauler Requirement. Municipalities or Townships within Rock County that contract with Refuse Haulers/Recyclables Collector must contract with a Refuse Hauler/Recyclable Collector who is licensed by Rock County. Contracts shall be consistent with the provisions in this Subsection.

VII. RECYCLABLE COLLECTOR REQUIREMENTS

Subd. 1 Permits Required. The County Board may, in its discretion, issue a permit for the hauling for hire of certain types of recyclables that are identified by County Resolution pursuant to Section XII, Subdivision 7 of this ordinance. In order to obtain a permit the recyclable collector must be in compliance with the following requirements;

(a) Fulfilling the requirements of Article VI, Subdivision 1 of this ordinance.

(b) Fulfilling the requirements of Article VI, Subdivision 2, subitems (a), (b), (c), (d), (e), and (f).

Subd. 2 Term Replacement. For the purposes of this section, in Article VI, subdivisions 1 and 2, the terms "recyclables" shall replace the term "solid waste" and "recyclables processing facility" shall replace the term "solid waste disposal facility", and "recyclables hauler" shall replace "solid waste hauler". These terms shall have meaning as defined in Article IV.
VIII. RECYCLABLES CONTAINER, COLLECTION AND REPORTING REQUIREMENTS

Subd. 1 Recyclables Container Requirements. The recyclable collector may specify the type of container their customer must place the recyclables in. The containers must be provided by the recyclable collector or already available to a customer at the time this Ordinance provision becomes effective.

Subd. 2 Recyclables Preparation. The Recyclable Collector may specify how a customer is to place their recyclables out for collection and how the recyclables are to be prepared. The Environmental Office reserves the right to review and modify the amount of preparation required by the Recyclable Collector in consideration of local recyclable market requirements.

Subd. 3 Frequency of Recyclables Collection. The Recyclable Collector shall collect recyclables from each customer at least once a month.

Subd. 4 Quantity Reports Required. The Recyclable Collector must submit a monthly report to the Environmental Office, on or before the fifth working day following the reportable month, identifying the weight in tons of all recyclables collected from Rock County residents. To the extent possible, the report must identify the weight of each type of recyclable material collected.

IX. SOLID WASTE MANAGEMENT FACILITIES

Subd. 1 Solid Waste Management Facilities. Unless otherwise provided by this ordinance, no person shall cause, permit or allow real or personal property under his or her control to be used for solid waste management purposes, except at an operation for which a license has been granted by the County Board.

Pursuant to Minn. Stat. Section 17.135, a permit is not required from the County for a person who owns or operates land used for farming that buries, or burns and buries, solid waste generated from the person’s household or as part of the person’s farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming. This exception 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.

For the purposes of this ordinance, solid waste management operations includes the following specific activities set forth herein. In addition to other requirements listed
herein, applicants for licenses must meet all requirements of State rules and statutes listed below:


2. Operation of MSW Incinerator Facilities Minn. Rules Chapter 7005 and 7035.


5. Operation of Transfer Station Facilities Minn. Rules Chapter 7035.


7. Waste Tires Minn. Rules Chapter 7035, 9220, and Minn. Stat. 115A.


Subd. 2 Commencement of Operations. Applicants for a license shall not commence any operation until the license application has been reviewed by the Environmental Office and approved by the County Board. A waste facility operating license shall not be issued until the facility construction has been completed in compliance with this ordinance and the approved plans and has been reviewed by the Environmental Office and approved by the County Board. The County Board, at its discretion, may require additional information as outlined in this ordinance.

Subd. 3 License Requirement and Non Transferability. A license issued by the County Board shall be required for the operation of solid waste facilities and other activities involving solid waste. This license shall not be transferable under any condition without the express approval and consent of the County Board.

Subd. 4 Licensing Period. Unless otherwise provided by the County Board, the license year for solid waste sites, facilities, operations and activities shall be from January 1 through December 31.

Subd. 5 Plans/Specifications Submittal. For facilities requiring an Agency permit for a solid waste facility or activity, the applicant for a license or license renewal may, upon request, be required to submit a complete set of
plans, specifications and/or reports to the Environmental Office.

Subd. 6 Consent of Governing Body. The applicant must submit to the Environmental Office written proof that the municipal or township governing body in which solid waste facilities, operations or activities are located has considered the establishment of solid waste facilities, operations or activities with respect to zoning and other applicable regulations and the position, recommendation or other position of said governing body to the proposed activity.

Subd. 7 Submittals To The State. All submittals to the State during the state permitting and/or licensing process for solid waste facilities and operations shall also be submitted to the Environmental Office.

Subd. 8 Waivers. The applicant shall submit such additional data as may be requested by the Environmental Office or the County Board. The County Board may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

Subd. 9 Application Response. After receiving a completed application for the operation of a solid waste facility or activity, the County Board shall have 30 days to either grant or deny the license or license renewal. Submission of false information may constitute grounds for denying a license or license renewal, suspension or revocation of an issued license.

Subd. 10 Indemnification. Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the County a performance bond, in any amount to be set by the County Board, and naming the County as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this ordinance in the operation of the solid waste facility or activity, or if, for any reason, ceases to operate or abandons the solid waste facility or activity, and the County is required to expend any monies or expend any labor or materials to restore the facility to the condition and requirements provided by the ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with the terms of this ordinance, and the obligor 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 default of the obligor under the terms.
of his license to operate and the ordinances of the County. The performance bond shall be subject to cancellation by the surety at any time only upon giving one hundred twenty (120) days prior written notice of cancellation to the County. In lieu of part of all of said bond, the licensee may provide evidence of financial assurance in a form acceptable to the County Board to be used to bring the facility or activity into compliance with said requirements.

Subd. 11 Insurance Requirements. The licensee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, including general liability, automobile liability, completed operations liability, and bodily injury liability in amounts to be set by the County Board. In addition, the licensee shall provide evidence of worker’s compensation coverage in the required statutory amounts.

Subd. 12 Financial Assurance. To the extent not otherwise required by Federal or State authorities and unless otherwise provided by the County, issuance or renewal of any license shall be contingent upon the owner of the site or facility or the operator or both providing financial assurance for the closure, post closure maintenance and monitoring of the site or facility. Use of this financial assurance shall be limited to the site or facility for which it was provided. Documentation submitted with the application for County Board approval shall include funding procedures, a description of the funding method, the value of the funding, and an inflation adjusted cost estimate which assess that the closure and post-closure activities at the site or facility take place. The amount of the financial assurance shall be equal to or exceed the total estimated post closure costs specified in the approved post-closure plan.

Subd. 13 Fees. The County Board shall, by resolution, establish fees, including fees for the application, initial license, renewal of license, and such other fees as may be necessary for the administration of this ordinance. The County Board may waive fees for any political subdivision applying for a solid waste permit.
X. SOLID WASTE STORAGE

Subd. 1 Responsibility. The owner, lessee and occupant of any single or multi-family dwelling, business establishment, industry and all other premises, shall be responsible for the satisfactory storage of all solid waste accumulated at the premise, business establishment or industry. No building, structure, area, or premise shall be constructed or maintained for occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation, and disposal of all solid wastes.

Subd. 2 Solid Waste Accumulations. Owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulations. For purposes of this ordinance this shall include: (a) animal feces; (b) inoperable machines, appliances, fixtures, and equipment so damaged, deteriorated or obsolete as to have no substantial value and can be reasonably considered solid waste and constitute a danger to public health and the environment; (c) lumber piles and building materials unless being actively used by a business, construction or agricultural operation requiring use of such lumber and materials; (d) tin cans, broken glass, broken furniture, boxes, crates, and other debris; (e) and other forms of mixed municipal solid waste. Nothing in this subdivision is designed to restrict the commonly accepted activities of agricultural farms and duly established and licensed automobile, scrap iron, and metal recyclers and salvage operations.

Subd. 3 Storage Facilities and Containers Required. Every property shall be supplied with adequate solid waste storage facilities and containers. Such facilities and containers shall be supplied by the owner of the property or by contract with a commercial hauler. Property owners who legally dispose of solid waste on their premises pursuant to Minn. Stat. Section 17.135 and are otherwise in compliance with this ordinance are exempt from this subdivision.

Subd. 4 Provided Facilities To Be Used. Property owners shall cause occupants and employees to store wastes for removal in the solid waste storage facilities and containers provided. The property owner shall not knowingly permit solid waste to be placed in locations or in a manner that the solid waste can be scattered by water, wind, animals, or insects.

Subd. 5 Frequency of Container Service. Non-putrescible wastes suitable and sorted for recycling, or putrescible wastes may be contained for more than ten (10) days if they are stored in an aesthetically acceptable manner that avoids
unacceptable health risk or nuisances, and otherwise complies with this ordinance.

Subd. 6 Toxic/Hazardous Wastes. Toxic or hazardous wastes shall be stored in durable, leak-proof containers and shall be "painted and marked" so as to easily identify the container as toxic or hazardous waste, (e.g. a yellow band that encircles, at a minimum, the center one-third (1/3) of the container) consistent with federal and state regulations. All previous lettering and numbering will be obliterated from the container. The container will be marked within the yellow band, or other easily identified area, using a permanent marker as follows: The chemical name of the waste, the UN or NA Number, the contaminants present by percentages, the start date, the generators name and address and the generator's EPA or Agency identification number. Such wastes shall be stored in a safe location, accompanied with a description of the chemical composition of the substance stored within the container and be in compliance with the storage and transportation requirements of Agency regulations, Minnesota Department of Transportation regulations, federal and state regulations and this ordinance. Vehicles shall be properly placarded and be accompanied with a proper shipping manifest. In any case a generator of hazardous waste must comply with all federal and state laws and regulations applicable to the generation, storage, transportation, processing and disposal of hazardous waste (whichever laws and regulations are more stringent).

XI. SOLID WASTE CONTAINER REQUIREMENTS/COMPLIANCE

Subd. 1 Container Construction. All solid waste containers shall be constructed resistant to rodent, insect and vermin entry. Materials used shall be rust and impact resistant. The containers shall be equipped with tight fitting covers that shield the container from the entrance of precipitation, rodents, insects, and vermin.

1. Manually serviced containers shall have tapered side walls and handles, and a capacity of not more than thirty-two (32) gallons, and shall not be loaded more than fifty-five (55) pounds.

2. Mechanically serviced containers designed, equipped, and located to be emptied or carried by mechanical means suitable for a commercial hauler may be used with permission of the hauler.

3. Refuse Bins having an internal volume of one (1) cubic yard or greater shall be constructed
or retrofitted to meet American National Institute (ANSI) Standard (Z 245.3-1077) for the Stability of Refuse Bins.

Subd. 2 Yard Waste Plastic Bags Prohibited. Plastic bags of any type are prohibited from mixing with Yard Waste at Solid Waste Disposal Facilities or Composting Facilities.

Subd. 3 Container Maintenance. Solid Waste Containers shall be maintained and kept in a neat, clean, sanitary, and leak-resistant condition by the container’s owners to prevent insect breeding, nuisances, and unsightly conditions. Containers shall be maintained in good repair by the property holder or by the commercial hauler, when supplied by him.

Subd. 4 Container Compliance. Any commercial hauler finding solid waste containers in use that appear not to be in compliance with this ordinance shall report the container’s location to the Environmental Office.

a. Investigations. The Environmental Office shall investigate complaints about solid waste containers and if the container is found not in compliance a notice shall be attached to the container as provided in this section. If the Environmental Office does not investigate the complaint it shall mail to the containers owner a notice that a complaint was received regarding the container. The notice shall describe this ordinance’s requirements for a solid waste containers. The owner shall report his actions to the Environmental Office within ten (10) days of the notice date regarding the correction he/she has made. If the owner does not make this report to the Environmental Office within ten (10) days, the Environmental Office shall proceed with an investigation. If the container is found to be in violation of this ordinance, a notice shall be attached to the container stating subsequently as follows:

NOTICE: This solid waste container does not comply with Rock County Solid Waste Ordinance and this container shall be removed by the owner within ten (10) calendar days. The licensed commercial hauler collecting solid waste from this property is hereby ordered by the Rock County Environmental Office not to empty this container.

SIGNERED BY:________________ on behalf of the Rock County Environmental Office.

DATE OF NOTICE:
WARNING: This notice shall not be removed except by action of the Environmental Office.

b. Notice. The notice attached to the container shall not be removed except by action of the Environmental Office. The owner may cause the entire container and its contents to be removed as solid waste.

c. Costs. Any public costs associated with investigation and removal of the container may be charged as a fee to the owner of the container or as an assessment against the property as provided by law.

XII. COLLECTION AND TRANSPORTATION OF SOLID WASTE

Subd. 1 Unauthorized Transfer of Solid Waste. Except as permitted by this ordinance, Solid Waste shall not be transferred to another property or another property's waste storage facility or container except with the written consent of the property owner. A consent form for such transfers shall be provided upon request to property owners by the Environmental Office.

Subd. 2 Collection Responsibilities. Unless otherwise provided in this ordinance, the owner, the lessee and occupant of any premises, business establishment or industry is responsible, by contract or otherwise, for the collection and transportation of solid waste from the premises, establishment or industry, and shall collect and remove all solid waste accumulated at the premise, business establishment or industry and transport it to an operation for which a permit/license has been issued by the Agency and Rock County. Owners, lessees or occupants who legally and properly dispose of solid waste on their premises according to State statute and/or Agency rules and are otherwise in compliance with this ordinance are exempt from this provision.

Subd. 3 Spillage of Solid Waste. Vehicles or containers shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered or secured to prevent blowing of material. When spillage does occur, the material shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned. When the material cannot be immediately picked up or the
area cleaned the Environmental Officer shall be notified.

Subd. 4 Hazardous Waste Collection/Transportation. Vehicles or containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed, and leak proof in a safe, sanitary and nuisance-free manner. Vehicles shall be properly marked and labeled and be accompanied with a proper shipping manifest, as required by federal and state regulations and statutes.

Subd. 5 Indemnification. The solid waste collection service will indemnify, defend and save harmless the County Board, their agents, elected officials and employees from all claims, damages, losses, liabilities, costs, expenses and lawsuits whatsoever arising out of any act or omission on the part of the hauler or its contractors, agents, servants, or employees in the performance of or in relation to any of the work or services to be performed or furnished by the hauler under the terms of this ordinance.

Subd. 6 Residential Recycling. It shall be unlawful for any owner or occupant of a residential or multi-unit residential building within a Rock County municipality or service area to generate and deposit for collection mixed municipal solid waste which contains any of the following recyclable materials:

a) Aluminum cans
b) Tin food cans
c) Glass bottles and jars
d) Plastic bottles and jugs
e) Newspaper
f) Office paper
g) Such other material which may be designated by the County Board unless such waste is directly delivered or collected for direct delivery to a facility which has been approved by the County for separation of recyclables.

Subd. 7 Recyclables Identification. The County Board shall, by Resolution, identify the specific types of recyclable materials prohibited from Mixed Municipal Solid Waste according to current market requirements as described in Subdivision 6 of this section.

Subd. 8 Commercial Recycling. It shall be unlawful for any owner or occupant of a commercial building within a Rock County municipality or service area to generate or deposit for collection mixed municipal solid waste which contains any of the recyclable material listed in Subdivision 6 and specifically identified by County Resolution pursuant to Subdivision 7 of this Section.
Subd. 9 Anti-Scavenging Provision. Ownership of designated recyclable materials set out for collection or placed in County recycling sheds or drop-off sites shall be vested in the contractor, hauler, collector or transporter of recyclable materials recognized by the Rock County Board of Commissioners.

Subd. 10 Anti-Recyclable Disposal. All recyclable materials collected as part of a recycling collection program shall not be deposited in a manner which precludes its reuse, as defined in the recycling definition in MN Statute 115.03 subdivision 25a and 25b.

Subd. 11 Haulers. A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste within a Rock County municipality or service area which contains:

a) any of the recyclable materials listed in subdivision 6 and specifically identified by County Resolution pursuant to Subdivision 7 of this Section;

b) any of the special regulated materials indicated as prohibited from MMSW in Article XIV of this ordinance.

Subd. 12 Non-Profit Recycling Permits. Civic or non-profit organizations, school groups, service clubs or others who collect recyclable materials to support their organization or to provide a community service will not be required to obtain a license/permit, except as required by the Agency. All submittals, as required by an Agency license/permit, shall also be submitted to the Environmental Office.

Subd. 13 Recycling Collection Quantity Reporting Requirements. All civic or non-profit organizations, school groups, service clubs, commercial/industrial establishments or others who collect and dispose of recyclable material shall to the extent possible, submit a report to the Environmental Office of the type and quantity of material collected. This report should be submitted within 30 days of disposal of the recycled materials.

XIII. OPEN DUMPING/LITTERING

Subd. 1 Violation. It shall be a violation of this ordinance for any person to dispose of Solid Waste within Rock County at any place except in the manner permitted by this ordinance.
Subd. 2 Open Dumping Prohibition. It shall be a violation of this ordinance for any person to operate an open dump; and, the owner of any dump in existence at the time this ordinance is enacted shall cease operations and close the dump in accordance with the following provisions. The owner shall:

1. Close access to the site and prohibit the public from using the site. Signs indicating that dumping is not allowed shall be posted.

2. Stop burning, if present; and remove all chemical containers.

3. Eradicate rodents.

4. At the discretion of the County Board, the owner shall conduct a water monitoring program pursuant to: "Procedures for Ground Water Monitoring: Minnesota Pollution Control Agency Guidelines" and take measures to protect ground and surface water. Plans to protect the ground and surface water shall be approved by the Environmental Office prior to implementation.

5. Divert surface water drainage around and away from the disposal area.

6. Compact the solid waste and cover it with at least two (2) feet of compacted cover material.

7. Seed the cover material so that adequate turf is present.

8. Establish and maintain a final grade sufficient to promote water runoff without excessive erosion.

9. The owner of the property on which a dump is located shall place on record at the office of the Rock County Recorder an instrument, in a form prescribed by the Environmental Office, placing the public on notice of the existence and location of the 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.

OR;

(1) Remove all solid waste on the site which may cause pollution or endanger human health and the environment and transport it to an appropriate state or county licensed solid waste facility.
(2) Close the Open Dump in accordance with the provisions of this ordinance and State Rules.

Subd. 3  **Litter.** Pursuant to Minnesota Statute 115A.99 any person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways, or waters is subject to a civil penalty of not less than twice nor more than five times the amount of cost incurred by a state or political subdivision to remove, process, and dispose of the waste.

Subd. 4  **Legal Action.** Any cost that Rock County may incur as described in this section may result in action to recover the civil penalty, related legal, administrative, and court costs, and damages for injury to or pollution of the lands, shorelands, roadways, or waters where the waste was placed if owned or managed by Rock County.

Subd. 5  **Litter Identification.** A person, corporation, partnership or entity shall be presumed to have deposited or placed solid waste in or on public lands, shore lands, roadways or waters if said solid waste can be identified by name, addresses, correspondence or other similar material and information as belonging to or having been generated by said person, corporation, partnership or entity.

XIV.  **COLLECTION, STORAGE AND DISPOSAL OF REGULATED SPECIAL WASTES**

**Waste Tires**

Subd. 1  **State Rules.** Chapters 7001 and 9220 of the Minnesota Waste Tire Permitting Rules are hereby incorporated by reference, as amended.

Subd. 2  **Land Disposal Prohibited.** The disposal of waste tires by burying in land is prohibited (Minn. Stat. 115A.904).

Subd. 3  **MMSW Prohibition.** The disposal of waste tires in mixed municipal solid waste is prohibited.

Subd. 4  **Residential Storage Limits.** No more than ten (10) waste tires may be stored within the boundaries of any residential lot.

Subd. 5  **Non-Residential Storage Limits.** No more than one hundred (100) waste tires may be stored on any non-residential lot except at a properly licensed solid waste facility.

Subd. 6  **Exceptions.** Exceptions to subsections 4 and 5 may be allowed when waste tires are utilized outside of a building for decorative, recreational, structural, construction or
agricultural purposes provided they comply with the requirements of other applicable laws or sections or this ordinance.

Subd. 7 Waste Tire Placement. Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, flood plain or shoreland.

Subd. 8 Violation. The owner of the land or premises upon which waste tires are located in violation of this ordinance shall be obligated to 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 as approved by the County Board.

White Goods

Subd. 10 White Goods Prohibitions. Pursuant to Minn. Stat. 115A.9561, no person shall place a major appliance in mixed municipal solid waste, or dispose of them in a solid waste processing or disposal facility.

Used Oil

Subd. 11 Used Oil Prohibition. A person may not place used crankcase oil in mixed municipal solid waste or place used oil in or on the land, unless approved by the Agency (Minn. Stat. 115A.916).

Yard Waste

Subd. 12 Yard Wastes Prohibition. Yard Wastes including, but not limited to garden waste, lawn cuttings, weed, or prunings shall not be disposed of in municipal solid waste, in a land disposal facility or in a resource recovery facility except for the purpose of composting or co-composting as per MPCA Rules 7035.2835, subd. 3, as amended (Minn. Stat. 115A.931).

Batteries

Subd. 13 Lead Acid Batteries. A person may not dispose of a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery (Minn. Stat. 115A.915).

Subd. 14 Transportation of Lead Acid Batteries. A person who transports used lead acid batteries from a retailer must deliver the batteries to a recycling facility (Minn. Stat. 115A.9152 subd. a).

Subd. 15 Prohibition of Certain Dry Cell Batteries. A person may not place in mixed municipal solid waste a dry cell containing mercuric oxide electrode, silver oxide electrode,
nickel-cadmium, or sealed lead acid that was purchased for use or used by a governmental agency, or an industrial, communications or medical facility (Minn. Stat. 115.A.9155 subd. 1).

Subd. 16 Prohibition of Nickel-Cadmium Batteries. A person may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a nonremovable rechargeable battery pack, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed (Minn. Stat. 115.9157 subd. 2).

Household Hazardous Waste

Subd. 17 Household Hazardous Waste. A person may not place in mixed municipal solid waste any household hazardous waste.

XV. ENFORCEMENT

Subd. 1 Authority. The Environmental Officer or such other person(s) as the County Board may designate by resolution or otherwise, shall enforce the provisions of this ordinance.

Subd. 2 Complaint/Investigation. All complaints as to alleged violation of this ordinance shall be filed in the Environmental Office which shall maintain a record thereof. The Environmental Officer shall be responsible for the investigation of complaints and for initiating investigations upon "good cause" to believe a violation is occurring. Investigation shall be conducted in the following manner, to wit:

a. In all cases in which the alleged violation poses an immediate or imminent danger to public health, safety or welfare, the Environmental Officer shall immediately investigate the complaint.

b. In all other cases the Environmental Officer shall investigate only after attempting to contact and give notice to the township or city within which the alleged violation is located. The township or city may elect to accompany the Environmental Officer in the investigation.

c. Upon completion of the investigation a report of the findings shall be made and filed in the Environmental Office.

d. If at any time any person, corporation, partnership or other entity shall refuse to allow the Environmental Officer access to inspect and investigate to determine compliance with this ordinance, the Environmental
Officer shall have the right to obtain a search warrant to gain access for purposes of such inspection.

Subd. 3 **Violation Procedure.** Whenever it is found that a violation of this ordinance has occurred, the Environmental Officer shall:

a. Issue a "Notice to Abate" to the person, corporation, partnership, or entity found to be in violation or non-compliance and specify such action as necessary to come into compliance with the provisions of this ordinance. Said notice shall be in writing and shall be served by mail on said violator, or if a mailing address is unknown, then by posting said notice on the premises.

b. The Environmental Officer may issue a citation for violation of this ordinance at the time that the original "Notice to Abate" is served, or anytime thereafter, until said notice has been fully complied with. The citation shall specify a fine according to a schedule of fines adopted by the County Board.

Subd. 4 **Failure to Terminate Illegal Practices.** If after service of notice, the person, corporation, partnership or other entity fails to terminate the illegal practices and to come into compliance with the terms of ordinance, the Environmental Office may take such steps as are necessary to eliminate the non-compliance and to bring the activity or practice into compliance for the term of this ordinance. After consultation with the County Board, the Environmental Office may either:

(a) Impose a daily assessment for each day that the noncompliance continues in an amount of $50.00 per day provided that written notice of the intention to levy said assessment and the commencement date thereof shall be given in the same manner as provided for in Subd. 3 (a) of this Article, or

(b) Arrange for the entry upon the property to terminate the noncompliance and bring the activity or practice into compliance, provided all costs incurred by such remedial and enforcement action may be recovered by assessing the cost against the real property upon which the illegal practice or activity has occurred. The Environmental Officer shall certify said amount to the County Auditor on or before October 15 of each year for collection in the same manner as taxes and special assessments.
XVI. PENALTIES

Subd. 1 Interference with Environmental Officer. Any person who shall prevent, molest, resist, or interfere with the Environmental Officer in the discharge of his/her duties shall be guilty of a misdemeanor.

Subd. 2 Violation of Ordinance Provisions. Any person who shall violate any provision of this ordinance or who shall fail to comply with any order made under the provisions of this ordinance shall be guilty of a misdemeanor.

XVII. WAIVER. The County Board may waive any licensing, construction or operation requirements based upon the characteristics of the waste, the site or the proposed service, provided such a waiver will not endanger the health or safety of the public.

XVIII. SEVERABILITY. The provisions of this ordinance are severable. Should any action, paragraph, sentence, clause, phrase, or portion of the regulation be declared invalid for any reason, the remainder of this regulation shall not be affected.

XIX. REPEALER. Rock County Solid Waste Ordinance No. 1972-2 (2.0) and 1975-1 (2.01) is hereby repealed.

XX. EFFECTIVE DATE. This regulation shall be in full force and effect on January 1, 1993 upon adoption and publication pursuant to law.

Passed and Adopted by the Rock County Board of Commissioners
this 5th day of May, 1992.

Chairman, Rock County Board of Commissioners

ATTEST:

Charles A. Braa, Rock County Auditor
RESOLUTION PROVIDING FOR THE ESTABLISHMENT
AND COLLECTION OF FEES, RATES AND CHARGES
FOR THE USE OF THE SOLID WASTE MANAGEMENT
FACILITIES WITHIN ROCK COUNTY, MINNESOTA
AND PROVIDING AND SETTING THE LICENSE FEES
FOR SOLID WASTE HAULERS, RECYCLABLE HAULERS
AND SOLID WASTE FACILITIES

WHEREAS, The County of Rock adopted a Solid Waste Management
Ordinance, dated May 5, 1992 and which Ordinance authorizes and
empowers the Board of Commissioners of the County of Rock to
establish and provide for the fees necessary to implement the
provisions of said Ordinance and to provide for the establishment
of license fees as required therein, and,

WHEREAS, The County of Rock has heretofore purchased and
developed and is now operating a solid waste management facility in
the County of Rock consisting of a transfer station and demolition
material disposal site, and,

WHEREAS, The County has determined that it is in the best
interests of the residents of Rock County that the cost of
operation of all solid waste management facilities be paid from
fees and charges generated from the use of said facilities, and,

WHEREAS, The County finds it necessary and appropriate that
from time to time the rates, charges and license fees as relates to
solid waste management within the County be adjusted so as to
reflect the cost of operation, to encourage and promote certain
conservation practices, to reflect changes or modifications in the
operation and type of said facilities, and further to provide for
the collection of mandated state surcharges;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners
for the County of Rock, State of Minnesota, as follows:

SECTION I.
PRIOR RESOLUTIONS

This resolution shall be deemed to supersede, amend and
replace any previous ordinances or other resolutions enacted by the
County of Rock relating to fees or charges therefor for a solid
waste management facility, and all such resolutions are hereby
revoked and rescinded effective October 4, 1993.

SECTION II.
FEES AND CHARGES

(A) Fees and charges shall be determined by weight and shall
be as set forth.

1. Mixed municipal/individual solid waste
per ton (both compacted and uncompacted) $85.00
2. Compost, grass clippings and yard garden waste per cubic yard No charge
3. Trees, shrubs, or other brush per lb. $ .01
4. Recyclable metals per lb. $ .01
5. Demolition materials per ton $10.00
6. Appliances $15.00 each

SECTION III.
FEES FOR TIRES

(A) The following fees shall be charged for the deposit of tires:

1. Passenger car tires and all other tires except as otherwise provided herein $ .05/lb.
2. Non-motorized bicycle tires No charge

SECTION IV.
GENERAL CONDITIONS

(A) Solid waste shall contain no liquids.

(B) Solid waste shall not contain any materials or waste prohibited by the Rock County Solid Waste Management Ordinance or any state law, rule or regulation.

(C) At such time as charges are made on the basis of weight, one ton or less of solid waste shall be charged at the rate for one ton. Thereafter, charges shall be made on a proportional basis based upon the actual weight of the solid waste or other material delivered to the solid waste management facility, subject to the electronic sensitivity of the scale utilized.

(D) All solid waste or other materials brought to the sanitary landfill shall be directed and placed at such sites and in such a manner as directed by the landfill attendant.

SECTION V.
SPECIAL CONDITIONS

The following special conditions shall apply to the following specific classifications of solid waste.

(A) TIRES.

1. Only tires without rims or other attachments will be accepted.
(B) COMPOST, GRASS CLIPPINGS, YARD AND GARDEN WASTE.

1. Waste must be loose and shall not be tied or otherwise contained as placed in such containers as provided by ordinance, rule or regulation.

2. Except as otherwise provided for herein, no bags, boxes or other solid waste shall be included or mixed with said material.

3. Waste must not contain any residual pesticides.

(C) APPLIANCES.

1. For purposes of this resolution, appliances shall mean clothes dryers and washers, dishwashers, hot water heaters, garbage disposals, trash compactors, conventional ovens, ranges and stove, air conditioners, refrigerators, and freezers, furnaces, dehumidifiers.

(D) WASTE MOTOR OIL.

1. Waste motor oil must not contain any water, solids, solvents, or degreasers of any kind.

(E) RECYCLABLE MATERIALS – AS DEFINED BY COUNTY BOARD RESOLUTION.

No charge

SECTION VI.
SURCHARGES, TAXES, ETC.

The County shall collect, in addition to the fees set forth herein, such surcharges, taxes, assessments, or other charges or fees as may from time to time be required by the State of Minnesota pursuant to statute, rule, or regulation. Said fees and charges shall be in an amount set and determined by the State of Minnesota and changes therein shall not require additional action on the part of the County of Rock.

SECTION VII.
NONRESIDENT USE OF FACILITY

(A) In addition to the charges set forth in this resolution, each person, corporation, partnership or entity not a resident of Rock County shall pay additional service fees as follows:

1. Each load of one ton or less $20.00

2. Each additional ton or part thereof $20.00
SECTION VIII.
COLLECTION OF FEES

(A) The landfill attendance shall be responsible for recording and remitting all fees to the County Treasurer to be placed in the landfill account.

(B) In the event any charge hereunder shall be delinquent or past due for more than 30 days, there shall be added thereto an additional surcharge of 1 1/2% per month for each month that said account remains delinquent or $15.00, whichever is greater.

SECTION IX.
USE OF SOLID WASTE MANAGEMENT WASTE FACILITY ON SATURDAYS, SUNDAYS, OR HOLIDAYS AND SPECIAL HANDLING

(A) Any individual, person or entity desiring to use the solid waste management facility at a time other than regularly scheduled hours, as determined by the County Board, shall not do so unless:

1. They shall pay, in addition to the regular charge provided for herein, an additional surcharge of $40.00.

2. Obtain the consent of the environmental officer at least 24 hours prior to said intended use.

3. Insure and make provision that a landfill employee be present at the landfill for the purpose of the operation thereof.

4. No additional surcharge will be required on those portions of Saturdays, Sundays or holidays that the County Board of Commissioners orders the facility to be open for normal business.

(B) Other Special Handling. In the event that the solid waste requires special handling (i.e. asbestos, fuel contaminated dirt, etc.) there shall be charged in addition to the fees and charges set forth herein, an additional surcharge of $25.00 per hour for the estimated hours needed for said special handling. The landfill superintendent shall determine the estimated hours required for the special handling.

(C) Uncovered Load Fee. There shall be assessed at $10.00 surcharge for any load of material, of any kind, brought to the solid waste facility not covered.
SECTION X.
LICENSE FEES

That the following shall be the license fees for the various licenses required pursuant to the Rock County Solid Waste Management Ordinance.

(A) Solid waste hauler license fee $75.00 per year.
(B) Recyclable hauler license fee $75.00 per year.
(C) Solid waste land disposable facility initial application fee $100.00
   Original permit fee $500.00
   Renewal fee $250.00 per year.
(D) Composting and co-composting initial application fee $25.00
    Original permit fee $50.00
    Renewal fee $25.00 per year.
(E) Recycling facilities initial application fee $25.00
    Original permit fee $75.00
    Renewal fee $50.00 per year.
(F) Transfer station initial application fee $25.00
    Original permit fee $75.00
    Renewal fee $50.00 per year.
(G) Waste tire facility initial application fee $25.00
    Original permit fee $75.00
    Renewal fee $50.00 per year.
(H) Municipal solid waste incinerator initial application fee $750.00
    Original permit fee $1000.00
    Renewal fee $500.00 per year.
(I) Municipal solid waste composting initial application fee $750.00
    Original permit fee $1000.00
    Renewal fee $500.00 per year.

SECTION XI.
PUBLICATION

The resolution shall be published in the official newspaper of the County of Rock, State of Minnesota, for two successive weeks commencing with the first available publication following its adoption.
SECTION XII.
EFFECTIVE DATE

This resolution and the charges herein shall be effective on October 4, 1993.

Adopted by the Board of Commissioners for Rock County, Minnesota, this 21st day of September, 1993.

Jane A. Wildung, Chairman
Board of County Commissioners

ATTEST:

Charles A. Braa
County Auditor
RESOLUTION PROVIDING FOR THE ESTABLISHMENT
AND COLLECTION OF FEES, RATES AND CHARGES
FOR THE USE OF THE SOLID WASTE MANAGEMENT
FACILITIES WITHIN ROCK COUNTY, MINNESOTA
AND PROVIDING AND SETTING FEES FOR THE LICENSING
OF SOLID WASTE HAULERS, RECYCLABLE HAULERS
AND SOLID WASTE FACILITIES

WHEREAS, The County of Rock has adopted a Solid Waste
Management Ordinance, dated May 5, 1992 and which Ordinance
authorizes and empowers the Board of Commissioners of the County of
Rock to establish and provide for the fees necessary to implement
the provisions of said Ordinance and to provide for the
establishment of license fees as required therein, and,

WHEREAS, The County of Rock has heretofore purchased and
developed and is now operating a solid waste management facility in
the County of Rock consisting of a sanitary landfill and intends to
operate and construct a solid waste management facility consisting
of a transfer station, and,

WHEREAS, The County has determined that it is in the best
interests of the residents of Rock County that the cost of
operation of all solid waste management facilities be paid from
fees and charges determined by the use of said facilities, and,

WHEREAS, The County finds it necessary and appropriate that
from time to time the rates and charges and license fees as relates
to solid waste management within the County be adjusted so as to
reflect the cost of operation, to encourage and promote certain
conservation practices, to reflect changes or modifications in the
operation of said facilities, and further to provide for the
collection of mandated state surcharges;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners
for the County of Rock, State of Minnesota, as follows:

SECTION I.
PRIOR RESOLUTIONS

This resolution shall be deemed to supersede, amend and
replace any previous ordinances or other resolutions enacted by the
County of Rock relating to fees or charges therefor for the solid
waste management facility, and all such resolutions are hereby
revoked and rescinded effective January 1, 1993.

SECTION II.
FEES AND CHARGES

(A) During such time as the County shall continue to operate
and maintain a sanitary landfill (and which period is expected to
continue until approximately October 1, 1993), fees shall be
determined on a volume basis and shall be as set forth herein:
RESOLUTION PROVIDING FOR THE ESTABLISHMENT
AND COLLECTION OF CERTAIN FEES, RATES AND CHARGES
FOR THE USE OF THE SOLID WASTE MANAGEMENT
FACILITIES WITHIN ROCK COUNTY, MINNESOTA

WHEREAS, The Board of Commissioners of the County of Rock has
adopted a Solid Waste Management Ordinance, dated May 5, 1992 and
which Ordinance authorizes and empowers the Board of Commissioners
to establish and provide for the fees necessary to implement the
provisions of the Ordinance, and,

WHEREAS, The County has previously adopted a Resolution
setting fees, rates, and charges for the use of the solid waste
management facilities on or about September 21, 1993, and,

WHEREAS, The County has determined that certain of the fees
set forth in said September 21, 1993 Ordinance should be amended
and altered so as to more accurately reflect the cost of receiving
and handling said materials,

NOW THEREFORE, BE IT RESOLVED by the Board of commissioners
for the county of Rock, State of Minnesota, as follows:

1. That Section II of that prior Resolution of the Board
dated September 21, 1993 providing for the establishment and
collection of fees, rates and charges for the use of the solid
waste management facilities within Rock County, Minnesota and
providing and setting the license fees for solid waste recyclable
 haulers and solid waste facilities shall be amended to read as
follows:

Fees and Charges

(A) Fees and charges shall be determined by weight or as
otherwise set forth:

1. Mixed municipal/individual solid waste
   per ton (both compacted and uncompactd) $85.00
   Provided, that there shall be a $2.00
   bag or other container minimum

2. Compost, grass clippings and yard
garden waste per cubic yard
   No charge

3. Trees, shrubs, or other brush per lb. $ .01

4. Recyclable metals per lb. $ .01

5. Demolition materials per ton $20.00

6. Appliances $15.00 each
2. That all other provisions of the September 21, 1993 Resolution shall remain in full force and effect, and all rates, fees, and charges set forth therein are hereby ratified and affirmed.

3. Publication of this Resolution shall be published in the official newspaper of the County of Rock for two successive weeks commencing with the first available publication following its adoption.

4. This Resolution and the charges herein shall be effective on February 1, 1994.

   Adopted by the Board of Commissioners for Rock County, Minnesota this 25th day of January, 1994.

   [Signature]
   Willis J. Brakke, Chairman
   Board of County Commissioners

ATTEST:

[Signature]
Charles A. Braa
County Auditor
RESOLUTION PROVIDING FOR THE ESTABLISHMENT
AND COLLECTION OF CERTAIN FEES, RATES AND CHARGES
FOR THE USE OF THE SOLID WASTE MANAGEMENT
FACILITIES WITHIN ROCK COUNTY, MINNESOTA
AND PROVIDING AND SETTING THE LICENSE FEES
FOR SOLID WASTE HAULERS, RECYCLABLE HAULERS
AND SOLID WASTE FACILITIES

WHEREAS, The County of Rock adopted a Solid Waste Management
Ordinance, dated May 5, 1992 and which Ordinance authorizes and
empowers the Board of Commissioners of the County of Rock to
establish and provide for the fees necessary to implement the
provisions of said Ordinance and to provide for the establishment
of license fees as required therein, and,

WHEREAS, The County has heretofore purchased and developed and
is now operating a solid waste management facility in the County of
Rock consisting of a transfer station and demolition material
disposal site, and,

WHEREAS, The County has determined that it is in the best
interests of the residents of Rock County that the cost of
operation of all solid waste management facilities be paid from
fees and charges generated from the use of said facilities, and,

WHEREAS, The County finds it necessary and appropriate that
from time to time the rates, charges and license fees as relates to
solid waste management within the County be adjusted so as to
reflect the cost of operation, to encourage and promote certain
conservation practices, to reflect changes
or modifications in the operation and type of said facilities, and
further to provide for the collection of mandated state surcharges;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners
for the county of Rock, State of Minnesota, as follows:

SECTION I.
PRIOR RESOLUTIONS

This resolution shall be deemed to supersede, amend and
replace any previous ordinances or other resolutions enacted by the
County of Rock relating to fees or charges therefor for a solid
waste management facility, and all such resolution are hereby
revoked and rescinded effective December 31, 1993.

SECTION II.
FEES AND CHARGES

(A) Fees and charges shall be determined by weight and shall
be as set forth.
(A) Fees and charges shall be determined by weight or as otherwise set forth:

1. Mixed municipal/individual solid waste per ton (both compacted and uncompacted) $70.00
   Provided, that there shall be a $2.00 bag or other container minimum

2. Compost, grass clippings and yard garden waste per cubic yard No charge

3. Trees, shrubs, or other brush per lb. $ .01

4. Recyclable metals per lb. $ .01

5. Demolition materials per ton $14.00

6. Appliances $15.00 each

7. Oil Filters, regardless of size .75 each

SECTION III.
FEES FOR TIRES

(A) The following fees shall be charged for the deposit of tires:

1. Passenger car tires and all other tires except as otherwise provided herein $ .05/lb.

2. Non-motorized bicycle tires No charge

SECTION IV.
FLUORESCENT LIGHT BULBS

(A) The following fees shall be charged for the deposit of fluorescent light bulbs:

1. 4-foot lamps $ .60 per lamp
2. 8-foot lamps $ .75 per lamp
3. Ballasted lamps $2.00
4. Broken lamps $2.50
5. Circular lamps $ .80
6. Compact lamps $ .80
7. High intensity discharge lamps $5.00
8. Shattershielded lamps $3.00
9. U-shaped lamps $ .80
(B) The preceding prices are based upon the current contractor cost for recycling and are subject to change or modification, without notice, upon the change or modification of contractor cost for recycling.

(C) The landfill accept TCB ballast at the rate of $1.29 per lb.

(D) Lamps should not be taped together or otherwise affixed to each other when they are delivered to the transfer station.

SECTION V.
GENERAL CONDITIONS

(A) Solid waste shall contain no liquids.

(B) Solid waste shall not contain any materials or waste prohibited by the Rock County Solid Waste Management Ordinance or any state law, rule or regulation.

(C) At such time as charges are made on the basis of weight, one ton or less or solid waste shall be charged at the rate for one ton. Thereafter, charges shall be made on a proportional basis based upon the actual weight of the solid waste or other material delivered to the solid waste management facility, subject to the electronic sensitivity of the scale utilized.

(D) All solid waste or other materials brought to the sanitary landfill shall be directed and placed at such sites and in such a manner as directed by the landfill attendant.

SECTION VI.
SPECIAL CONDITIONS

The following special conditions shall apply to the following specific classification of solid waste.

(A) TIRES:
   1. Only tires without rims or other attachments will be accepted.

(B) COMPOST, GRASS CLIPPINGS, YARD AND GARDEN WASTE.
   1. Waste must be loose and shall not be tied or otherwise contained as placed in such containers as provided by ordinance, rule or regulation.
2. Except as otherwise provided for herein, no bags, boxes or other solid waste shall be included or mixed with said material.

3. Waste must not contain any residual pesticides.

(C) APPLIANCES.

1. For purposes of this resolution, appliances shall mean clothes dryers and washers, dishwashers, hot water heaters, garbage disposal, trash compactors, conventional ovens, ranges and stove, air conditioners, refrigerators, and freezers, furnaces, dehumidifiers, heat pumps and microwave ovens. $15.00 per unit

(D) WASTE MOTOR OIL.

1. Waste motor oil must not contain any water, solids, solvents, or degreasers of any kind.

(E) RECYCLABLE MATERIALS - AS DEFINED BY COUNTY BOARD RESOLUTION. No charge

SECTION VII.
SURCHARGES, TAXES, ETC.

The County shall collect, in addition to the fees set forth herein, such surcharges, taxes, assessments, or other charges or fees as may from time to time be required by the State of Minnesota pursuant to statute, rule, or regulation. Said fees and charges shall be in an amount set and determined by the State of Minnesota and changes therein shall not require additional action on the part of the County of Rock.

SECTION VIII.
COLLECTION OF FEES

(A) The landfill attendant shall be responsible for recording and remitting all fees to the County Treasurer to be placed in the landfill account.

(B) In the event any charge hereunder shall be delinquent or past due for more than 30 days, there shall be added thereto an additional surcharge of 1 1/2% per month for each month that said account remains delinquent or $15.00, whichever is greater, provided, however, that no delinquent charge shall be assessed to any governmental entity.
SECTION IX.
USE OF SOLID WASTE MANAGEMENT WASTE FACILITY
ON SATURDAYS, SUNDAYS, OR HOLIDAYS AND
SPECIAL HANDLING

(A) Any individual, person or entity desiring to use the solid waste management facility at a time other than regularly scheduled hours, as determined by the County Board, shall not do so unless:

1. They shall pay, in addition to the regular charge provided for herein, an additional surcharge of $40.00.

2. Obtain the consent of the environmental officer at least 24 hours prior to said intended use.

3. Insure and make provision that a landfill employee be present at the landfill for the purpose of the operation thereof.

4. No additional surcharge will be required on those portions of Saturdays, Sundays or holidays that the County Board of Commissioners orders the facility to be open for normal business.

(B) Other Special Handling. In the event that solid waste materials delivered to the landfill require any type of special handling, there shall be charged, in addition to the fees and charges set forth herein, an additional surcharge of $25.00 per hour for the estimated hours needed for said special handling. The landfill attendant shall determine the estimated hours required for the special handling. Notwithstanding the provisions contained herein, no asbestos or fuel contaminated soil shall be accepted.

(C) Uncovered Load Fee. There shall be assessed a $10.00 surcharge for any load of material, of any kind, brought to the solid waste facility not covered.

SECTION X.
LICENSE FEES

That the following shall be the license fees for the various licenses required pursuant to the Rock County Solid Waste Management Ordinance.

(A) Solid waste hauler license fee $75.00 per year

(B) Recyclable hauler license fee $75.00 per year
(C) Solid waste land disposable facility initial application fee $100.00
   Original permit fee $500.00
   Renewal fee $250.00 per year

(D) Composting and co-composting initial application fee $25.00
    Original permit fee $50.00
    Renewal fee $25.00 per year

(E) Recycling facilities initial application fee $25.00
    Original permit fee $75.00
    Renewal fee $50.00 per year

(F) Transfer station initial application fee $25.00
    Original permit fee $75.00
    Renewal fee $50.00 per year

(G) Waste tire facility initial application fee $25.00
    Original permit fee $75.00
    Renewal fee $50.00 per year

(H) Municipal solid waste incinerator initial application fee $750.00
    Original permit fee $1000.00
    Renewal fee $500.00 per year

(I) Municipal solid waste composting initial application fee $750.00
    Original permit fee $1000.00
    Renewal fee $500.00 per year

SECTION XI.
PUBLICATION

The resolution shall be published in the official newspaper of the County of Rock, State of Minnesota, for two successive weeks commencing with the first available publication following its adoption.

SECTION XII.
EFFECTIVE DATE

This resolution and the charges herein shall be effective on January 1, 1996.
Adopted by the Board of Commissioners for Rock County, Minnesota, this 6th day of December, 1995.

Ron Boyenga, Chairman
Board of County Commissioners

ATTEST:

Kyle J. Oldre
It's County Coordinator
RESOLUTION PROVIDING FOR THE IDENTIFICATION OF RECYCLABLE MATERIALS PROHIBITED FROM MUNICIPAL SOLID WASTE PURSUANT TO SECTION XII, SUBDIVISION 7 OF THE ROCK COUNTY SOLID WASTE MANAGEMENT ORDINANCE

WHEREAS, The County of Rock adopted a Solid Waste Management Ordinance, dated May 5, 1992, and which Ordinance authorizes and empowers the Board of Commissioners of the County of Rock to establish and provide for the regulation of the deposit of mixed municipal solid waste at the Rock County Landfill or other Solid Waste Management facility operated and conducted by the County of Rock, and,

WHEREAS, Section XII, Subdivision 7, of said Ordinance specifically authorizes the County Board, by resolution, to identify specific types of recyclable materials to be prohibited from being included in municipal solid waste;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Rock, State of Minnesota, as follows:

1. The following recyclable items are specifically banned and prohibited from being included within municipal solid waste and are banned from deposit at the Rock County Transfer Station or at any such other solid waste management facility contracted, maintained and operated by said county. Said materials include the following:

   A. Glass beverage and food containers (clear, brown, and green)
   B. Tin/Steel containers
   C. Aluminum beverage containers
   D. The following plastics:
      i) Polyethylene Terephthalate (#1 or "PET") containers
      ii) High Density Polyethylene (#2 or "HDPE") containers
      iii) Polyvinyl Chloride (#3 or "V") containers
   E. Old Newsprint
   F. Corrugated Cardboard
   G. Office Paper (including but not limited to computer paper, copy paper, colored paper, etc.)
   H. Telephone Books
   I. Hard Cover Books
   J. "Junk" Mail
   K. Magazines

2. That nothing contained herein shall prevent the delivery of said items banned from mixed municipal solid waste to any facility which has been approved or maintained by the county for the purpose of receiving such identified recyclable materials.

3. This resolution shall be effective following its adoption.

Adopted by the Board of Commissioners for Rock County, Minnesota, on this second day of January, 1996.

[Signature]
Ken Hoime, Chairman
Rock County Board of Commissioners

ATTEST:

[Signature]
Kyle Gelder, Clerk to the Board
YELLOW MEDICINE COUNTY

SOLID WASTE MANAGEMENT ORDINANCE
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THE SOLID WASTE MANAGEMENT ORDINANCE
FOR YELLOW MEDICINE COUNTY, MINNESOTA

SECTION 1.0:
LEGAL AUTHORITY AND ABROGATION

An ordinance authorizing and providing for County Solid Waste Management; establishing standards and requirements for solid waste management operations within the incorporated and unincorporated areas of the County of Yellow Medicine; requiring licenses and permits for storage, collection, transportation, processing, and disposal of solid waste in accordance with the Yellow Medicine County Solid Waste Management Plan and Amendments thereto; embodying and supplementing the minimum standards and requirements established by rules of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; imposing penalties for failure to comply with these provisions; requiring performance bonds and insurance; and promoting the health, safety, and welfare of the public pursuant to Minnesota Statutes, Chapters 115, 115A, 116, 145A.05 and 145A.11, 375, 400, 561.01, and 609.74.

The County Board of Commissioners of Yellow Medicine County, Minnesota, does ordain:

SECTION 2.0:
PURPOSE

The Yellow Medicine County Board has determined this regulation be adopted to:

Subsection 1. Protect public health, prevent public nuisances, and prevent contamination of air, soil, surface water, ground water and the environment of Yellow Medicine County. This protection will be best served through control of the location and operation of waste management activities, sites and facilities.

Subsection 2. Assure that all individuals are both informed and responsible for their actions regarding solid waste. Assure that all individuals understand that their actions may affect the environment and the community now and in the future.

Subsection 3. Support activities that will promote reduction, reuse, recycling and processing of materials found in the waste stream.

Subsection 4. Augment, supplement and support existing state of Minnesota controls pertaining to solid waste.

Subsection 5. To impose penalties and fines concerning illegal disposal activities.
SECTION 3.0:
DEFINITIONS

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 or as amended in state statutes and rules.

Subsection 1. **Agency** means the Minnesota Pollution Control Agency, its agent, or representative.

Subsection 2. **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.

Subsection 3. **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.

Subsection 4. **Ash** means the incinierable material that remains after a fuel or solid waste is incinerated.

Subsection 5. **Backyard Compost Site** means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or single commercial office, a member of which is the owner, occupant, or lessee of the property.

Subsection 6. **Best Management Practices** means practices that are capable of preventing releases and minimizing degradation of the environment, considering technical feasibility, implementability, availability, effectiveness, economic factors and environmental effects.

Subsection 7. **Brush Disposal Facility** means a site used exclusively for disposal of trees and tree parts including stumps, branches, and their attached leaves. Such disposal may include open burning and burial of the resulting ash and unburned tree parts.

Subsection 8. **Clean Fill** means materials consisting of 100 percent natural soils.

Subsection 9. **Closure** means actions to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the solid waste for which it operated or was permitted, including the removal of contaminated equipment, the removal of liners, grading, applying final cover,
seeding of final cover, installation of monitoring devices, construction of ground and surface water diversion structures, and gas control systems as necessary.

Subsection 10. **Co-compost** is defined as 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.

Subsection 11. **Collection** 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 waste facility.

Subsection 12. **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.

Subsection 13. **Commission** is defined as Yellow Medicine County.

Subsection 14. **Compost Site** means a site used to compost yard waste including all structures used to control drainage, collect and treat leachate, storage areas for incoming yard waste, and the final product.

Subsection 15. **Composting** means the controlled microbial degradation of organic waste to yield a humus-like product.

Subsection 16. **Construction Debris** means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

Subsection 17. **County** means any representative of Yellow Medicine County who is authorized by this ordinance or otherwise by the County Board to represent the County of Yellow Medicine in the enforcement or administration of this ordinance.

Subsection 18. **County Board** means the Yellow Medicine County Board of Commissioners.

Subsection 19. **Cover** means material approved by the Agency that is used to cover compacted solid waste in a land disposal site.

Subsection 20. **Demolition Debris** means solid waste resulting from the demolition of buildings, roads, and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos.

Subsection 21. **Demolition Debris Land Disposal Facility** means an area of land used for the disposal of demolition debris.
Subsection 22. **Disposal** 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.

Subsection 23. **Disposal Facility** means a waste facility permitted by the Agency 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 waste facility.

Subsection 24. **Dumping** means the illegal placement of any solid waste anywhere other than an approved facility or container.

Subsection 25. **Dwelling** means a residential building or portion thereof intended for human occupancy but not including hotels, motels, boarding or rooming houses.

Subsection 26. **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.

Subsection 27. **Financial Assurance** means monetary mechanisms which are used to assure proper closure, post closure care, and contingency action at a site or facility.

Subsection 28. **Garbage** means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Subsection 29. **Generate** means the act or process of producing waste, including the production or aggregation of waste occurring at an intermediate disposal facility.

Subsection 30. **Generator** means any person who generates solid waste.

Subsection 31. **Ground Water** 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 under ground.

Subsection 32. **Hazardous Waste** is defined as 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 or 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.

Subsection 33. Household means a single detached dwelling unit or a single unit of a multiple dwelling unit.

Subsection 34. Household Hazardous Waste means waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under Agency rules, but does not include waste from commercial activities that is generated stored, or present in the household.

Subsection 35. 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.

Subsection 36. Industrial Solid Waste 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. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse. (MN Rules 7035.0300 subp 45: means solid waste resulting from an industrial, manufacturing, service or commercial activity that is managed as a separate waste stream).

Subsection 37. Infectious Waste means waste originating from diagnosis, care, or treatment of a person or animal that has been or may have been exposed to a contagious or infectious disease. Unless materials have been rendered noninfectious by procedures approved by the Minnesota Commissioner of Health, infectious waste includes:

A. all wastes originating from persons or animals placed in isolation for control and treatment of an infectious disease;
B. bandages, dressings, casts, catheters, tubing, and similar disposable items which have been in contact with wounds, burns, anatomical tracts, or surgical incisions and which are suspect of being or have been medically verified as in infectious;
C. all infectious anatomical waste, including human and animal parts or tissues;
D. infectious sharps or needles;
E. laboratory and pathology waste of an infectious nature; or
F. any other waste, as defined by the Minnesota Commissioner of Health, which, because of its infectious nature, requires handling and disposal in a manner prescribed for items A to E.

Subsection 38. Junk/Salvage Yard means a site (land or buildings), place of storage, or deposit which is maintained, operated, or used for storing, buying, or selling junk, or for the maintenance or operation of an automobile graveyard at which the waste, vehicle body, or discarded material is stored, and where wastes of all types, discarded or salvaged materials and items generated from the site or
from other sources, are brought, bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, and shall include but not be limited to, vehicles of any type including but not limited to, inoperable vehicles, recreational vehicles, snowmobiles, off-road vehicles, and manufactured homes, machinery of any type and/or parts thereof, scrap metal, scrap copper, brass, rope, rags, batteries, paper, solid waste, ferrous and non ferrous material, paper, cardboard, rubber products, plastic products, glass products, lumber products, masonry products, fiber products, farm and construction machinery and/or parts thereof, and items, materials, and products resulting from the salvaging, storing, wrecking, dismantling, or crushing of vehicles or any other items.

Subsection 39. **Land Disposal Facility** means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land in a safe and environmentally sound manner.

Subsection 40. **Land Pollution** means the presence in or on the land of any waste or waste by-products in such quantity, of such nature and duration, and under such condition as would negatively affect any waters of the state, create air contaminants, cause air pollution, or contaminate soils at the site making the site unacceptable for further use.

Subsection 41. **Landspreading/Land Application** means the placement of waste or waste by-products on or incorporated into the soil surface.

Subsection 42. **Landspreading/Land Application Site** means any land used for the purpose of landspreading or the land application of waste or waste by-products.

Subsection 43. **Leachate** means liquid that has percolated through solid waste and has extracted, dissolved, or suspended materials from it.

Subsection 44. **Leachate Management System** means the structures constructed and operated to contain, transport, and treat leachate, including liners, collection pipes, detection systems, holding areas, and treatment facilities.

Subsection 45. **License** means express written permission as granted by the County Board to engage in solid waste management activities.

Subsection 46. **Licensee** means the person who has been issued a license by the County Board for solid waste management purposes pursuant to this ordinance.

Subsection 47. **Local Government Unit** means cities, towns, and counties.

Subsection 48. **Major Appliances** means clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.
Subsection 49. **Market** means any person which accepts and recycles recyclable materials.

Subsection 50. **Marketed** means delivery of recyclable materials to and acceptance by a market.

Subsection 51. **Medical Waste** includes infectious waste, as defined in the Infectious Waste Control Act of 1989, Minn. Stat. section 116.76, subdivision 12(Supp. 1989), as amended, or its successor, and 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 decontaminated.

Subsection 52. **Mixed Municipal Solid Waste (MMSW)** means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but 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.

Subsection 53. **Mixed Municipal Solid Waste (MMSW) Compost Facility** means a site 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.

Subsection 54. **Monitoring Well** has the meaning given it in part 4725.0100, subpart 30a, or its successor.

Subsection 55. **Monitoring Point** means any installation used to determine the quality or physical characteristics of ground water, surface water, or water in the unsaturated zone.

Subsection 56. **MPCA** means the Minnesota Pollution Control Agency.

Subsection 57. **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.

Subsection 58. **Nuisance** means a thing, act, failure to act, or use which: A) annoys, injures or endangers the public health and or safety; and or B) lowers the aesthetic value of any property or adjoining lands.

Subsection 59. **Open Burning** means burning any matter whereby the resultant combustion products are emitted directly to the atmosphere without passing through an adequate stack, duct, or chimney including, but not limited to, backyard burning barrels.
Subsection 60. **Open Dump** means a land disposal site 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.

Subsection 61. **Operations** means any site, facility, or activity relating to solid waste management purposes pursuant to this ordinance.

Subsection 62. **Operator** means the person responsible for the overall operation of a facility.

Subsection 63. **Owner** means the person or persons who own a site, facility or operation or part thereof.

Subsection 64. **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 representative of any of the foregoing, or any other legal entity.

Subsection 65. **Personnel** means all persons who work at or oversee the operation of a solid waste management facility, and whose actions or failure to act may result in noncompliance with the requirements of this ordinance.

Subsection 66. **Pollutant** has the meaning given it in Minnesota Statutes, Section 115.01, Subdivision 13, or its successor.

Subsection 67. **Post Closure Care** means actions taken for the care, maintenance, and monitoring of a facility after closure that will prevent, mitigate, or minimize the threat to public health and the environment posed by the closed facility.

Subsection 68. **Problem Material** means a material that, when it is processed or disposed of with mixed municipal solid waste, contribute to one or more of the following results: (1) the release of a hazardous substance, or pollutant or contaminant, as defined in section 115B.02, subdivisions 8, 13, and 15, or its successor; (2) pollution of the water as defined in section 115.01, subdivision 5, or its successor; (3) air pollution as defined in 116.06, subdivision 3, or its successor; or (4) a significant threat to the safe or efficient operation of a solid waste facility.

Subsection 69. **Processing** means the treatment of solid waste after collection and before disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical or biological modification.

Subsection 70. **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, the final product and residuals resulting from the process, and may be designated for recyclable materials only.
Subsection 71. **Public Health Nuisance** means any activity or failure to act that adversely affects the public health.

Subsection 72. **Putrescible material** means solid waste which is capable of being rotten, or which may reach a foul state of decay or decomposition.

Subsection 73. **Recovered Materials** means materials that have been separated from the solid waste stream for reuse and that have been processed, modified, or converted to be a raw material.

Subsection 74. **Recyclable Materials** means materials that are separated from mixed municipal solid waste for the purpose of recycling including paper, glass, plastics, metals, automobile oil and batteries. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subsection 75. **Recycling** means the process of collecting, preparing for market, and marketing 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. In addition, recycling means yard waste composting, and recycling that occurs through hand separation of materials that are then delivered for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the recyclable materials in a manner that precludes further use.

Subsection 76. **Recycling Facility** means a site used to collect, process, and repair recyclable materials for markets where they will be reused in their original form or using them in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.

Subsection 77. **Refuse** means putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street sweepings, and residential, commercial, and industrial wastes, including municipal treatment wastes which do not contain free moisture.

Subsection 78. **Refuse Derived Fuel** means the product resulting from techniques or processes used to prepare solid waste by shredding, sorting, or compacting for use as an energy source.

Subsection 79. **Residence** means any building or portion thereof used as a dwelling or sleeping area for people.

Subsection 80. **Resource Recovery** means the reclamation for sale, use, or reuse of materials, substances, energy, or other products contained within or derived from waste.

Subsection 81. **Resource Recovery Facility** is defined as a 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.

Subsection 82. **Responsible Party** is the owner, operator, or successor in interest of a solid waste facility.

Subsection 83. **Rubbish** means nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

Subsection 84. **Sanitary Landfill** means a land disposal site employing any engineering method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste into the smallest particle volume, and applying cover material at the end of each operating day, or at intervals as may be required by the agency.

Subsection 85. **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 management facility.

Subsection 86. **Scavenging** means the removal of waste materials from a licensed solid waste facility or county owned or operated recycling or solid waste facility.

Subsection 87. **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 wastes or wastes from grease traps.

Subsection 88. **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 such as junked automobiles.

Subsection 89. **Self Generated Solid Waste** is any person owning or operating a residence, business, an industry or commercial establishment which generates solid waste by its operations.

Subsection 90. **Sewage Sludge** means the solids and associated liquids in municipal waste water 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.

Subsection 91. **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.

Subsection 92. **Site** means the spatial location of a proposed or actual solid waste management activity or facility.

Subsection 93. **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.

Subsection 94. **Solid Waste** means garbage, rubish, 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 residential, 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.

Subsection 95. **Solid Waste Collection** means the gathering of solid waste from public and private places.

Subsection 96. **Solid Waste Land Disposal Facility** means a facility used to dispose of solid waste in or on the land.

Subsection 97. **Solid Waste Management Facility** means all real or personal property which is or may be needed for the processing or disposal of waste. It includes but is not limited to the storage, collection, transportation, processing or reuse, conversion, or disposal of solid waste in an environmentally sound manner.

Subsection 98. **Solid Waste Management Plan** means the Solid Waste Management Plan for Yellow Medicine County Minnesota.

Subsection 99. **Solid Waste Administrator** means the Solid Waste Administrator of Yellow Medicine County.

Subsection 100. **Solid Waste Storage** means the holding of solid waste near the point of generation.

Subsection 101. **Solid Waste Transportation** means the conveying of solid waste from one place to another, by means of vehicle, rail car, water, vessel, conveyer, or other means.
Subsection 102. **Source Separated Materials** means materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in the manufacturing process.

Subsection 103. **Source Separation** means the separation of recyclable materials from waste by the generator prior to collection for recycling.

Subsection 104. **State** means the State of Minnesota.

Subsection 105. **Tire** means a pneumatic tire or solid tire for motor vehicles as defined in section 169.01. MN Stat 115A.90 Subd. 7, or its successor.

Subsection 106. **Tire Collector** means a person who owns or operates a permitted site, or a site exempted from permit, used for the storage, collection, or deposit of waste tires.

Subsection 107. **Tire Dump** means an establishment, site, or place of business without a required tire collector or tire processor permit that is maintained, operated, used or allowed to be used for storing, keeping, or depositing unprocessed waste tires.

Subsection 108. **Tire Processing** means producing or manufacturing useable materials, including fuel, from waste tires including necessary incidental storage activity and permitted by the Agency.

Subsection 109. **Tire Processor** means a person permitted by the Agency to engage in the processing of waste tires.

Subsection 110. **Tire Transporter** means a person provided with a tire transporter number from the Agency who removes waste tires from the source of generation, a tire dump, or a waste tire facility.

Subsection 111. **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.

Subsection 112. **Transfer Station** means an intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.

Subsection 113. **Transportation** is defined as the conveying of solid waste from one place to another.

Subsection 114. **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.

Subsection 115. **Waste Tire** means a tire that is no longer suitable for its original intended purposes because of wear, damage or defect.

Subsection 116. **Waste Tire Facility** means an area where more than 50 waste tires or an equivalent amount of tire derived products are collected, deposited, stored, or processed. The incidental storage of tire derived products at the site of final use does not make the site a waste tire facility.

Subsection 117. **Waste Tire Collection Site** means a licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.

Subsection 118. **Waste Tire Processing Facility** means an area where waste tires, or tire derived products are processed. A waste tire processing facility must meet the qualifications in Minn. Rules part 9220.0470.

Subsection 119. **Waste Tire Storage Facility** means an area where waste tires, or tire derived products, are collected, deposited, or stored. A waste tire storage facility is a facility that does not meet the qualifications for regulation as a waste tire transfer facility or a waste tire processing facility.

Subsection 120. **Waste Tire Transfer Facility** means an area where waste tires are concentrated for transport to waste tire processing facilities. A waste tire transfer facility must meet the qualifications in Minn. Rules part 9220.0460.

Subsection 121. **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.

Subsection 122. **Water Table** means the surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.

Subsection 123. **Waters of the State** means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state. Waters of the state are not necessarily public waters.

Subsection 124. **Wetland** means a surface water feature classified as a wetland in the publication entitled "Classification of Wetlands and Deep Water Habitats of the United States," written and published by the United States Fish and Wildlife Service Biological Services Program, FWS 035-71/31, December 1979, or its
successor, which is incorporated by reference. The publication is not subject to frequent change. In addition, the Solid Waste Officer will utilize the January 1989, or its successor, Federal Manual for Identifying and Delineating Jurisdictional Wetlands to identify wetlands. Wetland does not include public water wetlands and public waters that are designated on the DNR public waters inventory maps prepared under Minnesota Statutes, section 103G.201.

Subsection 125. White Good means an abandoned, discarded, or inoperable refrigerator, freezer, washer, dryer, dishwasher, water heater, trash compactor, air conditioner, oven, range, stove, microwave oven, dehumidifier, residential furnace, or related household appliance.

Subsection 126. Yard Waste means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

SECTION 4.0:
GENERAL PROVISIONS AND RESPONSIBILITIES

Subsection 1. This ordinance shall apply to all existing permits, licenses, and conditional use permits presently in existence and hereafter granted. All existing permits, licenses and conditional use permits presently in existence and hereafter granted shall be in compliance with all other county ordinances, local, state, and federal guidelines, statutes, rules and regulation, and in compliance with the Yellow Medicine County Solid Waste Management Plan.

Subsection 2. The Solid Waste Officer shall have the right and duty to administer and enforce this ordinance. Rights and duties of the Solid Waste Officer shall include, but shall not be limited to those described in this section.

Subsection 3. The Solid Waste Officer shall have the right and duty to investigate complaints of violations of this ordinance.

Subsection 4. The Solid Waste Officer shall have the right and duty to inspect private property to determine if the property owner is in compliance with the provisions of this ordinance.

Subsection 5. Routine inspection and evaluation of solid waste management activities, sites, or facilities shall be made by the Solid Waste Officer in such frequency to ensure consistent compliance by the operation with the provisions of this ordinance. An applicant for a license and any licensee shall allow free access to the Solid Waste Officer; provided that the entrance and activity is undertaken after reasonable notice and during normal business hours, except as provided in Minnesota Statutes Chapter 115A.882 RECORDS; INSPECTION; for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, any other applicable statute, or for the purpose of making written and documented notice of any deficiencies,
recommendations for their correction, and the date by which corrections shall be accomplished.

Subsection 6. The Solid Waste Officer shall have the right and duty to review and consider all license applications submitted to the Solid Waste Officer for operation of all solid waste management activities, sites, or facilities within the County.

Subsection 7. The Solid Waste Officer shall have the right and duty to make recommendations to the County Board regarding imposing solid waste management activity, site, or facility specific conditions on licenses.

Subsection 8. The Solid Waste Officer may make recommendations to the County Board concerning agreements with responsible parties to address the operation, closure and post closure requirements for licensed and unlicensed solid waste facilities.

Subsection 9. The Solid Waste Officer shall have the right and duty to recommend, when necessary, to the County Board, that a solid waste license be issued, denied, revoked, or suspended.

Subsection 10. The Solid Waste Officer shall have the right and duty to recommend, when necessary, to the County Attorney’s Office, that legal proceedings be initiated against a certain solid waste management activity, site or facility.

Subsection 11. The Solid Waste Officer shall have the right and duty to recommend to the County Board identified solid waste management needs of the county, and the development and implementation of plans to meet those needs.

Subsection 12. The Solid Waste Officer shall have the right and duty to encourage and conduct studies, investigations, and research relating to solid waste management, such as methodology, chemical and physical considerations, and engineering.

Subsection 13. The Solid Waste Officer shall have the right and duty to advise, consult, and cooperate with other governmental agencies in the furtherance of the purposes of this ordinance.

SECTION 5.0 - GENERAL SOLID WASTE STORAGE AND DISPOSAL REQUIREMENTS

SECTION 5.0:

SOLID WASTE STORAGE
Subsection 1. **Solid Waste Accumulation.** The owner, lessee or occupant of any property, premises, business establishment, or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment or industry. The owner, lessee or occupant of any property, premises, business establishment or industry shall be responsible for maintaining the property and any structures on the property free of improperly stored solid waste accumulations. The owner, lessee or occupant of any property, premises, business establishment or industry shall be responsible for maintaining the same in a nuisance free, pollution free and aesthetic manner. This includes removal of: animal feces; animal carcasses; inoperable machines; inoperable vehicles; appliances; fixtures; and equipment of damaged, deteriorated or obsolete condition; broken furniture, boxes, crates, pallets, salvage, and other debris; and any other form of solid waste. No building, structure, property or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation, and disposal of all solid wastes.

All solid waste storage shall be in compliance with the regulations of local, state and federal ordinances. statutes, rules, regulations, and guidelines.

Nothing in this section shall unreasonably restrict commonly accepted activities of farms and duly established automobile, scrap iron, metal recyclers, or salvage operations that maintain such operations in an orderly, pollution free and nuisance free manner and in compliance with other County ordinances and the regulations of federal, state, and local governments and their regulatory agencies.

Subsection 2. **Storage Containers Required.** Every property shall be supplied with adequate solid waste storage containers. The containers shall be provided by the owner of the property or by contract with a Commercial Hauler. The owner of the property shall use the containers for solid waste storage. If the property owner does not occupy the property, the property owner will cause the occupant or tenant to use the containers for solid waste storage. The property owner 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.

Subsection 3. **Container Construction.** Solid waste storage containers shall be of sound construction and resistant to animal and insect entry. Containers shall be constructed of rust and impact resistant materials and shall be equipped with tight-fitting covers. The property owner is responsible for maintaining containers in a neat, clean, sanitary, and leak-resistant condition. If the container is supplied by a Commercial Hauler, the Commercial Hauler shall ensure that the container is leak resistant.

Subsection 4. **Frequency of Container Service.** Every property owner shall cause container contents to be removed and deposited at a licensed waste management facility at such frequency so as to not create a nuisance, public health nuisance, safety, or pollution hazard. Solid waste stored on public or private property for collection or removal shall not be stored more than two (2)
weeks without the written approval of the Solid Waste Officer. Source separated recyclables materials suitable for recycling may be stored for a longer period of time if stored in an acceptable manner that does not cause a nuisance, public health nuisance, safety, or pollution hazard.

Subsection 5. **Waste Materials too Large for Containers.** Waste objects too large or otherwise unsuitable for storage containers shall be stored in a manner that does not cause a nuisance, public health nuisance, safety, or pollution hazard.

Subsection 6. **Recyclables Storage.** Recyclables materials shall be placed indoors, or in side or rear yards if they are fully screened from neighboring properties and public streets. Recyclable storage shall be in a nuisance free, pollution free and aesthetic manner. The County Board may, by resolution, establish other container standards.

Subsection 7. **Hazardous Waste Storage.** Hazardous wastes shall be stored in leakproof containers which are adequately labeled, in a safe location and in compliance with the regulations of Federal, State (Minn. Rules Ch. 7045) and Local Governments, and their regulatory agencies.

**SECTION 6.0:**

**SOLID WASTE DISPOSAL**

Subsection 1. **License Required.** No person shall use, cause, permit or allow land or property under his/her ownership or control to be used for solid waste disposal or management purposes except at an operation for which a license has been granted by the County Board. Individual farm households may use land under the farm households control for solid waste disposal if the disposal meets the requirements of Minnesota Statute 17.135 (Appendix A). No such disposal shall be located closer than 100 feet from the normal high water mark of waters of the state or less than five feet above the groundwater table. No solid waste disposed of at such site shall be visible from public roads or other adjacent properties, public or private.

Solid waste disposal license requirements are provided for in Section 27 of this ordinance.

Subsection 2. **General Powers.** As provided for in Minnesota Statute 375.18, Yellow Medicine County hereby prohibits the deposit of solid waste within the county not otherwise allowed by law. The County may require the owners or occupants of property to remove unauthorized deposit of solid waste. If the solid waste is not removed, the County may provide for removal of the solid waste at the owner's or occupant's expense, and provide for the expense to be a lien on the property to be collected as a special assessment. The County may also seek civil penalties and damages from persons responsible for unauthorized deposit of solid waste under section 115A.99, which if unpaid, may be imposed as a lien on property owned by the responsible persons to be collected as a special assessment.
Subsection 3. **Transfer of Solid Waste.** Solid waste shall not be transferred to another property or solid waste container except for the transfer of solid wastes to a licensed solid waste management facility.

Subsection 4. **Scavenging of Solid Waste and Recyclables.** It shall be a violation of this ordinance for any person to scavenge, collect, or otherwise remove recyclable or solid waste materials from County owned or privately owned recycling sheds, containers, or facilities, or from any container located on any private or public property.

Subsection 5. **Dumping of Solid Waste or Recyclables in Recycling Facilities.** It shall be a violation of this ordinance for any person to dump, place, or otherwise deposit solid waste in County owned or privately owned recycling sheds, containers, or facilities, or mix source separated recyclables with solid waste in any manner. Any commercial hauler or recycler is prohibited from using County owned recycling sheds, containers, or facilities, to dump solid waste or recyclables unless so authorized by the County.

Subsection 6. **Unauthorized Disposal.** Pursuant to Minnesota Statutes 115A.99, a person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways, or waters is subject to a civil penalty of not less than twice nor more than five times the costs incurred by a state agency or political subdivision to remove, process, and dispose of the waste. A state agency or political subdivision that incurs costs as described in this section may bring action to recover the civil penalty, related legal, administrative, and court costs, and damages for injury to or pollution of the lands, shorelands, roadways, or waters where the waste was placed if owned or managed by the entity bringing the action. Civil penalties and damages collected must be collected and distributed as required in Minnesota Statute 487.33. A private person may join an action by the state or political subdivision to recover a civil penalty under subdivision 1 to allow the person to recover damages for waste unlawfully placed on the person's property.

Subsection 7. **Open Dumps.** It shall be a violation of this ordinance for any person to maintain an open dump. The owner of any open dump in existence at the time this ordinance is enacted shall cease disposal, remove solid wastes, and cause the solid wastes to be disposed at a licensed solid waste management facility.

Subsection 8. **Abatement.** Waste placed in open dumps or illegally disposed of shall be collected and transported to a licensed waste facility for proper disposal by the property owner. The property owner shall notify the Solid Waste Officer at least 48 hours prior to commencement of excavation/removal activity. A receipt or other documentation approved by the Solid Waste Officer which provides evidence to satisfactory and legal disposal of the solid waste shall be submitted to the Solid Waste Officer.

The owner of the property on which an open dump is located may be required to place on record, with the Yellow Medicine County Recorder, a form provided by
the Solid Waste Officer that provides the public notice of the existence and location of the open dump and of the obligations placed upon parties holding an interest in the property and any restrictions which may affect the use of the property.

Subsection 9. **Littering.** Consistent with Minnesota Statute 169.42 and civil liability for littering in Minnesota Statute 169.421, no person shall throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped in water, upon any street or highway, or upon any public or privately owned land adjacent thereto any snow, ice, glass, nails, tacks, wire, cans, garbage, swill, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any other form of offensive matter or any other substance likely to injure any person, animal or vehicle upon any such street or highway.

Subsection 10. **Burning Prohibited.** The burning of solid waste shall be prohibited except as allowed at a permitted solid waste facility. Specific materials and waste classifications may be burned as permitted under the terms and exemptions of the DNR "Burning Permit Regulations" (Appendix B).

**SECTIONS 7.0 - 22.0 : SPECIAL WASTE AND PROBLEM MATERIALS MANAGEMENT AND PROHIBITIONS**

**SECTION 7.0:**

**HOUSEHOLD HAZARDOUS WASTE**

Subsection 1. **County Management Guideline.** Household Hazardous Waste must be separated from other household wastes and managed according to the Household Hazardous Waste Management Program of Yellow Medicine County.

Subsection 2. **Agency Rule.** Household Hazardous Waste collection, storage, transportation, and management activities must be in accordance with applicable Agency rules. The owner of a MMSW processing or disposal facility must provide a management plan to the Agency prior to the granting or renewal of an Agency permit.

**SECTION 8.0:**

**LEAD ACID BATTERIES**

Subsection 1. **Prohibition.** A person may not place a lead acid battery in mixed municipal solid waste or otherwise dispose of a lead acid battery.

Subsection 2. **Agency Rules.** All storage, handling, recycling, and disposal of lead acid batteries shall be in accordance with Minnesota Rules and Statutes, according to Minnesota Statute 115A.915, or as amended.
Subsection 3. Retail Requirements. Any person selling lead acid batteries at retail or offering lead acid batteries for retail sale shall comply with the surcharge, collection, notice, purchase and return requirements in Minnesota Statute 325E.115 and 325E.1151

Subsection 4. Transportation. A person who transports used lead acid batteries from a retailer must deliver the batteries to a recycling facility. The failure to deliver each used lead acid battery is a separate violation, according to Minnesota Statute 115A.9152, or as amended.

SECTION 9.0:

DRY CELL BATTERIES

Subsection 1. Prohibition. A person may not place a dry cell battery containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead acid in mixed municipal solid waste that was purchased for use or used by a government agency, or an industrial, communications, or medical facility.


SECTION 10.0:

RECHARGEABLE BATTERIES AND PRODUCTS

Subsection 1. Prohibition. A person may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a nonremovable rechargeable battery, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed.


SECTION 11.0:

MOTOR VEHICLE FLUIDS AND FILTERS

Subsection 1. Prohibition. It shall be a violation of this ordinance for a person to knowingly place gasoline, diesel fuel, motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or antifreeze in solid waste or in a solid waste management facility other than a recycling collection facility or a household hazardous waste facility, in or on the land unless approved by the Agency, in or on the waters of the state, or in a storm water or waste water collection or treatment system, unless an exception is provided for in Minnesota Rules and Statutes, and Minnesota Statute 115A.916, or as amended.
Subsection 2. **Retail Requirements.** Any person selling at retail or offering motor oil for retail sale shall comply with the posting and collection requirements in Minnesota Statute 325E.11.

**SECTION 12.0:**

**MERCURY PROHIBITION**

Subsection 1. **Prohibition.** A person may not place mercury or a thermostat, thermometer, electric switch, appliance, or medical or scientific instrument from which the mercury has not been removed for reuse, recycling, or otherwise managed, in solid waste or in a waste water disposal system. A person may not knowingly place mercury or a thermostat, thermometer, electric switch, appliance, or medical or scientific instrument from which the mercury has not been removed for reuse, recycling or otherwise managed, in a solid waste processing facility or in a solid waste disposal facility. A person may not knowingly place a fluorescent or high intensity discharge lamp in solid waste or in a solid waste facility, except at a household hazardous waste collection or lamp recycling facility. A person may not operate a lamp recycling facility without obtaining a permit or license for the facility from the Agency, according to Minnesota Statute 115A.932, or as amended.

Subsection 2. **Mercury Management.** Mercury shall be managed in accordance with Minnesota Statutes 116.92, 116.93, and other applicable state statutes and rules.

**SECTION 13.0:**

**RECYCLABLE MATERIALS PROHIBITION**

Subsection 1. **Prohibition.** A disposal facility or a recycling facility that is composting waste, burning waste, or converting waste to energy or materials for combustion, may not accept source separated recyclable materials, and a solid waste collector or transporter may not deliver source separated recyclable material to such a facility, except for recycling or transfer to a recycler, unless the county has determined that no other person is willing to accept the recyclable material, according to Minnesota Statute 115A.95, or as amended.

**SECTION 14.0:**

**TELEPHONE DIRECTORIES**

Subsection 1. **Prohibition.** A person may not place a telephone directory as defined in Minnesota Statute 115A.951, in solid waste, in a disposal facility, or in a resource recovery facility.
Subsection 2. **Recycling Responsibility.** Persons responsible for the printing, binding, and collection of telephone books must provide for the recyclability and recycling in accordance with Minnesota Statute 115A.91.

**SECTION 15.0:**

**LEAD PAINT WASTE**

Subsection 1. **Disposal.** Notwithstanding any other law, a person who disposes of residential lead waste paint in the state may dispose of the waste at a land disposal facility that meets the requirements of Minnesota Rules 7045, a facility that meets the requirements for a new mixed municipal solid waste land disposal facility under Minnesota Rules 7035, that began operation after January 1, 1989, a demolition debris land disposal facility equipped with a clay or artificial liner and leachate collection system, or a solid waste incinerator ash landfill if disposal is approved by the Agency, according to Minnesota Statute 116.875, or as amended.

Subsection 2. **Responsibility.** A person whose activities produce residential lead paint waste is responsible for the management and proper disposal of the waste. When residential lead paint waste is produced by activities of a person other than the occupant of the residence from which the waste is removed, the person shall not leave the residential lead paint waste at that residence and shall not transfer responsibility for managing or disposing of the waste to the occupant. Residential lead paint waste produced by activities of the occupant of the residence from which the waste is removed must be managed as provided by law or guidelines for household hazardous waste.

Subsection 3. **Demolition Debris.** Residential lead paint waste attached to woodwork walls or other elements removed from the structure of a residence that constitute demolition debris may be disposed of at a licensed demolition debris land disposal facility.

Subsection 4. **Disposal Prohibition.** No person shall dispose of residential lead paint waste at an unlined land disposal facility. No person shall send or accept residential lead paint waste for incineration by a mixed municipal solid waste incinerator.

**SECTION 16.0:**

**DEMOLITION DEBRIS**

Subsection 1. **Licensing Required.** Demolition debris disposal facilities designed for greater than 15,000 cubic yards total capacity and operating more than a total of 12 consecutive months shall be licensed by the County in accordance with Section 27 and Section 30 of this ordinance.

Subsection 2. **Permit-by-Rule.** Demolition debris disposal facilities designed for less than 15,000 cubic yards total capacity and operating less than 12 consecutive months, not located adjacent to another demolition debris permit by
rule facility and in compliance with Minnesota Pollution Control Agency rules parts 7035.2525 to 7035.2655, 7035.2825, and 7035.2855, may be permitted by the county provided that the following requirements are met:

A. The permittee shall obtain a demolition debris land disposal facility permit-by-rule notification form from the Minnesota Pollution Control Agency.

B. The permittee shall provide detailed information on the notification form and submit one copy to the Agency and one copy to the Solid Waste Officer.

C. The permittee shall provide to the Solid Waste Officer sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable of properly operating, maintaining, and closing the permit-by-rule facility.

D. The permittee shall provide to the Solid Waste Officer such additional information as may be required by the Solid Waste Officer.

Subsection 3. Recommendation for Approval or Denial. After the applicant has complied with and completed the requirements of Section 16, Subsection 2, the Solid Waste Officer shall review the information and give a recommendation to the County Board concerning whether the application should be approved or denied. If a negative recommendation is made, the applicant and the Agency shall be notified in writing of the reasons why the County Board denied the application. Such denial shall be without prejudice to the applicant’s right to an appearance before the County Board or to the applicant’s right to file a further application after revisions are made to satisfied objections specified as reasons for denial.

Subsection 4. Closure and Recording of Permit-by-Rule. The permit-by-rule facility shall be inspected and approved for cover by the Solid Waste Officer before any placement of final cover. A record of the area containing all information submitted throughout the application and approval process and any other information submitted prior to closure shall be filed by the permittee at the Office of the County Recorder.

Subsection 5. Reuse or Recycling of Demolition Debris. Yellow Medicine County will authorize the stockpiling of concrete or other recyclable or reusable demolition debris for the purpose of reuse or recycling on a case-by-case basis. Authorization to stockpile demolition debris for the purpose of reuse or recycling will be for a period no greater than one (1) year. Extensions may be considered, provided that compliance with local and state regulations has been demonstrated. The authorization for an extension to store or stockpile recyclable or reusable demolition debris is fully contingent upon the applicant meeting or exceeding all applicable County and MPCA solid waste storage standards. The authorization may be contingent upon the applicant furnishing to the County a bond as specified in Section 27, Subsection 10. The applicant shall meet the requirements of Section 16, Subsection 2, as applicable. Approval or denial of an application shall be conducted consistent with Section 16, Subsections 3, and 4.
Any site used for stockpiling demolition debris for reuse or recycling as authorized in this section shall be returned to its original condition thirty (30) days prior to the termination of such authorization.

Bituminous may be stockpiled according to the provisions of this subsection provided that a conditional use permit for gravel operations has been obtained or by authorization provided in this subsection.

SECTION 17.0:
CONSTRUCTION DEBRIS

Subsection 1. Applicability. All construction debris shall be disposed of in a land disposal facility that is approved and permitted by the Agency for the disposal of construction debris, except construction debris that is reused or recycled. Construction debris is prohibited from disposal in or on the land at any construction site.

Subsection 2. Construction sites. Construction debris shall be contained at construction sites in a manner that will ensure against littering, nuisance, public health nuisance, pollution or safety hazards.

SECTION 18.0:
WASTE TIRE MANAGEMENT

Subsection 1. Prohibition. The disposal of waste tires in the land is prohibited according to Minnesota Statute 115A.904, or as amended.

Subsection 2. Applicability. The requirements of this section shall apply to any person who disposes of, transports, stores, processes, or otherwise possesses waste tires within the County of Yellow Medicine.

Subsection 3. Definitions. The terms in this section shall have the meanings as defined in Minnesota Statute 115A.90 and Minnesota Rules parts 9220.0110 and .0210.

Subsection 4. Disposal. Any person who disposes of waste tires within the County of Yellow Medicine shall: 1) deliver the waste tires to a person who possesses a valid Waste Tire Transporter Identification number as required by Minnesota Rules part 9220.0530; 2) deliver the waste tires directly to a permitted or exempt waste tire storage, transfer or processing facility; or 3) obtain a permit from the Agency to store or process the waste tires as required in Minnesota Rules parts 9220.0230 and .0240. Such storage or processing shall be in accordance with all conditions of the state permit.

Subsection 5. Disposal Exemptions. A person may store or process waste tires without a state permit if: 1) such storage or processing is pursuant to an exemption under Minnesota Rules parts 9220.0230, subpart 2; 2) fewer than 50
waste tires are stored at any one time; or 3) fewer than 50 waste tires are processed during any 30 days.

Subsection 6. Transportation. Any person who transports waste tires for hire in the County of Yellow Medicine shall first obtain a Waste Tire Transporter Identification Number from the Agency as required by Minnesota Rules part 9220.0530.

Subsection 7. Transportation Exemptions. A person may transport waste tires without a Waste Tire Transporter Identification Number if such transportation is pursuant to an exemption under Minnesota Rules part 9220.0530, subpart 2.

Subsection 8. Transportation Conditions. A person who transports waste tires for hire shall: 1) deliver the waste tires to a waste tire processing, storage, or transfer facility that has a state permit or is exempt from the requirement to obtain a state permit; and 2) transport the waste tires in accordance with all conditions of the applicable Waste Tire Transporter Identification Number.

Subsection 9. Abatement of Waste Tire Dumps. Waste tire dumps shall be promptly terminated and properly closed. All waste tires shall be removed from the premises and shall be processed for reuse, recycling, incineration or final disposal in compliance with Agency rules.

Subsection 10. Retail Requirement. A person who sells automotive tires must accept waste tires from customers for collection and recycling. The person must accept as many waste tires from each customer as tires are bought by the customer.

SECTION 19.0:
WHITE GOODS

Subsection 1. Prohibition. 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, according to Minnesota Statute 115A.9561, or as amended.

Subsection 2. Recycling or Reuse Required. Major appliances must be recycled or reused. For the purposes of this section, recycling includes: removal of capacitors that may contain PCB's; removal of ballasts that may contain PCB's; the removal of chlorofluorocarbon refrigerant gas; and the recycling or reuse of metals, including mercury, according to Minnesota Statute 115A.9561, or as amended.

Subsection 3. Collector and Processor Requirements. White goods collectors and processors shall meet requirements of Minnesota Laws, Rules and guidelines administered by the Agency and be in conformance with the Yellow Medicine County Solid Waste Management Plan.
Subsection 4. **County Specific Storage Requirements.** White goods shall be stored in a manner which will not create a nuisance, blight, or hazard to public health, safety or the environment and shall have all latches disabled, doors removed or chained shut, capacitors removed and refrigerant gas evacuated before storage or processing. No more than one (1) white good may be stored at any nonresidential parcel or within the boundaries of any residential lot except at an Agency permitted collection or processing facility.

**SECTION 20.0:**

**SOLID WASTE FROM STREET CLEANINGS, STORM SEWERS, AND DRAINAGE SYSTEMS**

Subsection 1. **Minnesota Rules and Guidelines.** Soils, grits and other inert granular residue resulting from snow removal, street cleaning, drainage basins or systems that remove sediments from storm sewer discharges shall be stored, recycled, re-used and disposed of in accordance with Minnesota Statutes, Rules and Agency guidelines.

**SECTION 21.0:**

**INFECTIOUS WASTE**

Subsection 1. **Waste Control Act.** Infectious waste shall be segregated, packaged, contained, transported, and managed in accordance with the Infectious Waste Control Act, Minnesota Statute Sections 116.76 to 116.82.

**SECTIONS 22.0 - 32.0 : LICENSING**

**SECTION 22.0:**

**LICENSING**

Subsection 1. **License Required.** Unless otherwise provided by this ordinance, no person shall cause, permit or allow real or personal property under his/her control to be used for solid waste management purposes, except at an operation for which a license has been granted by the County Board. The procedures for license issuance, denial, variance, revocation, suspension, renewal, administration, and fees shall be governed by this ordinance. Potential and current licensees shall be in compliance with all town, city, county, state, and federal regulations and the Yellow Medicine County Solid Waste Management Plan.

A license is required for the following solid waste management purposes:
1. Collection and transportation of solid waste and recyclables;
2. Mixed municipal solid waste land disposal facilities;
3. Demolition debris land disposal facilities;
4. Mixed municipal solid waste composting facilities;
5. RDF resource recovery facilities;
6. Mass burn and RDF incinerators;
7. Recycling facility;
8. Yard waste composting facilities; and

Subsection 2. Other Waste Facilities. Any other solid waste management site, facility, or activity not otherwise provided for in this ordinance must be licensed by the County Board. Application and license requirements shall be established by resolution of the County Board. License will not be required for:

A. MPCA - Permit -by-Rule Facilities, however, subject to approval by the County Solid Waste Office and to insure consistency with the County Solid Waste Management Plan and the Zoning Administrator to insure consistency with Zoning Ordinances.

Subsection 3. Application Procedure. The required sequence for a person wishing to obtain a Solid Waste Management Facility License from the County Board is: a) local zoning approval, b) preliminary County approval c) Agency approval, d) final County approval. All Agency technical standards will apply for Yellow Medicine County licensing review and approval except where requirements in this ordinance are more restrictive.

Subsection 4. Preliminary Application. Any person wishing to submit an application for license of a Solid Waste Management Facility in Yellow Medicine County must first submit the following information as a preliminary application:

name and address if the project proposer, and site selected for the proposed project;
geographic area and population to be served by the proposed project;
a description of the process and expected life of the facility;
the anticipated type, quantity and source of materials to be handled in the proposed facility;
a description of the residues or waste discharges from the proposed facility and the environmental safeguards which will be incorporated into the project;
the anticipated hours of operation of the proposed facility and the resulting traffic;
a description of the adequacy of existing roadways to support the proposed facility;
a description of the availability (or lack thereof) of similar facilities in the County or region and how the proposed facility and its operation is in compliance with the County Solid Waste Management Plan; and
an operating schedule;
a schedule of fees to be charged at the facility;
a notarized affidavit, signed by the applicant, stating the municipal or township governing body in which said solid waste management facility is
to be located has considered the establishment of the solid waste management facility with respect to zoning, impact on roads, and other applicable regulations;
a notarized affidavit, signed by the applicant, stating that the applicable local governments have been given at least thirty (30) days notice of the application for a facility license;
a certificate from the County Zoning Administrator or relevant City Administrator that the proposed facility land use is in accordance with the established County or City Zoning Ordinance;
sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable to properly process the proposed waste types and amounts in the proposed facility; and
such additional information as may be required by the Solid Waste Officer.

Subsection 5. Preliminary Recommendation. After receipt of a preliminary application, the Solid Waste Officer shall review the information and give a non-binding recommendation to the County Board concerning whether a final application should be made. Preliminary approval shall be provided in the form of a County Board resolution which states that the applicant has received local Zoning approval and is in compliance with any other applicable local ordinances, and that the proposed facility and its operation is in compliance with the County Solid Waste Management Plan.

If a negative recommendation is made, the applicant shall be notified in writing of the reasons why the County Board denied approval of the preliminary application. Such denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the Applicant's right to file a further preliminary application after revisions are made to satisfy objections specified as reasons for denial.

Subsection 6. Final Application. Once a proposed project has received preliminary approval through the preliminary application process described in Section 27, Subsection 3, 4, and 5, and has received approval from the Agency, the applicant for licensure of a solid waste management facility must submit three (3) copies of the solid waste management facility permit application documents prepared for the Agency permit or permit-by-rule process to the Solid Waste Officer and such additional information as may be required by the Solid Waste Officer.

Subsection 7. Signatures. A license application must be signed as follows: by the solid waste management activity or facility owner, landowner, and operator; and by the Minnesota registered engineer of the firm that prepares the necessary reports and plans for a solid waste management activity or facility license.

Subsection 8. Certification. A person who signs a license application shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or
persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

Subsection 9. Final Application Review Process. Within 30 days of receipt by the Solid Waste Officer of the final license application for a solid waste facility or activity, the Solid Waste Officer shall notify the applicant in writing whether the application is complete and if not, what items are needed to make it complete. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license. A completed application, as determined by the Solid Waste Officer, shall be submitted to the County Board with a recommendation for approval or denial. A public hearing may be conducted before the County Board prior to the issuance of a license for a solid waste management activity or facility. Notice of the time, place and activity or facility to be considered shall be sent by certified mail to property owners within one-quarter (1/4) mile of the existing or proposed waste management activity or facility, or to the ten (10) property owners nearest to the waste management activity or facility, whichever would provide the greatest number of property owners. Written notice shall be given to the affected board of township supervisors and the municipal council of any municipality within one (1) mile of the existing or proposed waste management activity or facility. The applicant and all other interested parties shall be afforded the opportunity to be heard at the public hearing. Evidence may be introduced in a manner consistent with the rules of evidence applied in civil cases. Supplemental information and data may be submitted within ten (10) days of adjournment of the public hearing. A transcript of the hearing shall be made by recording or other suitable technique. All books, records, files and correspondence of the county board pertaining to said application shall be made available for public inspection. The County Board shall review the testimony and evidence provided and deliver a determination within thirty (30) days of adjournment of the public hearing.

The County Board shall refuse to issue any license for any purpose which does not comply with local ordinances, state laws and rules, federal regulations, and the County Solid Waste Management Plan as provided for in Minnesota Statutes.

If an applicant is denied a license, the applicant shall be notified in writing of the reasons therefore by the County Board. A denial shall be without prejudice to the applicant's right to file further application after revisions are made in order to satisfy objections specified in the denial.

Subsection 10. Bond. Issuance or renewal of any license pursuant to the provisions of this ordinance may be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board. This bond shall name Yellow Medicine County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that, if the licensee fails to comply with any requirements or fails to perform any of the acts required of the facility or ceases to operate a facility, and the County must expend any monies or expend any labor or material to restore the operation or facility to a condition in compliance
with this ordinance, the bond holder and the sureties on its bond shall reimburse the County for any and all expenses incurred by the County to remedy failure of the licensee to comply with the terms of this ordinance, and the bond holder and its sureties shall indemnify and save the County harmless from all losses, costs, and charges that may occur to the bond holder or its sureties because of any default of the licensee under the terms of the bond to operate in compliance with the terms of the ordinances of the County.

Subsection 11. **Letter of Credit.** The County Board may accept in lieu of the bond described in Section 27, Subsection 10, a letter of credit provided that the letter of credit names the County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties, and that all of the conditions of the bond are met as described in Section 27, Subsection 10. An updated letter of credit shall be required upon renewal of any license granted pursuant to the provisions of this ordinance.

Subsection 12. **Insurance.** Issuance or renewal of a license pursuant to the provisions of this ordinance shall be contingent upon the applicant securing insurance, and furnishing to the County a copy of a certificate therefor, the following types of insurance issued to the licensee and naming the County as insured, by insurers duly licensed within the State of Minnesota and in amounts set by the County Board: general liability including, but not limited to, bodily injury, property damage, motor vehicle, workers compensation, or other insurance required by State or County law. The licensee shall provide 30 days written notice to the Solid Waste Officer should any insurance policy be canceled before the expiration date of said policy.

Subsection 12. **Fees.** Issuance or renewal of any license pursuant to the provision of this ordinance shall be contingent upon the applicant paying the annual renewal fee for that license in an amount set by County Board resolution, or as listed in Appendix C.

Subsection 14. **License Term.** Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall be for a period of not more than one (1) year, unless earlier suspended or revoked. The license period for solid waste management activities or facilities shall be from the date of issuance until December 31 for initial licenses and from January 1 - December 31, a period of one (1) year, for license renewals.

Subsection 15. **Annual Report.** Licensed solid waste management activities or facilities shall submit an annual report, to be submitted no later than March 1 of each year for the previous year that the license was issued, that contains information, data, plans, and reports as required by the Agency.

Subsection 16. **Change in Facility Construction or Operation.** No change within the parameters of the facility's license and permit shall be made in the construction or operation of a solid waste management activity or facility unless such change is first approved by the Solid Waste Officer and the Agency.
Subsection 17. **License Modification.** The County Board may modify existing licensing requirements due to information indicating that the original license provisions were based on inadequate or erroneous information. Such changes in license requirements can only be made after notification in writing to the licensee.

Subsection 18. **Renewal Requirement.** Renewal of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant submitting information required in the license application that has changed since the previous submittal, such additional information as may be required by the Solid Waste Officer, and information, data, plans, and reports as required by the Agency.

Subsection 19. **Inspection.** Routine inspection and evaluation of an operation shall be made by the Solid Waste Officer at such frequency as to ensure consistent compliance by the licensee with the provisions of this ordinance. The licensee shall be provided with a written inspection report containing the precise description of any deficiencies, recommendations for the correction thereof and the date when the corrections shall be accomplished. Copies of said report(s) shall be furnished to the Agency. The licensee shall allow to authorized representatives of the County or the Agency access to the facility at any time for the purpose of making such inspection as may be necessary to determine compliance with the requirements of the ordinance, and any other applicable statute, ordinance, or rule.

Subsection 20. **Continuation Of Expired License.** A person who holds an expired license and who has submitted a timely and complete application for reissuance of the license may continue to conduct the licensed solid waste management activity until the County Board takes final action on the application if the Solid Waste Officer determines that both of the following are true:

A. The licensee is in compliance with the terms and conditions of the expired license, the Yellow Medicine County Solid Waste Management Ordinance, and the Yellow Medicine County Solid Waste Management Plan; and,

B. the Solid Waste Officer, through no fault of the licensee, has not taken final action of the application on or before the expiration date of the license.

Subsection 21. **Revocation and Suspension.** Any license granted by the County Board under the provision of this ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this ordinance or applicable state laws or rules, or upon written notification to the licensee and the County Board by the Solid Waste Officer or by an authorized representative of the Agency that continued operation may endanger the health, welfare or safety of the public or that the continued operation may cause pollution or impairment of the environment. In the event of an emergency health, safety, or welfare danger, the County Board or Solid Waste Officer may suspend the license immediately pending a hearing before the County Board.
The notice of suspension shall be deemed served whenever it is served upon the licensee personally or by certified mail to the licensed premises with the person in charge thereof. A copy of the notice of suspension shall be provided to the County Board. A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning use of the operation shall have the right to be heard. The date of the hearing for the license revocation shall be set by the County Board and shall not be held earlier than ten (10), or later than thirty (30) calendar days after the notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. Supplemental information and data may be submitted within ten (10) calendar days of adjournment of the public hearing. A transcript thereof shall be made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of the provisions of the license, this ordinance, the regulations of Yellow Medicine County, the Yellow Medicine County Solid Waste Management Plan, state laws or state rules, or that the operation may endanger the health, welfare or safety of the public or may cause pollution or impairment of the environment, the County Board may revoke the license or continue a suspension in effect until the operator has demonstrated that full compliance with the provisions of the license, this ordinance, the County Solid Waste Management Plan, the regulations of Yellow Medicine County, state laws and state rules has been attained and that such compliance will continue in the future and that the operation will not endanger the health, welfare or safety of the public and will not cause pollution or impairment of the environment.

SECTION 23.0:

COLLECTION AND TRANSPORTATION OF SOLID WASTE AND RECYCLABLES

Subsection 1. Mandatory Collection. Pursuant to Minnesota Statutes 115A. 941, (a) Except as provided in paragraph (b), each city, and town described in section 368.01, with a population if 1,000 or more, and any other town with a population of 5,000 or more shall ensure that every residential household and business in the city or town has solid waste collection service. To comply with this section, a city or town may organize collection, provide collection or require by ordinance that every household and business has a contract for collection services. An ordinance adopted under this section must provide for enforcement. (b) A city or town described in paragraph (a) may exempt a residential household or business in the city or town from the requirement to have solid waste collection service of the household or business ensures that an environmentally sound alternative is used. (c) To the extent practicable, the costs incurred by a city or town under this section must be incorporated into the collection system or the enforcement mechanisms adopted under this section by the city or town.

Subsection 2. Visible Costs. Any political subdivision that pays for the cost of collection or disposal of solid waste shall, through a billing or other system, make the prorated share of those costs for each solid waste generator visible and obvious to the generator.
Subsection 3. **License Required.** Any person, firm or corporation that transports solid waste or source separated recyclable materials via the roads and highways of Yellow Medicine County for hire must annually obtain a Solid Waste and Recyclables Collection and Transportation License and provide an opportunity to recycle as provided for in Section 29 of this ordinance.

Subsection 4. **Applicability.** The provisions of this section shall apply to all persons seeking a license to collect and transport mixed municipal solid waste and source separated recyclables for hire. Persons who haul their own solid waste or source separated recyclables generated at their household or business to a County owned or operated solid waste management facility, or a County licensed facility, are exempt from the licensing requirements of this section. Persons who haul, store, collect, and transport their own waste and source separated recyclable materials shall do so in a nuisance free and pollution free manner consistent with this Section and this ordinance.

Subsection 5 **Specific Licensing Requirements.** Application for a license shall be made on forms approved by the County Board and shall be submitted with the appropriate fee to the Solid Waste Officer. Failure to submit the Information requested on the application form may result in denial of the license by the County Board. An application to the Solid Waste Officer and subsequent annual renewal shall contain the following information, as applicable:

Subsection 6. **Equipment and Operation Requirements.**

A. Each vehicle or other conveyance used by a hauler for the collection or transportation of solid waste or source separated recyclables shall be easily cleaned, leak-proof, and be covered with metal, canvas, or fish-net type material made for this purpose. Vehicles and containers for solid waste and source separated recyclable collection and transportation shall be constructed, loaded, transported, and unloaded, in a safe, sanitary, nuisance free, and pollution free manner. Vehicles and containers shall be cleaned to prevent nuisance, pollution, insect breeding, and shall be maintained in good repair. Container inspection doors shall be securely closed except when the vehicle or container is being inspected, cleaned, or stored in clean and empty condition. In the event of a leak or spill, the transporter shall notify the Solid Waste Officer and the appropriate law enforcement agency and shall be responsible for the cleaning and restoration of the leak or spill site.

B. The licensee shall be responsible for the cleanup of any solid waste or source separated recyclable material that must be dumped in an emergency. In addition, a licensed hauler shall be responsible cleaning up any litter, solid waste, and recyclables discharged onto roadways while in transit. Should the responsible hauler fail to clean up litter, solid waste and recyclables dumped in an emergency or discharged onto roadways while in transit, the County may charge such hauler the entire cost of the removal and disposal of the dumped material.
C. No smoking, smoldering, or burning solid waste or source separated recyclables shall be collected or transported.

D. Decals may be issued by the Solid Waste Officer for each licensed vehicle or conveyance; these shall be displayed in a conspicuous place on the left side of the vehicle. Facility numbers, when applicable, shall be displayed as directed by the Solid Waste Officer. The licensee must maintain all decals, labeling, and license plates so that they are readily visible and legible at all times. The licensed hauler shall contact the Solid Waste Officer by telephone or in writing if it is necessary to use a vehicle other than one included in its original, renewed, or amended license application.

E. 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 solid waste or source separated recyclable material.

F. The Solid Waste Officer may inspect and approve all solid waste and source separated recyclable material storage, collection, and transportation containers, vehicles, and conveyances if deemed necessary by the Solid Waste Officer to protect public health, safety, or the environment.

G. The licensee shall not allow solid waste to remain or be stored in any collection or transportation vehicle in excess of 48 hours, except in the event of an emergency such as inclement weather, equipment breakdown, or accident. The Solid Waste Officer may approve storage for greater than 48 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.

Subsection 7. Volume or Weight Based Pricing. Licensed collectors and transporters of solid waste shall impose charges for collection service that increase with the volume or weight of the waste collected. The licensee must establish a multiple pricing system that ensures that amounts of waste generated in excess of the base unit amount, which is hereby established as either thirty gallons or twenty pounds collected once per week, are priced higher than the base amount price. The licensee shall provide a fee schedule demonstrating compliance with this provision to the Solid Waste Officer at the time of license application or renewal.

Subsection 8. Recycling Charges. The licensee shall not impose a greater charge on residents, businesses, or institutions who recycle than on residents who do not recycle.

Subsection 9. Scavenging Prohibited. The scavenging or removal of recoverable or recyclable materials from any facility or container in Yellow Medicine County without the written consent of the owner or operator of the facility or container shall be prohibited.
Subsection 10. **Ownership of Recyclables.** Ownership of source separated recyclables shall be given to the County at the point in time as follows. 1) when recyclables are delivered to County owned recycling sheds or facilities; and 2) after recyclables are placed out for collection by a licensed commercial hauler and up to the time collected by the licensed commercial hauler.

Subsection 11. **Marketing Requirement.** A collector or generator of source separated materials may take recyclable materials to a recycling facility of the collector’s or generator’s choice. Any materials separated for recycling shall be taken to markets for sale or to recyclable material processing centers. Recyclable material collectors shall keep records of delivery to markets or processing centers. Records of delivery shall be required to be submitted to the county at the time of license renewal. Failure to submit such records may be grounds for suspension, revocation, or non-renewal of a license.

Subsection 12. **Waste Deposit Disclosure.** A person that collects construction debris, industrial waste, or mixed municipal waste for transportation to a waste facility shall disclose to each generator from whom the waste is collected the name, location, type of, and the number of the permit issued by the Agency, or its counterpart in another state, if applicable, for the processing or disposal facility or facilities, excluding a transfer station, at which the waste is deposited. The collector shall provide notice of both the generator and the primary facility at which the collector most often deposits wastes and any alternative facilities regularly used by the collector.

Subsection 13. **Form of Disclosure.** A collector shall make the disclosure to the waste generator in writing at least once per year or on any written contract for collection services in that year. If an additional facility becomes either a primary facility or an alternative facility during the year, the collector shall make the disclosure set forth in Section 28, subsections 12, 13, and 14 within thirty days. Evidence of such disclosure shall be provided to the Solid Waste Officer at the time of application for a license or renewal of a license.

Subsection 14. **Transfer Stations.** If the collector deposits waste at a transfer station, the collector need not disclose the name and location of the transfer station but must disclose the destination of the waste when it leaves the transfer station.

Subsection 15. **Insurance Requirements.** Issuance or renewal of a license pursuant to the provisions of this ordinance shall be contingent upon the applicant securing insurance, and furnishing to the County a copy of a certificate therefor, the following types of insurance issued to the licensee and naming the County as insured, by insurers duly licensed within the Stat of Minnesota and in amounts set by the County Board: general liability including, but not limited to, bodily injury, property damage, motor vehicle, workers compensation, or other insurance required by State or County law. The licensee shall provide 30 days written notice to the Solid Waste Officer should any insurance policy be canceled before the expiration date of said policy.
Subsection 16. **License Suspension and Revocation.** A license may be suspended or revoked at any time by the County Board according to the procedures in Section 27, Subsection 21 of this ordinance. If the Licensee contracts with facilities owned or operated by the County and a commercial hauler fails in any material way to comply with the contract, the license may be suspended or revoked by the County Board according to the procedures in Section 27 Subsection 21.

Subsection 17. **License Modification.** The County Board may modify existing licensing requirements due to information indicating that the original license provisions were based on inadequate or erroneous information. Such changes in license requirements can only be made after notification in writing to the licensee.

Subsection 18. **License Renewal.** Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall expire on December 31 of each year, unless sooner suspended or revoked pursuant to Section 2, Subsection 10. Application for license renewal shall be made pursuant this Section (28) and all other applicable portions of this ordinance.

Subsection 19. **Town or Municipal Service.** Nothing in this ordinance shall prevent a municipality or township from establishing solid waste collection services that are in compliance with the County Solid Waste Plan and the regulations of the State and Yellow Medicine County. Pursuant to Minnesota Statute 115A.945 the costs of collection or disposal of solid waste shall, through a billing or other system, make the prorated share of those costs for each solid waste generator visible and obvious to the generator.

**SECTION 24.0**

**OPPORTUNITY TO RECYCLE**

Subdivision 1. **Purpose.** It is the intent of the County Board of Yellow Medicine County by means of Section 24 of this ordinance to establish a standards whereby the maximum amount of recyclables feasible shall be recovered from solid waste generated in Yellow Medicine County to capture the value of recyclables in terms of recovered resources, marketable commodities, and saved landfill space.

Subdivision 2. **Opportunity to Recycle.** All persons in Yellow Medicine County shall be provided the opportunity to recycle. Yellow Medicine County has established a program that provides either curb side collection or drop off location for the collection of recyclables. Commencing Jan. 1, 1999, licensed commercial haulers must offer recycling collection services for the collection of a minimum of four broad categories of recyclable materials and yard wastes from all residential, multi-family dwellings, commercial, institutional, and Industrial customers within Yellow Medicine County at least once per month. Paper and corrugated fiberboard recycling must be offered to customers of commercial,
institutional, and industrial establishments. Additional recyclable materials may be added by resolution of the County Board.

Subdivision 3. Recyclables Storage. Recyclables materials shall be placed indoors, or in side or rear yards if they are fully screened from neighboring properties and public streets. Recyclable storage shall be in a nuisance free, pollution free and aesthetic manner. The County Board may, by resolution, establish other container standards.

Subdivision 4. Ownership of Recyclables. Ownership of source separated recyclables shall be given to the County at the point in time as follows. 1) when recyclables are delivered to County owned recycling sheds or facilities; and 2) after recyclables are placed out for collection by a licensed commercial hauler and up to the time collected by the licensed commercial hauler.

Subdivision 5. Scavenging Prohibited. It shall be a violation of this ordinance for any person to scavenge, collect, or otherwise remove recyclable or solid waste materials from recycling sheds, containers, or facilities, or from any container located on any private or public property.

Subdivision 6. Contamination of Recyclables Prohibited. It shall be a violation of this ordinance for any person to dump, place or otherwise dispose of solid waste in any recycling sheds, containers, or facilities, or mix source separated recyclables with solid waste in any other manner.

Subsection 7. Dumping of Solid Waste or Recyclables in Recycling Facilities. It shall be a violation of this ordinance for any person to dump, place, or otherwise deposit solid waste in recycling sheds, containers, or facilities, or mix source separated recyclables with solid waste in any manner.

SECTION 25.0:

MIXED MUNICIPAL SOLID WASTE LANDFILLS

Subsection 1. Applicability. This section shall apply to all persons seeking a license to operate a landfill for the disposal of solid waste. It is unlawful to operate a mixed municipal solid waste landfill without a license from the County Board.

Subsection 2. License Requirements. The license requirements in Section 22 of this ordinance shall apply to this Section.

Subsection 3. State Rule. Mixed municipal solid waste facilities shall meet all of the requirements of Minnesota Rules, Chapter 7001 and 7035.

Subsection 4. State and County Fees. All mixed municipal solid waste landfills shall be current on all state and county fees according to Minnesota Statutes 115A.919 and 115A.923 prior to renewal of County license.
SECTION 26.0:

DEMOLITION LANDFILLS

Subsection 1. Applicability. This section shall apply to all persons seeking a permit to operate a landfill for the disposal of demolition waste. It is unlawful to operate a demolition landfill without a license from the County Board.

Subsection 2. License Requirements. The license requirements in Section 22 of this ordinance shall apply to this Section.

Subsection 3. State Rule. Demolition Waste facilities shall meet all of the requirements of Minnesota Rules, Chapter 7001 and 7035.

Subsection 4. State and County Fees. All demolition landfills shall be current on state and county fees according to Minnesota Statutes 115A.919 and 115A.923 prior to renewal of County license.

SECTION 27.0:

MIXED MUNICIPAL SOLID WASTE COMPOSTING FACILITIES

Subsection 1. Applicability. This section shall apply to all persons seeking a permit and license to operate a MMSW composting facility for processing of solid waste. It is unlawful to operate a mixed municipal solid waste composting facility without a license from the County Board.

Subsection 2. License Requirements. The license requirements in Section 22 of this ordinance shall apply to this Section. In addition to the requirements of Section 27, materials resulting from MMSW Composting or similar processes and offered for sale shall contain no pathogenic organisms, shall not reheat upon standing, shall be innocuous, and shall contain no sharp particles which would cause injury to persons handling the compost. A license application shall also include the sanitary landfill or other waste facility where rejects, non-processible waste and residue will be transferred, the sanitary landfill or other waste facility owner, hours of operation, MPCA Permit Number, and any other information deemed necessary by the Solid Waste Officer.

Subsection 3. State Rule. Mixed Municipal Solid Waste Composting facilities shall meet all of the requirements of Minnesota Rules, Chapter 7001 and 7035.

Subsection 4. State and County Fees. All mixed municipal solid waste composting facilities shall be current on state and county fees according to Minnesota Statutes 115A.919 and 115A.923 prior to renewal of County license.

SECTION 28.0:

RDF RESOURCE RECOVERY FACILITIES
Subsection 1. **Applicability.** This section shall apply to all persons seeking a permit and license to operate a RDF resource recovery facility for processing of solid waste without a license from the County Board.

Subsection 2. **License Requirements.** The license requirements in Section 22 of this ordinance shall apply to this Section. In addition the requirements of Section 27 of this ordinance, a license application shall include the sanitary landfill or other waste facility where rejects, non-processible waste and residue will be transferred, the sanitary landfill owner, hours of operation, MPCA Permit Number, and any other information deemed necessary by the Solid Waste Officer.

Subsection 3. **State Rule.** RDF Resource Recovery facilities shall meet all of the requirements of Minnesota Rules, Chapter 7001 and 7035.

Subsection 4. **State and County Fees.** All RDF Resource Recovery Facilities shall be current on state and county fees according to Minnesota Statutes 115A.919 and 115A.923 prior to renewal of County license.

**SECTION 29.0:**

**MASS BURN AND RDF INCINERATION**

Subsection 1. **Applicability.** It is unlawful to operate a solid waste Mass Burn or RDF incineration facility without a license from the County Board.

Subsection 2. **License Requirements.** The license requirements in Section 22 of this ordinance shall apply to this Section. In addition to the requirements of Section 27, all incinerators shall be designed and operated in a manner to conform to emission standards of Federal, State and Local air pollution control regulations. A license application shall include the sanitary landfill or other waste facility where rejects, non-processible waste and residue will be transferred, the sanitary landfill owner, hours of operation, MPCA Permit Number, and any other information deemed necessary by the Solid Waste Officer.

Subsection 3. **State Rule.** Incinerator facilities shall meet all of the requirements of Minnesota Statutes and Agency Rules, Chapters 7001 and 7035.

Subsection 4. **State and County Fees.** All Mass Burn and RDF Incineration facilities shall be current on state and county fees according to Minnesota Statutes 115A.919 and 115A.923 prior to renewal of County license.

**SECTION 30.0:**

**RECYCLING CENTERS**

Subsection 1. **Applicability.** It is unlawful to operate a Recycling Center without a license from the County Board.

Subsection 2. **License Requirements.** The license requirements in Section 22 of this ordinance shall apply to this Section. In addition to the requirements of
Section 27, the licensee shall indicate the Sanitary landfill or other waste facility where any residue will be transferred, the owner, hours of operation and the Minnesota Pollution Control Agency permit number, and proposed marketing plan for materials.

Subsection 3. **State Rule.** Recycling facilities shall be in compliance with MPCA Solid Waste Management Rules parts 7035.2845 and 7035.2855.

**SECTION 31.0**

**YARD WASTE**

Subsection 1. **Statutory Prohibition.** Except as authorized by the Agency, it shall be a violation of this ordinance for a person to place yard waste in mixed municipal solid waste, in a disposal facility, in the Waters of the State, or in a resource recovery facility except for the purposes of reuse, composting, or co-composting.

Subsection 2. **Definition.** Yard waste subject to this section includes garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

Subsection 3. **On-site Composting.** Yard waste composting sites maintained by individual residents or businesses for yard wastes generated at the residence or business occupying the property need not be licensed by the County. However, the compost sites must be maintained in a manner that does not cause a nuisance, public health nuisance, safety, or pollution hazard. The compost pile may not be located less than five feet from a property line and may not be located closer to the primary residential structure on a neighboring property than it is to the primary residential structure on the property upon which the compost pile is located.

Subsection 4. **Agency Permit.** A person who owns or operates a compost site, other than a backyard compost site, must comply with the Agency design and operating requirements established in Minnesota Rules 7035.2835.

Subsection 5. **Yard Waste Landspreading.** The landspreading of yard waste or yard waste compost is permitted provided that the land spreading of yard waste is conducted in a manner which does not create a nuisance, public health nuisance, safety, or pollution hazard, and is conducted in compliance with the regulations of federal, state and local government rules and regulations.

Subsection 6. **Brush and Tree Management.** The management of brush and tree waste is permitted provided that the management is conducted in a manner which does not create a nuisance, public health nuisance, safety, or pollution hazard, and is conducted in compliance with the regulations of federal, state and local government rules and regulations.

**SECTION 32.0**
TRANSFER STATIONS

Subsection 1. Applicability. It is unlawful to operate a Transfer Station without a license from the County Board.

Subsection 2. Agency Rule. Transfer stations shall be in compliance with Agency requirements as established in Minnesota Rules 7035.2865.

Subsection 3. License Requirements. The license requirements in Section 22 of this ordinance shall apply to this Section. In addition to the requirements of Section 22, a transfer station permittee shall comply with the following regulations:
   A. 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.
   B. When stated 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.
   C. Records shall be maintained indicating the type and quantity of solid waste and recyclables passing through the transfer station and its final disposition. These records shall be made available to the Solid Waste Officer at the request of the Solid Waste Officer. Accurate and detailed records shall be kept at the facility at all times.
   D. Solid wastes shall not remain in the transfer station longer than 72 hours.

SECTIONS 33.0 - 41.0 : ENFORCEMENT

SECTION 33.0:

EXISTING NON-CONFORMING SITES OR FACILITIES

Subsection 1. Non-licensed facilities in existence on the effective date of this ordinance shall be reported to the Solid Waste Officer and conform to the provisions of this ordinance. A record, including a mapped location of any area used for land disposal, shall be filed at the office of the County Recorder and the Solid Waste Officer.

Subsection 2. Non-licensed operations shall be terminated within one year of the effective date of this ordinance except as authorized by the Solid Waste Officer, or brought into compliance with this ordinance.

SECTION 34.0:

VIOLATIONS AND PENALTIES
Subsection 1. **Right and Duty to Enforce.** The Solid Waste Officer shall have the right and duty to administer and enforce this ordinance.

Subsection 2. **Misdemeanor.** Except as separately provided for in this ordinance or in State Statutes, any person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Subsection 3. **Civil Action and Injunctive Relief.** In the event of a violation or a threat of a violation of this Ordinance, the County may institute appropriate actions or proceedings, including injunctive relief to prevent, restrain, correct or abate such violations or threatened violations. The County may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property.

Subsection 4. **State of Minnesota Enforcement Action.** The Solid Waste Officer shall have the authority to forward violations to the Minnesota Pollution Control Agency for an Administrative Penalty Order or written citation, and to the Minnesota Department of Natural Resources for a written citation.

**SECTION 35.0:**

**INSPECTION**

Subsection 1. **Inspection.** All property affected by this ordinance shall be subject to inspection by the County, Agency or their designees in accordance with Minnesota Statutes and this ordinance. After presentation of credentials, the County, Agency or their designees may collect samples for evidence or laboratory examination as deemed necessary for the enforcement of this ordinance. No person shall refuse to permit the County, Agency or their designees to inspect any premises or interfere with or resist the County, Agency or their designees in the discharge of their duty to protect the public health, safety, or welfare.

**SECTION 36.0:**

**FEES, RATES, AND SERVICE CHARGES/AREAS**

Subsection 1. **Setting Fees.** Fees for licenses shall be set from time to time by resolution of the Yellow Medicine County Board of Commissioners (see Appendix C).

Subsection 2. **Payment of Fees.** Fees shall be paid at the time of license application and annually thereafter as a condition of license renewal. Non-payment of fees shall be grounds for denial of a license application or renewal.

Subsection 3. **County Fees Waived.** Any solid waste facilities, transportation vehicles, or commercial hauler vehicles owned and operated by Yellow Medicine
County or its incorporated cities or townships shall fulfill all requirements of this ordinance with the exception of the license fee requirements.

Subsection 4. Local Fee Authority. The County or municipality may impose fees or licenses pursuant to MN Statute 115 A - 918 - 923.

Subsection 5. Service Charge.
A. Purpose and Authority. This subsection is enacted pursuant to Minnesota Statute 400.08 which grants Yellow Medicine County the authority to impose reasonable charges for a service fee to cover the cost of solid waste management. The purpose of this section is to establish a method of collection for such charges.
B. Method of Billing and Collecting Service Charge. The charges will be billed and collected as a fee on the applicable Yellow Medicine County tax statements as determined by the fee schedule.
C. Collection. On or before the date provided for in M.S. Section 400.08, Subdivision 4, in each year, the County Board shall certify to the County Auditor all charges and a description of the parcels against which the charges arose for the following year. It shall be the duty of the County Auditor upon order of the County Board, to extent the charges upon the foils of the County for the taxes of the year in which the fee is filed. For each year the charge shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the State. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State.
D. Rates and Charges. The County Board, by resolution, may establish or revise the fee schedule for solid waste management services. All fees and charges shall be uniform in their application. A copy of the current fee schedule shall be kept on file in the Office of the County Auditor. If no new fee schedule for solid waste management services is adopted in any year, the fee schedule for the previous year shall remain in effect. To insure the required financial surveillance, the County Coordinator shall annually review the cash flows associated with the Yellow Medicine County Sanitary Landfill, and shall report the findings to the Yellow Medicine County Board of Commissioners each year. Any inequities and/or shortages of revenue caused by unforeseen changes in the cost-revenue pattern of the landfill facility may be remedied by adjusting the unit cost figures. In establishing or revising the fee schedule, the Board may take into account all factors relevant to solid waste management and disposal. Such factors include, but are not limited to the character, kind, and quality of service and of solid waste, the method of disposition, and all other factors that enter into the cost of service, including but not limited to depreciation and payment of principal and interest on money borrowed by the County for the acquisition or betterment of facilities.

Subsection 6. Service Area. This subsection is enacted pursuant to M.S. 400.08 which grants Yellow Medicine County the authority to establish and determine the boundaries of solid waste management service areas in the County. The
boundaries of Yellow Medicine County shall constitute the boundaries of the solid waste management service area.

SECTION 37.0:
MODIFICATION OF REQUIREMENTS

Subsection 1. Waivers or Modifications. The County Board may waive or modify the strict application of the provisions of the ordinance by reducing or waiving certain requirements when such requirements are unnecessary or impractical, or by imposing additional requirements when such requirements are necessary to reduce risk of harm to persons, property, or the environment.

Subsection 2. Agency Approval. No modification or waiver may be granted if it would result in noncompliance with Minnesota Rules applicable to the operation of the facility or activity, unless such modification or waiver has been approved or granted by the Agency.

SECTION 38.0:
PROMOTION OF PUBLIC HEALTH, SAFETY AND WELFARE

Subsection 1. Promotion of Public Health, Safety and Welfare. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provision 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.

SECTION 39.0:
SEVERABILITY

Subsection 1. Severability. It is hereby declared to be the intention of the County Board that the provisions of this ordinance shall be severable in accordance with the following:
A. Validity of Provisions. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgement shall not affect any other provisions of this ordinance not specifically included in said judgement.
B. Application to Site or Facility. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular structure, site, facility, or operation, such judgement shall not effect the application of said provision to any other structure, site, facility, or operation not specifically included in said judgement.

SECTION 40.0:
EFFECTIVE DATE

Subsection 1. Effective Date. This ordinance shall be effective immediately upon passage by the County Board of Commissioners and publication as required by law and shall apply to the license year commencing 8-11, 1999.

Subsection 2. Parties Responsible. This ordinance shall not be construed to hold the Solid Waste Officer or the County of Yellow Medicine or any officer or employee thereof responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein provided; or by reason of approval or disapproval of equipment or licensing herein; nor for any action in connection with the inspection or control of solid waste or on connection with any other official duties.

SECTION 41.0:

PROVISIONS ARE CUMULATIVE

Subsection 1. Provisions are Cumulative. The provisions of this ordinance are cumulative to all other laws, ordinance and regulations heretofore passed or which may be passed hereafter, covering any subject matter in this ordinance.

Adopted by the Yellow Medicine County Board of Commissioners this 11th day of August, 1993.

[Signature]
Chair
Board of Commissioners

Attest:

[Signature]
County Auditor

Approved as to form:

[Signature]
County Attorney