SOLID WASTE MANAGEMENT ORDINANCE

FOR

LYON COUNTY

AUGUST, 1992
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THE SOLID WASTE MANAGEMENT ORDINANCE FOR
LYON COUNTY

The Solid Waste Management Ordinance for Lyon County is an ordinance authorizing and providing for County Solid Waste Management; establishing powers and duties in connection therewith; establishing standards and requirements for solid waste management operations within the incorporated and unincorporated areas of the County of Lyon; requiring licenses for storage, collection, transportation, processing, and disposal of solid waste, 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.

The County Board of Lyon County, under authority provided in Chapter 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01 and 609.74 of the Minnesota Statutes, does ordain:

SECTION 1: PURPOSE AND GOALS

The Lyon County Board has determined this regulation be adopted to:

1.01 Protect the public's health, prevent public nuisances, and prevent contamination of the groundwater and other environments of Lyon County from solid waste through the control of number, location and operation of such facilities.

1.02 Preserve and protect our land and water resources.

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

1.04 Support activities that will promote use and reuse of materials found in solid waste that would otherwise be disposed in ways that would not recapture the useful characteristics of its components.

1.05 Augment, supplement and support existing Lyon County and State of Minnesota controls on solid waste.

1.06 Embody the purpose found in Minnesota State Laws and Rules on Solid Waste.

1.07 The Lyon County Solid Waste Ordinance shall follow Minnesota Statutes, including but not limited to Chapters 17.135, 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01, 609.671, 609.68 and 609.74.

1.08 Realizing that ultimately making an impact in the waste generation and processing cycle, we must pursue front end solutions, therefore, Lyon County will select a system that maximizes community participation and removal of recyclable materials from the waste stream.
SECTION 2: DEFINITIONS

When used in this ordinance, the words and phrases shall be interpreted by reference to the definitions contained in Minn. Regulations 7035.0300, and Minn. Stat. 115A.03, 115A.55 and 297A.01 unless the context clearly indicates otherwise. The following additional definitions supplement those cited immediately above.

2.01 Acceptable Household Quantities. Solid Waste which is otherwise Unacceptable Waste, but which is contained in Garbage, refuse, and Mixed Municipal Solid Waste from normal household activities. For the purposes of this definition, "household" includes any residential dwelling unit or place of transient residence.

2.02 Acceptable Non-Household Waste. Solid Waste which is otherwise Unacceptable Waste, but which is contained in Garbage, refuse, and municipal Solid Waste generated from commercial, industrial, or community activities, where the quantity of such Unacceptable Waste contained in any load delivered to the Facility does not constitute a significant portion of such load, provided, however, that no amount of Hazardous Waste that is regulated by law shall be Acceptable Waste. The term significant may vary with the chemical constituents of the waste and/or the waste stream composition. Therefore, "significant" shall be as established by the Department on a material basis.

2.03 Acceptable Waste. Solid Waste which is acceptable at the Facility. Acceptable Waste shall include Garbage, refuse, and other municipal Solid Waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, and which is not otherwise defined herein as Unacceptable Waste. No amount of Hazardous Waste that is regulated by law is acceptable at the Facility. Acceptable waste shall also include Acceptable Household Quantities and Acceptable Non-Household Waste, as defined herein.

2.04 Adequate turf. A living ground cover of native perennial grasses or other suitable vegetation free of noxious weeds which provides ground cover to effectively prevent loss of final cover by winds or water erosion.

2.05 Agency. The Minnesota Pollution Control Agency

2.06 Air Pollution. The presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

2.07 Brush Disposal Facility. A site used exclusively for disposal in or on the land of trees and tree parts including stumps, branches, and their attached leaves. Such disposal may include open burning and burial of the resulting ash or unburned tree parts.
2.08 Collection. The aggregation of solid 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.

2.09 Collector/s. Any Person/s who owns, operates, or leases vehicles for the purpose of collection and transportation of any type of Solid Waste.

2.10 Commercial hauler. Any person who owns, operates, or leases vehicles for the purpose of collection and transportation of any type of solid waste.

2.11 County. Lyon County, Minnesota.

2.12 County Board. The Lyon County Board of Commissioners.

2.13 Environmental Office. The Lyon County Environmental Office

2.14 Farm. A parcel of land located in an Agricultural Zoning District as defined by the Lyon County Zoning Ordinance that is at least thirty five (35) acres in size used for the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; land devoted to a soil conservation or forestry management program; or land used for an animal feedlot, as defined by the Lyon County Zoning Ordinance.

2.15 Final Solid Waste Disposal. The site, facility, operating procedures, and maintenance thereof for the complete and ultimate disposal of solid waste by the sanitary landfill method in accordance with MPCA Rules and this ordinance.

2.16 Hazardous Waste/Hazardous Substance. Hazardous Waste or Hazardous Substance has the meaning given it in Minnesota Statutes, section 115 B.02, subdivision 8.

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

2.18 Licensee. Is defined as the Person who has been given authority by the County Board or the Environmental Office to carry out any of the activities for which a license is required under the provisions of this ordinance.

2.19 Office. Office of Waste Management.
2.20 Person. "Person" means any human being, any municipality or other governmental or political subdivision or other 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, but does not include the Pollution Control Agency.

2.20 Putrescible Material. Is defined as Solid Waste which is capable of becoming rotten and which may reach a foul state of decay or decomposition.

2.21 Resource Recovery. The reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from waste.

2.22 Scavenging. Uncontrolled removal of solid waste materials from a licensed solid waste disposal facility.

2.23 Shoreland. Is defined as 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, reservoir, impoundment, 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.


2.25 Solid Waste Management System. A total system for the storage, collection, transportation and final disposal of solid waste.

2.26 Source Separated Materials. Materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in manufacturing processes.

2.27 Special Wastes. Nonhazardous solid wastes requiring management other than that normally used for mixed municipal solid waste.

2.28 Storage. The interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.

2.29 Tipping Fee. The fee charged to collectors and citizens for waste delivered to the facility.

2.30 Unacceptable Waste. Solid Waste which is not acceptable at MMSW Facilities. Unacceptable Waste shall include waste which would pose a threat to health or safety, or which may cause damage to, or materially adversely affect the operation of the Facility including but not limited to: explosives, unprocessed hospital, pathological and biological waste; commercial, industrial, and community Hazardous Waste, mining waste, human or animal remains, and sludges except as regulated by federal,
state and local law; chemicals and radioactive materials; cesspool or
domestic sewage; waste in liquid state; hazardous refuse of any kind,
such as cleaning fluids, used crank case oils, cutting oils, paints,
acids, caustics, poisons and drugs; and any other materials that the
County, or that any other governmental agency or unit having appropriate
jurisdiction shall determine, is harmful or of a toxic or dangerous
nature.

2.31 Waste Processing. The treatment of solid waste after collection
and before disposal. Processing includes but is not limited to volume
reduction, storage, separation, exchange, resource recovery, physical,
chemical, or biological modification and the operations of a metal
recycling or salvage facility.

2.32 Waste Tire. Means a pneumatic tire or solid tire for motor
vehicles that has been discarded or that can no longer be used for its
original intended purpose because of wear, damage, or defect.

2.33 Waste Tire Collection Site. Means a license Waste Facility used
for the storage of Waste Tires prior to their transport to a Waste Tire
Processing Facility.

2.34 Waste Tire Processing Facility. Means a licensed Waste Facility
used for the shredding, slicing, processing or manufacturing of usable
materials for Waste Tires, and may include temporary storage activity.
Processing does not include the retreading of Waste Tires.
SECTION 3: ABBREVIATIONS

The following abbreviations, when used in this ordinance, shall have the meanings ascribed to them in this section.

AM ante meridiem (12 midnight to 12 noon)
avg average
BTU British thermal unit
cu yd cubic yard
dRDF densified refuse derived fuel
EPA Environmental Protection Agency
ft feet
fps feet per second
gal gallon
hp horsepower
hr hour
in. inch
kwh kilowatt hour
lb pound
lin lineal
LF lineal feet
max maximum
MPCA Minnesota Pollution Control Agency
MMSW Mixed Municipal Solid Waste
MSW Municipal Solid Waste
mi mile
NFPA National Fire Protection Association
no. number
PM post meridiem (12 noon to 12 midnight)
psi pounds per square inch
RDF refuse derived fuel
SWMP Solid Waste Management Plan
sq ft square feet
sq yd square yard
tpd tons per day
tpy tons per year
WMB Waste Management Board
yr year
SECTION 4: ADMINISTRATION

4.01 Solid Waste Officer

The Lyon County Waste Officer of Lyon County shall be appointed by the Lyon County Board of Commissioners, who shall serve at the pleasure of the Board.

4.02 Authority

The Solid Waste Officer has been given authority by the Lyon County Board of Commissioners. 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:

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

2. To inspect operations to determine compliance and to investigate complaints about violations of this ordinance.

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

6. To require applicants to post bonds and proof of insurance at rates to be later set by the Board of Lyon County Commissioners.

7. To plan, implement and administer all County operated waste abatement facilities.

8. To implement all programs as proposed by the approved, and as amended, County Solid Waste Plan.

9. To maintain schedules of current fees, charges, and rates pursuant to this ordinance.
4.03 Licenses

Subsection 1. 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 Environmental Office. For the purposes of this ordinance, solid waste management includes the following specific activities. In addition to other requirements listed herein, applicants for licenses must meet all requirements of the stated rules and statutes noted below and all other state and federal statutes and regulations and to the satisfaction of the Environmental Office:

1. Operation of MMSW Land Disposal Facilities Minn. Rules Ch. 7035.
3. Operation of MMSW Incinerator Facilities Minn. Rules Ch. 7005 and 7035.
5. Operation of Recycling Facilities Minn. Rules Ch. 7035.
6. Operation of Transfer Station Facilities Minn. Rules Ch. 7035.
7. Solid Waste Storage Minn. Rules Ch. 7035.

Subsection 2. Applicants for a license shall not commence any operation until the license application has been approved by the County Board, and a license granted by the Environmental Office.

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 approved by the Environmental Office. Following review of the application by the Environmental Office, the County Board shall approve or deny an operating license or request additional information as outlined in this ordinance.

Subsection 3: A non-transferable license issued by the Environmental Office shall be required for the operation of solid waste facilities and other activities involving solid waste. A license will not be required for:

   A. MPCA - Permit-by-Rule Facilities, however, subject to approval by the County Solid Waste Officer to insure consistency with the County Solid Waste Management Plan.

Subsection 4: Unless otherwise provided by the Environmental Office, the license year for solid waste sites, facilities, operations and activities shall be from January 1 through December 31.

Subsection 5. For facilities requiring an Agency permit for a solid waste facility or activity, the applicant for a license or license renewal
may be required to submit complete sets of plans, specifications and/or reports.

Subsection 6. The applicant shall submit 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 results of that consideration.

Subsection 7. 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.

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

Subsection 9. After receiving a completed application for the operation of a solid waste facility or activity, the County Board shall have 45 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, or suspension by revocation of an issued license.

Subsection 10. 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 waste facility or activity, or if, for any reason, ceases to operate or abandons the waste facility or activity, and the County is required to expend any monies or expend any labor or material 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 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 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 or 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.

Subsection 11. 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.

Subsection 12. Unless otherwise provided by the Solid Waste Officer for
landfills 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 Environmental Office
approval shall include funding procedures, a description of the funding
method, the value of the funding, and an inflation adjusted cost estimate
which assures 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.

Subsection 13. 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.

4.04 Solid Waste Storage

Subsection 1. 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 that 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.

Subsection 2. Putrescible waste, including, but not limited to garbage
shall be stored in 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 other
types of containers acceptable to the solid waste collection service
which comply with agency regulations, this ordinance, 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.

Subsection 3. Solid waste must 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 putrescible waste
containers.

Subsection 4. 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 a 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 contaminates present by percentages, the start date, the generators name and address and the generators 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 be generation, storage, transportation, processing and disposal of hazardous waste (whichever laws and regulations are more stringent).

Subsection 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.

Subsection 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 Solid Waste Officer.

Subsection 7. Solid wastes shall not be stored outside a private residence, in a residential or urban rural setting, for more than one (1) month without the written approval of the solid waste officer. Solid waste shall not be stored on public, commercial or business property for more than two (2) weeks, without the written approval of the solid waste officer. Non-putrescible wastes suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard. Compostibles shall not be stored on public or private property in a manner which creates a nuisance, blight, or health hazard.

Subsection 8. Solid Waste shall not be stored or disposed of in containers specifically designated for the collection or deposit of recyclables.

4.05 Collection and Transportation of Solid Waste

Subsection 1. Unless otherwise provided in these ordinances, the owner, the lessee and occupant of any premises, business establishment or industry is responsible 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 a County. The solid waste collection service shall be responsible for the collection and transportation of all
solid waste for which it has been contracted to collect and remove and will transport it to an operation for which a Permit has been issued by the agency and the county at which disposal occurs.

Subsection 2. Vehicles or containers used for the collection and transportation of garbage, putrescible wastes, or solid waste shall be covered, leakproof, durable and of easily cleanable construction. These shall be cleaned regularly to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

Vehicles or containers shall be loaded and moved in such a manner that the content will not fall, leak or spill therefrom, an 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. When the material cannot be immediately picked up or the area cleaned the Solid Waste Officer shall be notified as described.

Subsection 3. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed, and leakproof 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.

Subsection 4. The collection and transportation of solid waste shall be performed in accordance with state rules administered by the agency and the County.

Subsection 5. The County Board shall issue a license for the collection and transport of solid waste, as defined under this ordinance as a solid waste collection service. The County Board shall not issue a license until the application complies, in addition to requirements of 4.04, with all of the following requirements:

(a) 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 Contract.

(b) The solid waste collection service shall provide collection in a timely manner.

(c) Collectors of solid waste must have a pricing system that charges for collection on the basis of the volume or weight of waste collected as required by Minnesota Statutes. For single family customers, the collector must offer a minimum 1 can or 1 bag rate. The can, or bag, shall be no larger than 90 gallons.

(d) Solid waste must be disposed of at an operation having a permit from the appropriate state regulatory and a license from the County.
within which the disposal site is located. A license will not be issued to those hauling to unpermitted sites.

(e) Submission of vehicle specifications: All vehicles to be used for solid waste collection and transportation 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.

(f) Filing of an application for a solid waste collection and transportation license shall be upon a form provided by the County Board.

(g) The solid waste collection service will provide to the Lyon County Solid Waste Officer a report of quantities hauled for recyclables and solid waste, at the close of each permit year (December 31). The site where the service disposed of the load(s). Quantities will be reported in cubic yards or tonnages. Recyclables will be reported in cubic yards or tonnages separated by type (e.g. newsprint, paper, plastic, ferrous and nonferrous metals, glass, corrugated, etc.) Omission of the annual report shall be grounds for the termination of the license or denial of license renewal.

(h) A vehicle permit fee shall be established by the Lyon County Board and adopted by resolution. The vehicle permit fee shall be established for a calendar year and if no new permit fee is adopted in any given year the permit fee from the previous year shall remain in effect. A copy of the current permit fee shall be kept on file in the office of the County Auditor. Nonpayment of the annual vehicle permit fee shall be grounds for the termination of the license or denial of license renewal. The County will notify all permit holders by December 23rd of each calendar year if there are new fee schedules. Each permit fee must be paid by December 31st to receive a vehicle permit for the next calendar year.

4.06 Operational Reporting

During the life of the license, the licensee shall annually report, on forms provided by the Environmental Office, information requested relative to operations and approved in advance by the County Board. In addition, copies of all correspondence with the State relating to the operation shall be provided to the Environmental Office in a timely manner.

4.07 Collection and Disposal of Regulated-Special Wastes

Subsection 1. A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste which contains;

(a) Lead acid batteries,
(b) Waste motor oil, oil filters from commercial establishments;
(c) Waste tires,
(d) White goods/major appliances, and
(e) Yard Wastes
(f) Additional items as identified by Minnesota Statute, Minnesota
Rule, or County Board Resolutions.

except for the purposes of directly delivering such waste to a facility has been approved by the county and/or MPCA or is allowed to accept this type of waste.

Subsection 2. No person or business which generates those items in Subsection 1 to knowingly deposit these materials for collection in mixed municipal solid waste and or dispose at a MSW processing or disposal facility.

4.08 White Goods/Major Appliances

Subsection 1. No person shall dispose of white goods/major appliances at a solid waste processing facility or disposal facility. No person may accept white goods/major appliances for recycling purposes without designation, by resolution of the Lyon County Board, as a white good recycling drop site or acquire and maintain appropriate licenses and/or permits from the MPCA and U.S. EPA.

Subsection 2. No owner, lessee, and occupant of any single or multi-family dwelling, business establishment, industry, in addition to appropriate MN Statutes and Rules for solid waste storage, may store more than ten (10) white goods/major appliances in the open (on the outside) without written permission of the Environmental Officer or be designated as a white good/major appliance drop-off site.

Subsection 3. The County Board by resolution, may establish disposal fees for white good drop sites.

4.09 Waste Tires

Subsection 1. No more than ten (10) waste tires may be stored within the boundaries of any residential lot.

Subsection 2. No more than five hundred (500) waste tires may be stored on any Non-residential lot except at a properly permitted facility.

Subsection 3. Exceptions to subsections 1 and 2 may be allowed when waste tires are utilized outside of a building for decorative, recreational, structural, construction or agricultural purposes where they comply with the requirements of other applicable laws or sections or this ordinance.

Subsection 4. Waste tires within one thousand (1000) feet of a residence shall be stored or utilized in a manner that prevents water from being retained in the tires.

Subsection 5. Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, flood plain or shoreland.

Subsection 6. 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 permitted facility, or obtain the license required by this ordinance within one year of the effective date of this ordinance, or such later date approved by the Board.

4.10 Existing Solid Waste Facilities, Operations and Activities

Solid Waste facilities, operations and activities in existence at the time of the enactment of this ordinance, shall conform to the provisions of this ordinance no later than 180 days after the adoption of the ordinance, or terminate operations no later than that date, unless the County Board grants a variance for good cause shown under this section to continue operations. A request for this kind of variance shall be accompanied by a plan and time schedule for compliance with the provisions of this ordinance.

4.11 RATES AND CHARGES FOR SOLID WASTE MANAGEMENT

Subsection 1. Owners, lessees and occupants of property. Owners, lessees, and occupants of property situated within the county shall pay for solid waste management services to their properties provided by the County or through its licensees, according to schedules adopted pursuant to Subdivision 3.

Subsection 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 or property situated within the county shall pay charges for the use of said facilities according to the schedule adopted pursuant to Subdivision 3.

Subsection 3. Management. The licensee upon the issuance of a license and the execution of a contract with the County Board (to provide solid waste management services) acknowledges the power and authority of the County Board to regulate and set reasonable rates and charges for solid waste management services and agrees that the County Board shall control and direct by resolution the rates and charges of a licensee and/or contract operation of a Solid Waste Facility. (Reasonable rates and charges may be construed to be those which will, with efficient management normally yield, above operating expenses and depreciation, a fair return upon the capital invested in the equipment and land used by the licensee in the operation of a Solid Waste Facility.) This shall not be construed as a guarantee of return and in no case shall it provide any return upon the value of the license issued to operate a Solid Waste Facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, point of origin of the solid waste, the number of people served at each place of collection and all of the factors that enter into the cost of the service. All rates and charges shall be uniform in their application to use and service of the same character and quantity. The determination of the rates and charges to be charged by the licensee shall be made, if possible, by direct negotiation between the licensee and the County Board at a public hearing with at least a 10 day published notice. This board shall report its findings as soon as possible and the rates which it shall agree upon by majority vote shall be the legal rate. The County Board and the licensee may, by mutual agreement, revise
existing rates at any time so long as the aforementioned procedure is followed.

- Compacted yard
- Uncompacted yard by weight
- Appliances
- Tires
- Demolition

An amount to be determined by the County Board

The County Board shall set the rates and charges to be received by a licensee by a resolution after a duly called hearing for the purpose of setting the rates. New prices shall be effective 30 days after passage of the resolution.

Subsection 4. The County Board may set ratio and charges at county owned solid waste facilities as required for the proper management of solid waste in Lyon County utilizing the procedure set for in Subsection 3.

4.12 Service Charge

Subsection 1. Purpose and Authority. This section is enacted pursuant to Minnesota Statute 400.08 which grants Lyon County the authority to impose reasonable charges for a service fee to cover the cost for the Recycling and Household Hazardous Waste Programs. The purpose of this section is to establish a method of collection for such charges.

Subsection 2. Method of Billing and Collecting Service Charge. The charges will be billed and collected as a fee on the applicable Lyon County tax statements as determined by the fee schedule.

Subsection 3. 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 from the County Board, to extend the charges upon the rolls of the County for the taxes of the year in which the fee is filed. For each year the charges 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.

Subsection 4. 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.
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 5. This section is enacted pursuant to M.S. 400.08 which grants Lyon County the authority to establish and determine the boundaries of solid waste management service areas in the County. The boundaries of Lyon County shall constitute the boundaries of the solid waste management service area.

4.13 Enforcement and Inspection

Subsection 1. Inspection and evaluation of waste facilities shall be made by the Solid Waste Officer with such frequency as to insure consistent compliance by the facilities with the provisions of this ordinance. Each license shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. Each licensee shall be required to allow free access to authorized representatives of the Solid Waste Department, County Board, or to 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 regulation.

Subsection 2. Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any applicable law, ordinance, rule and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

Subsection 3. The Solid Waste Officer and County Board shall be responsible for the administration and enforcement of this ordinance.

4.14 Violations and Penalties

All provisions of this ordinance shall be enforced according to this Section.

Subsection 1. Misdemeanor. Any person within the County who violates this ordinance, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the Environmental Office, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
Subsection 2. Equitable Relief. In the event of a violation or a threat of violation of this ordinance, the County Attorney may take appropriate action to enforce this ordinance, including application for injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

Subsection 3. Civil Action or Cost as Special Tax. If a person fails to comply with the provisions of this ordinance, 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 Department, the costs may be certified to the County Auditor as a special tax against the real property.

4.15 Appeals
The Board of Commissioners of Lyon County shall act as a Board of Appeals. Any person wishing to appeal any action taken by the county pursuant to this Ordinance may request a hearing. The appeal must be received by the county within thirty (30) calendar days, exclusive of the day of receipt of notice, after the person received notice of the action taken by the county. The request shall be in writing stating the grounds of the appeal. If a person fails to submit an appeal within the required time period, the person shall forfeit any opportunity for a hearing. The county shall schedule a hearing within thirty (30) calendar days of receipt of the notice of appeal, and shall send to the appellant by mail notice of the hearing date, time and location. If the appellant or his or her authorized representative fails to attend the hearing, the appellant shall forfeit any right to a hearing. The Environmental Office shall send to the appellant by mail notice of the decision within ten (10) days after the close of the hearing.

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

4.17 Non-conforming Sites and Facilities
The rules, regulations and requirements of the County and the Minnesota Pollution Control Agency shall govern the termination, abandonment and/or cleanup of each non-conforming solid waste facility, operation and activity within the County. Owners or operators, or both, of real property being used for Solid Waste disposal purposes shall be responsible to the County for satisfactorily performing terminating and abandonment procedures.

4.18 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 Lyon County Board of Commissioners. It shall be unlawful and an offense against this section for any person, firm, or corporation other than the (curbside) parties recognized above, or the original discarer of the materials, to pick up said materials for his/her own use.

4.19 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.

4.20 Collection of Recyclable Materials by Non-Commercial Organizations

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 need to obtain a license/permit, except as noted:

1. Required by the Agency.
2. Curbside collection of recyclables.

All submittals, as required of a licensee/permittee, shall also be submitted to the Environmental Office.

4.21 Recycling Collection Quantity Reporting Requirements

All civic or non-profit organizations, school groups, service clubs, commercial/industrial establishment or others who collect and disposal 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 by February 15 of each year and account for all material collected and recycled from January 1 to December 31 of the reporting year.

4.22 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.

4.23 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.
4.24 **Repealer**

Lyon County Solid Waste Ordinances dated prior to today are repealed.

4.25 **Effective Date**

This regulation shall be in full force and effect upon adoption and publication pursuant to law.

Dated this __________ day of ____________________.

LYON COUNTY BOARD OF COMMISSIONERS

[Signature]

Chairman

[Signature]

Attest: County Auditor
MURRAY COUNTY
SOLID WASTE ORDINANCE

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 Murray, 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, and those waste abatement programs as defined by SCORE legislation; determine embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring a performance bond for solid waste disposal facilities; 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, Chapters 115, 115A, 116, 145.22, 145.23, 375, 400, 561.01, and 609.74.

The County Board of Commissioners of the County of Murray 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, Chapters 115, 115A, 116, 145.22, 145.22, 145.23, 375, 400, 561.01, 609.74 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. 1. "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 is 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 unreasonable, with the enjoyment of life or property.

Subd. 4. "Canister System" means one or more commercial solid waste storage containers (such as "dumpsters") located to function as an intermediate disposal facilities, and which are serviced on a regular basis by a public or private hauler.
Subd. 5. "Construction Debris" means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

Subd. 6. "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 Murray in the enforcement or administration of this ordinance.

Subd. 7. "Collection" means the aggregations of solid 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.

Subd. 9. "Collector/Commercial Hauler" means any person who owns, operates, or leases vehicles for the purpose of collection and transportation of any type of solid waste.

Subd. 10. "Cover Material" is material that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compatibility. Suitable cover material include, but are not limited to sandy loam, loam, sandy clay loam, silty clay loam, clay loam, sandy clay, and loamy sand.

Subd. 11. "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subd. 12. "Demolition Debris" means inert material that includes earthen fill, boulders, rock and other materials normally handled in construction operations but does not include solid waste, hazardous or toxic waste, recyclables or materials possessing usual or anticipated chemical or biological action.

Subd. 13. "Hazardous Waste" means any refuse or discarded materials or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled in a routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties. Categories of hazardous waste materials includes, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge, and source materials, special nuclear waste or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Subd. 14. "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 opener, varnishes, stains and adhesives.
Subd. 15. "Incineration" means the process by which solid wastes are burned for the purpose of energy recovery or volume and weight reduction in facilities designed for such use.

Subd. 16. "Intermediate Disposal Facility" means a facility for the temporary collection, storage, reduction, recycling, or processing of solid waste prior to final disposal.

Subd. 17. "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. 18. "Licensee" means a person who has been issued a license by the County Board for solid waste management purposes pursuant to this ordinance.

Subd. 19. "Multi-County Mixed Waste" means solid waste that is collected outside the County and then transported to this County and mixed with solid waste from the County. Excluded from this definition is one (1) cubic yard per vehicle per load, or ten (10) percent of the vehicles solid waste load, whichever is lessor.

Subd. 20. "Non-recyclable Materials" means solid waste, refuse, construction debris, and materials for which there is no appropriate markets that will accept these materials for recycling.

Subd. 21. "Operation" means any site, facility, or activity relating to solid waste management.

Subd. 22. "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 business organization, any receiver, trustee, assignee, agent, or any other legal representative of any of the foregoing, or any other legal entity.

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

Subd. 24. "Recycler" means any commercial or business established to collect, transport, process, store, redeem, or dispose of recyclables.
Subd. 25. "Recyclable Materials" means materials such as nonresidential corrugated cardboard, nonresidential office paper, newsprint, glass containers, tin containers, polyethylene terephthalate and high density polyethylene plastic, aluminum containers, that are separated from solid waste for the purpose of recycling. These materials and other materials are considered to be recyclable materials if appropriate markets exist that will accept these recyclable materials. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

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. "Recycling Facility" means any facility permanent or mobile that recycles or accepts waste for the purpose of recycling.

Subd. 28. "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 a dry form.

Subd. 29. "Rubbish" means nonputrescible solid wastes, including, but not limited to ashes and combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery, or litter of any kind.

Subd. 30. "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. 31. "Service Area" is enacted pursuant to Minnesota Statute 400.08 which grants Murray County the authority to establish and determine the boundaries of the solid waste management areas in the County. The County Board may impose service charges for the area. The Murray County Solid Waste Ordinance may require mandatory solid waste collection and mandatory recycling separation in the service area.

Subd. 32. "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 wide of floodplain delineated by ordinance on such a river or stream, whichever is greater.
Subd. 33. "Solid Waste" means garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted material disposed of as soil amendment, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

Subd. 34. "Solid Waste Collection Service" means the collection and transporting of solid waste generated in Murray County by any person or (residential, business, commercial, governmental) by a hauling service contracted by the generator, or a demolition debris hauling service that transports solid waste - separated or mixed with demolition debris, or, a service that hauls recyclables. The self collection and transportation of solid waste by a single family resident (1 unit) is exempt from this definition. However, collection from multiple family residences are included in this ordinance.

Subd. 35. "Solid Waste Disposal Facility" means any intermediate or final disposal site, equipment or building operate as a sanitary landfill, incinerator, transfer station, composter and other operations as defined by this ordinance, the agency and the County.

Subd. 36. "Solid Waste Management Facility" means a sanitary landfill, or intermediate disposal facility.

Subd. 37. "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. 38. "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 manufacturing processes.

Subd. 39. "Special Wastes" means nonhazardous solid wastes requiring management other than that normally used for mixed municipal solid waste.

Subd. 40. "Tipping Fee" means the fee charged to collectors and citizens for waste delivered to the facility.

Subd. 41. "Transfer Station" means an intermediate solid waste transfer facility in which solid waste is collected from any source is temporarily deposited to await transportation to another solid transfer management facility.
Subd. 42. "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. 43. "Waste Tire" means a pneumatic tire or solid tire for motor vehicles that has been discarded or no longer used for its original intended purpose because of wear, damage or defect.

Subd. 44. "Waste Tire Collection Site" means a licensed Waste Facility use for the storage of Waste Tires prior to their transport to a Waste Tire Processing Facility.

Subd. 45. "Waste Tire Processing Facility" means a licensed Waste Facility used for the shredding, slicing, processing or manufacturing of usable materials for Waste Tires, and may include temporary storage activity. Processing does not include the retreading of Waste Tires.

Subd. 46. "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 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. 47. "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.

Subd. 48. "White Goods" means waste major appliances. Major appliances include but are not limited to clothes washers and dryers, compactors, conventional ovens, ranges and stoves, humidifiers and dehumidifiers, air conditioners, refrigerators and freezers.

Subd. 49. "Yard Waste" means organic plant material collected from yards. These materials include leaves, grass, clippings, weeds, vines and stalks.

SECTION II. ADMINISTRATION

Subd. 1. Solid Waste Officer. The Murray County Solid Waste Officer is appointed by the Murray County Board of Commissioners.
Subd. 2. Authority. The duties and responsibilities of the Solid Waste Officer under this ordinance are hereby established and delegated by the County of Murray. 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.

(f) To plan, implement and administer all County operated waste abatement facilities.

(g) To implement all programs as proposed by the approved, and as amended County Solid Waste Plan.

SECTION III. GENERAL PROVISIONS: SOLID WASTE DISPOSAL FACILITIES

Subd. 1. No person shall operate a solid waste disposal facility nor allow, permit or cause his land to be used as a solid waste disposal facility without a valid license issued by Murray County.

Subd. 2. To obtain a license to operate a solid waste facility an individual must first complete an application and provide all of the following information:
A. Complete plans, specification, design data, ultimate land use plan, if applicable, and proposed operating procedures prepared by a registered professional engineer of Minnesota.

B. Evidence that the property is properly zoned for the solid waste disposal facility and that the owner has obtained the necessary building permits.

C. A bond in an amount to be set by the County Board naming the County as an obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of the bond shall be that if the principal fails to comply with any requirements or fails to perform any acts required of the operation or ceases to operate or abandon the operation the sureties will reimburse the County for any monies, labor or material expended to restore the operation to comply with this ordinance or restore the land to its original condition and indemnify, save and hold harmless the county from all losses, costs, and charges that may incur because of the operator's unwillingness or inability to operate in compliance with the terms of this ordinance.

D. A certificate of insurance issued by a company duly licensed to operate within the State of Minnesota covering public liability, automobile liability, operations liability, with bodily injury limits in an amount no less than $250,000.00 for injury or death on any one person and aggregate limits of not less than $750,000.00 for injuries or deaths arising out of any one occurrence. Property damage limits shall be not less than $500,000.00 per occurrence and the unencumbered aggregate amount of at least $500,000.00.

E. Evidence of compliance with all state and federal laws including necessary permits or licenses for operation of a solid waste disposal facility.

Subd. 3. License applications will be reviewed by the Solid Waste Officer to determine compliance with the requirements of Subd. 2 and the Murray County Solid Waste Plan. The applicant will be notified of any deficiencies in the application. Within 30 days after receipt of a completed application, the Solid Waste Officer will present the application to the Murray County Board of Commissioners with a recommendation for approval or denial of the license.

Subd. 4. The Murray County Board of Commissioners will make final determination whether to grant the license. Any license granted by the Board will be valid for one year unless surrendered, suspended or revoked prior to that time.

Subd. 5. No person shall operate a solid waste disposal facility nor allow, permit or cause his land to be used as a solid waste disposal facility without a valid license issued by Murray County.
**Subd. 6.** No person shall construct or operate in Murray County a landfill, incinerator, transfer station, or composter for the disposal of solid waste without first obtaining a permit from the County and meeting all state and federal regulations relating to such facility.

**Subd. 7.** The following items are banned for final disposal at solid waste disposal facilities in Murray County:

- Dry Cell Batteries containing mercury, silver, or nickel-cadmium, or sealed lead-acid batteries that were purchased for use or used by a government agency or an industrial, communication, or medical facility.

- Household Hazardous Waste (By definition in Sec. I)

- Lead Acid Batteries (vehicle batteries)

- Used Oil

- White Goods (major appliances)(By definition in Sec. I)

- Waste Tires

- Yard Waste (By definition in Sec. I)

The Murray County board of Commissioners will, by resolution, ban additional materials as dictated by state regulations.

**SECTION IV. SOLID WASTE STORAGE**

**Subd. 1.** 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 premises, 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. Putrescible waste, including, but not limited to garbage, shall be stored in durable, rust-resistant, non-absorbent, water-tight, rodent-proof, and easily cleanable containers, with close-fitting, fly-tight covers having adequate handles to facilitate handling; or other types of containers acceptable to the solid waste collection service which comply with agency regulations, this ordinance, 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 must 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 putrescible waste containers.

Subd. 4 No person shall place household hazardous wastes into a container for collection. All household hazardous wastes shall be disposed of through the Lyon County Regional Household Hazardous Waste Facility.

Subd. 5. 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 a 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 contaminates present by percentages, the start date, the generators name and address and the generators 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).

Subd. 6. 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. 7. 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 Solid Waste Officer.
Subd. 8. Solid wastes shall not be stored outside a private residence, in a residential or urban rural setting, for more than one (1) month without the written approval of the Solid Waste Officer. Solid waste shall not be stored on public, commercial or business property for more than two (2) weeks, without the written approval of the Solid Waste Officer. Non-putrescible wastes suitable for recycling shall not be stored on public or private property in a manner which creates a nuisance, blight or health hazard. Compostables shall not be stored on public or private property in a manner which creates a nuisance, blight or health hazard.

Subd. 9. Solid Waste shall not be stored or disposed of in containers or structures specifically designated for the collection or deposit of recyclables.

SECTION V. FARM DISPOSAL OF SOLID WASTE  (Dept. of Ag. - 17.35)

Subd. 1. A person who owns or operates land used for farming may bury, or burn and bury, solid waste generated from a person's household located on the farm land 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 from which it was generated.

Subd. 2. This exemption does not apply if regularly schedules pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the County Board of Commissioners.

SECTION VI. COLLECTION AND TRANSPORTATION OF SOLID WASTE

Subd. 1. Unless otherwise provided in these regulations, the owner, lessee and occupant of any premises, business establishment or industry is responsible 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 has been issued by the agency and the County. The solid waste collection service shall be responsible for the collection and transportation of all solid waste for which it has been contracted to collect and remove and will transport it to an operation for which a permit has been issued by the agency and the county at which disposal occurs or at the solid waste disposal facility that is designated through resolution by the Murray County Board of Commissioners.

Subd. 2. Vehicles or containers used for the collection and transportation of garbage, putrescible wastes, or solid waste shall be covered, leakproof, durable and of easily cleanable construction. These shall be cleaned regularly to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.
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 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. When the material cannot be immediately picked up or the area cleaned the Solid Waste Officer shall be notified as described in Subd. 5 (c) of this Section.

Subd. 3. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leakproof and shall be constructed, loaded, transported and unloaded 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. 4. The collection and transportation of solid waste shall be performed in accordance with state rules administered by the agency and the County.

Subd. 5. The County Board shall issue a license for the collection and transport of solid waste, as defined under this ordinance as a solid waste collection service. The County Board shall not issue a license until the application complies with all of the following requirements:

(a) The solid waste collection service will indemnify, defend and save harmless the Commission, the County, their agents, elected officials and employees from all claims, damages, losses liabilities, 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 Contract.

(b) The solid waste collection service shall obtain and keep in force at all times during this Contract, the following insurance policies:

1. 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.

2. Comprehensive automobile liability insurance including owned, non-owned and hired automobiles in the amount of $200,000 per person and $600,000 per occurrence.

(c) The solid waste collection service shall provide collection in a timely manner as described in the following:
1. The solid waste collection service will be responsible for the prompt reporting of actual or potential delays in their collection schedule. If a delayed collection will occur and the collection service can use alternative methods to make the collection within 24 hours, no violation will be recorded. If the service cannot provide collection within 24 hours he/she must notify the Solid Waste Office directly. From the time of notification, the solid waste collection service will have an additional 24 hours to make the collection.

2. Customer Complaint: The solid waste collection service has 24 hours to make the collection, and the time starts when the Solid Waste Officer documents reporting the complaint to him, excluding any three (3) day observed holiday.

(d) Collectors of solid waste from residential customers must charge for collection on the basis of the volume or weight of the waste collected. For single family customers, the collector must offer a minimum 1 can or 1 bag rate. The can, or bag shall be no larger than 30 gallons. Nonoffering of volume based rates shall be grounds for license termination or denial of license renewal.

(e) Solid waste must be disposed of at a MPCA permitted facility which is designated through resolution by the County Board of Commissioners. A license will not be issued to those hauling to undesignated sites.

(f) Submission of vehicle specifications: All vehicles to be used for solid waste collection and transportation shall have leakproof 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.

(g) Filing of an application for a solid waste collection and transportation license shall be upon a form provided by the County Board.

(h) The solid waste collection service will provide to the Murray County Solid Waste Officer a report of quantities hauled for recyclables and solid waste, at the close of each permit year (June 30). The site where the service disposed of the load(s). Quantities will be reported in cubic yards or tonnages separated by type (e.g. newsprint, paper, plastic, ferrous and nonferrous metals, glass, corrugated, whitegoods, etc.) Omission of the annual report shall be grounds for the terminations of the license or denial of license renewal.
(i) A surcharge fee for the collection and hauling of solid waste can be established by the Murray County Board through resolution. The fee will be based on cubic yards or tonnage collected in Murray County regardless of the final disposal site. The solid waste collection service will provide by the 10th of each following month the tipping receipts and the fee payment for the preceding month. The surcharge will be established by County Board Resolution for each calendar year. If no new surcharge is adopted in any given year the surcharge from the previous year shall remain in effect. A copy of the current surcharge fee shall be kept on file in the office of the County Auditor. Nonpayment of the money collection surcharge shall be grounds for the termination of the license or denial of license renewal.

(j) A vehicle permit fee shall be established by the Murray County Board and adopted by resolution. The vehicle permit fee shall be established for a calendar year and if no new permit fee is adopted in any given year the permit fee from the previous year shall remain in effect. A copy of the current permit fee shall be kept on file in the office of the County Auditor. Nonpayment of the annual vehicle permit fee shall be grounds for the termination of the license or denial of license renewal. The County will notify all permit holders by December 1st of each calendar year if there are new fee schedules. Each Permit fee must be paid by December 31st to receive a vehicle permit for the next calendar year.

(k) Accompanying each calendar year application for license and permit the solid waste collection service will submit a Minnesota State Highway Patrol vehicle inspection checklist for each registered vehicle. Omission of the annual inspection checklist shall be grounds for the termination of the license or denial of the license renewal.

(l) The applicant must demonstrate to the County Board that it has financial and operational capability to properly collect, transport, and dispose of all solid waste. Such determination shall be made in the sole discretion of the County Board.

SECTION VII. SOLID WASTE DISPOSAL BY SANITARY LANDFILL

A solid waste landfill shall comply with all agency and county permit requirements, and the Murray County Solid Waste Management Plan. The County will not issue a license to a site out of compliance. All other methods of solid waste landfills are prohibited.

SECTION VIII. SOLID WASTE DISPOSAL BY INCINERATION

A solid waste incinerator shall comply with all agency and county permit requirements and the Murray County Solid Waste Management Plan. The County will not issue a permit to a site out of compliance. No other types of burning solid waste are allowed.
SECTION IX. TRANSFER STATIONS
A solid waste transfer station shall comply with all agency and county permit requirements and the Murray County Solid Waste Management Plan. The County will not issue a permit to a site out of compliance.

SECTION X. SOLID WASTE DISPOSAL BY COMPOSTING
A solid waste composter shall comply with all agency and county permit requirements and the Murray County Solid Waste Management Plan. The County will not issue a permit to a site out of compliance.

SECTION XI. DEMOLITION DEBRIS DISPOSAL
Demolition debris disposal shall comply with all agency permit requirements, all county permit requirements and the Murray County Solid Waste Management Plan. All demolition debris disposed of in Murray County must be disposed at a Agency permitted site. Demolition waste generated onsite by construction or demolition of structures on an individual property may be buried on-site provided a permit is issued by the Agency. Placement of demolition for land improvement projects may be allowed provided a permit for that waste is obtained from the Agency. A record of on-site or land improvement burials shall be filed at the office of the County Recorder. Permit application forms may be obtained from the Solid Waste Officer.

SECTION XII. SPECIAL MATERIALS
Subd. 1. Waste Tires - The following requirements are adopted to insure the proper handling of waste tires:

(a) Chapters 7001 and 9220 of the Minnesota Waste Tire Permitting Rules are hereby incorporated by reference.

(b) No more than ten (10) waste tires may be stored within the boundaries of any residential lot.

(c) No more than one hundred (100) waste tires may be stored on any Non-Residential lot except at a properly licensed solid waste facility.

(d) Exceptions to subdivision 1 and 2 may be allowed when waste tires are utilized outside the building for decorative, recreational, structural, constructional or agricultural purposes where they comply with the requirements or other applicable laws or sections of this ordinance.

(e) Waste tires within one thousand (1000) feet of a residence shall be stored as utilized in a manner that prevents water from being retained in the tires.
(f) Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, floodplain, or shoreland.

(g) The disposal of waste tires in the land is prohibited. This does not prohibit the storage of unprocessed tires at a collection or processing facility. (115A.904)

(h) 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 approved by the Murray County Solid Waste Officer.

Subd. 2. Waste Appliances (115A.9561)

(a) A person may not place major appliances in mixed municipal solid waste; or dispose of major appliances in or on land or in a solid waste processing facility or disposal facility.

(b) All waste major appliances must be recycled or reused. All major appliances will be delivered to the County appliance depot at the landfill or to a County approved appliance recycling facility. Recycling includes: the removal of capacitors that may contain PCB's, ballasts that may contain PCB's, removal of chlorofluorocarbon refrigerant gas; and the recycling of the metals.

Subd. 3. Waste Oil

(a) A person may not place used oil in mixed solid waste or place used oil in or on the land unless approved by the agency. (115A.916)

(b) All commercially generated oil filters will be disposed of, or recycled, according to agency rules and regulations.

Subd. 4. Household Hazardous Waste - All household hazardous wastes shall be disposed of through the Lyon County Regional Household Hazardous Waste Facility or such other facility designated by the County Board.

Subd. 5. Yard Waste (115A.931)

(a) A person may not place yard waste:

(1) in mixed municipal solid waste;

(2) in a disposal facility; or
(3) in a resource recovery facility, except for the purpose of composting or co-composting.

**Subd. 6. Lead Acid Batteries**

(a) A person may not place a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery. Lead acid batteries are to be taken to lead acid battery recycling facility or returned to the vendor for transport to a recycling facility. (115A.915)

(b) A person who transports used lead acid batteries from a retailer must deliver the batteries to a lead acid battery recycling facility. (115A.9152)

**Subd. 7.** All materials identified under the provisions of Section IV. Subd. 4 as being banned from mixed municipal waste disposal facilities will be disposed of properly under the rules and regulations of the agency.

**SECTION XIII. RECYCLING FACILITIES LICENSE**

**Subd. 1.** Recycling facilities/recycling collection services shall fulfill the requirements established by this ordinance, provide the annual reports, be permitted, and shall be exempt from the permit fees.

Vehicles operated by recyclers must meet the requirements of Section V, with the exception of Subd. (5), (i).

A. No person shall operate a recycling facility nor allow, permit or cause his land to be used as a recycling facility without a valid license issued by Murray County.

B. To obtain a license to operate a solid waste recycling facility, the individual must first complete an application and provide the following:

1. Plans, specifications, and proposed operating procedures.

2. Evidence that the property is properly zoned for a recycling facility and that the owner has obtained the necessary building permits.

3. Evidence of knowledge and compliance with all state and federal laws including necessary permits or license for operation as a recycler.
SECTION XIV. MANDATORY SOLID WASTE COLLECTION/RECYCLABLE MATERIALS SEPARATION

Subd. 1. Municipal Collection/Service Areas: By January 1, 1993 all corporate municipalities in Murray County shall pass an ordinance requiring each residential unit and all commercial businesses to have solid waste collection and recyclable separation for either collection or drop-off, according to specifications listed in Minnesota Statute 115A.94.

The Murray County Board, through resolution, will form service areas. The service area will be required to have solid waste collection at each residential unit, and commercial business. The service area will have curbside recycling collection, or alternative recyclable material disposal through drop-off facilities provided by the County.

Subd. 2. Mandatory Residential Recycling: It shall be unlawful for any owner or occupant of a residential or multi-unit residential building within a Murray 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: HDPE#2 (small neck bottles) PETE#1
e) Newspaper
f) Corrugated boxes
g) Office paper
h) 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. 3. Mandatory Commercial, Public, and Semi Public Recycling: It shall be unlawful for any owner or occupant of a commercial building within a Murray County municipality or service area to generate or 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: HDPE#2 (small neck bottles) PETE#1
e) Newspaper
f) Corrugated boxes
g) Office paper
h) 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 recyclable materials.

Subd. 4. Haulers: A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste within a Murray County municipality or service area which:

a) contains any yard waste
b) contains any material which has been designated by the County Board as subject to mandatory recycling, pursuant to Section XIII.

Subd. 5. Anti Scavenging Clause: Ownership of the designated recyclable materials set out for curbside collection or deposited in the Murray County drop-off sheds shall be vested in the collector and transporter of recyclable materials designated by the County Board, or by contract through the municipalities. It shall be unlawful and an offense against this section for any person, firm or corporation other than the owner, lessee, or occupant of the property, to pick up said materials for his/her own use.

SECTION XV. LICENSE/PERMIT FEES

Subd. 1. 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 specified by resolution and adopted by the County Board. Such license fees are hereby found to be equal to the cost to the County for 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 collection service permit fees shall be paid annually as a condition for license renewal. Solid waste collection service surcharges will be paid monthly as a condition for license renewal. Nonpayment of the required fee shall be grounds for the termination of a license or denial of license renewal. Fees shall be paid to the County Treasurer prior to issuance or renewal of a license.

The license fee for a solid waste management facility shall be established for a calendar year and if no new license fee is adopted in any given year the license fee from the previous year shall remain in effect. A copy of the current license fee shall be kept on file in the office of the County Auditor.

Subd. 2. Approval of an application to the County Board for a license for solid waste collection service shall be contingent upon the payment to the County of the surcharge fee in the amount specified by resolution and adopted by the County Board. Surcharge fees shall be paid monthly as a condition for maintaining a license. Nonpayment of the monthly surcharge fee shall be grounds for the termination of a license or denial of license renewal. Fees shall be paid to the County Treasurer by the 10th of the following month for the previous month based on all tipping receipts.
The surcharge fee will be determined by multiplying the total cubic yards collected by the surcharge fee.

Subd. 3. Approval of an application to the County Board for a license for solid waste collection service shall be contingent upon payment to the County of a vehicle permit fee in the amount specified by resolution and adopted by the County Board. The fees prescribed shall be paid by a licensed applicant for each vehicle operated by him. Nonpayment of annual vehicle permit fee shall be grounds for the termination or denial of license renewal. Fees shall be paid to the County Treasurer prior to issuance or renewal of a license. A copy of the resolution will be kept in the office of the County Auditor.

SECTION XVI. RATES AND CHARGES FOR SOLID WASTE MANAGEMENT

This subdivision is enacted pursuant to Minnesota Statute 400.08 which grants Murray County the authority to impose reasonable charges for solid waste management and disposal. The purpose of this section is to establish a method of collection of such charges. Owners, lessees, and occupants of property situated within the County shall pay for solid waste management services or a solid waste collection service provided by the County, through its contractors, or licensees according to the following schedule:

(a) Landfill Fees: Are determined by the County Board by resolution.
(b) Service Fees: The County Board, by resolution, may establish a service charge for solid waste management services provided to the various parcels of land in the County, and such charges may result in an assessment levy payable with real estate taxes. All rates and charges shall be uniform in their application to use and service of the same character and quantity. A copy of the current rate schedule shall be kept on file in the Office of the County Auditor. If no new rate schedule for solid waste management services is adopted in any year, the rate schedule for the previous year will remain in effect. In establishing or revising the rate 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, method of deposition, the number of people served at each place of collection, and all other factors that enter into the cost of providing the service including, but not limited to, public education, recycling programs, solid waste management facilities operating and debt. On or before October 15th in each year, the County Board shall certify to the County Auditor all unpaid outstanding charges and a description of the lands against which charges arose. It shall be the duty of the County Auditor, upon the order of the County Board, to extend assessment with interest rate provided or in Minnesota Statutes Section 279.03, Subdivision 1, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15th, the assessment with interest shall be carried into the taxes and payable in January 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 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. For tax exempt properties the County
may collect unpaid charges in Small Claims Court or through such other means as
may be approved by the County Attorney. Any property owner who believes that
the service charge imposed upon his property is incorrect, may appeal the charge.
An appeal form may be obtained at the Office of the County Assessor, and shall
be filed within 30 days of the mailing of the service charge statement by the
County. Appeals will be processed in the same manner as other applications for
abatement of current year payable real estate tax.

(c) Surcharge: Can be determined by the County Board by resolution. Solid waste
collection services hauling within the County, shall pay a surcharge fee based on
total cubic yards/tonnage of solid waste collected in Murray County.

Subd. 2. Users of Facilities. Users of solid waste management facilities provided by the
County (or the solid waste management facility that is designated by resolution by the
County Board), by and through its contractor, or be facilities licensed in the County or by
those who collect solid waste from sites, premises, owners, lessees, or occupants of
property situated within or outside the County shall pay charges for the use of said
facilities according to resolutions established by the County Board; and, facilities
according to resolutions established by the County Board; and, the fee rates will be
according to the definition of this ordinance for "multi-county mixed waste", and, for
solid waste generated within the County. Established tipping fees are adopted in
resolution by the County Board and kept on file in the office of the County Auditor. All
fees charged for solid waste disposal shall be paid on a monthly basis according to the
billing schedule at the facility.

Subd. 3. Service Area. This section is enacted pursuant to Minnesota Statute 4000.08
which grants Murray County the authority to establish and determine the boundaries of
the solid waste management areas in the County. The boundaries of the County shall
constitute the boundaries of the solid waste management service area.

Subd. 4. Solid Waste Management Fund for Operations Provided by the County. A
special account on the official books of the County is hereby created which shall be
known as the Solid Waste Management Fund. Monies collected pursuant to this
ordinance and all receipts from the sale of real or personal property pertaining to solid
waste management systems and the proceeds of all gifts, loans, and issuance of bonds for
the purpose of the system shall be credited to the solid waste management fund. All costs
of acquisition, construction, enlargement, improvement, repair, supervision, control,
maintenance, and operations of the solid waste management system, the county owned
recycling system, and facilities which are owned and operated by the County, but not
those owned and operated by its licensee or contractor, shall be charged to the Solid
Waste Management Fund.
SECTION XVII. ENFORCEMENT AND INSPECTION

Subd. 1. Inspection and evaluation of waste facilities shall be made by the Solid Waste Office or Agency in such frequency as to insure consistent compliance by the facilities with the provisions of this ordinance. Each licensee shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. Each licensee shall be required to allow free access to authorized representatives of the Solid Waste Department, County Board, Agency, or to authorized representative 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 regulation.

Subd. 2. The County shall have the right to inspect private property to determine if a waste facility is in accordance with the provisions of this ordinance.

Subd. 3. Where the conditions imposed by any provisions 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 and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

Subd. 4. The Solid Waste Office shall be responsible for the administration and enforcement of this ordinance.

SECTION XVIII. LITTER PENALTIES AND DAMAGES.

Subd. 1. This section is taken from Minnesota State Statute 115A.99 of the Minnesota State Waste Management Act.

Subd. 2. (a) 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 amount of cost incurred by a state agency or political subdivision to remove, process, and dispose of the waste. (b) A state agency or political subdivision that incurs cost as described in this section may bring an 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.

Subd. 3. Deposit of penalties. Civil penalties collected under this section must be deposited in the general fund of the jurisdiction enforcing the penalties.

Subd. 4. Private action for damages. A private person may join an action by the state or a political subdivision to recover a civil penalty to allow the person to recover damages for waste unlawfully placed on the person's property. HIST: 1sp1989 c 1 art 20 s 17
SECTION XIX. VIOLATIONS AND PENALTIES

**Subd. 1. Misdemeanor.** Any person who fails to comply with the provisions of this ordinance may be charged with a misdemeanor and upon conviction thereof shall be punished therefore as provided by law. A separate offense shall occur for each day on which a violation occurs or continues.

**Subd. 2. Equitable Relief.** In the event of a violation or a threat of violation of this ordinance, the Murray County Attorney may take appropriate action to enforce this ordinance, including but not limited to, application for injunctive relief, action to compel performance or other appropriate action in District Court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

**Subd. 3. Costs as Special Assessment.** If a licensee, owner, or operator of a waste facility fails to comply with the regulations in this ordinance, Murray County make take the necessary steps to correct such violations or terminate the facility and the costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Murray County Auditor as a special assessment against real property.

**Subd. 4. Suspension of License.** Any license issued pursuant to this ordinance may be suspended for not longer than sixty (60) days by the County Board for violation of any provision of this ordinance. Suspension shall not occur earlier than ten (10) calendar days after written notice of suspension has been personally served on the licensee by certified mail with return receipt. Such written notice shall contain the effective date of suspension, the nature of the violation or violations constituting the bases for the suspension, the facts which support the conclusion that a violation or violations have occurred and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing by serving said request personally on the Board within ten (10) calendar days, of service of such notice, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he shall forfeit any right to a public hearing. Following receipt of a request for a hearing, the County Board shall set a hearing date which will be set at a time convenient for the Board. The hearing shall be conducted pursuant to the procedures established in Section XIX, Subd. 6, titled "Hearing" of this Section. If the suspension is upheld and the operation has not demonstrated within the sixty (60) day period that full compliance with the ordinance has been attained and that such compliance will be continued, the County Board may serve Notice of Suspension once again or initiate the revocation procedures in Section XIX, Subd. 5.
Subd. 5. Revocation of License. Any license issued pursuant to this ordinance may be revoked by the County Board for violation of any provision of this ordinance. Revocation shall not occur earlier than ten (10) calendar days after written notice of revocation has been personally served on the licensee, or, if a hearing is requested, until the written decision of the Board has been served on the licensee by registered mail. Such written notice shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that the licensee is entitled to a hearing provided that he request such hearing in writing by personally serving said request to the Board within ten (10) calendar days, of service of such notice, exclusive of the day of service. If the licensee fails to request a hearing within the time prescribed, he shall forfeit any right to a public hearing. Upon receipt of a written request for a hearing, the County Board shall set a hearing not earlier than ten (10) days and not later than thirty (30) days from the date of receipt of the request.

Subd. 6. Hearings. Whenever a hearing is requested in regard to an application, renewal, suspension or revocation of a license, the hearing shall be governed by the following procedures:

(a) Hearing Officer: The Murray County Board of Commissioners shall have the power to conduct public hearings pursuant to this section. By resolution, the County board may appoint a hearing officer to assist the County Board. If the individual conducts hearings on behalf of the County Board, he shall submit to the County Board, in writing, findings of fact, conclusions of law and recommendations, and the County Board may base its decision on this report.

(b) Notice of Decision: The County Board shall notify the applicant or licensee in writing as to its decision within five (5) working days after a decision is reached.

(c) Procedure: All hearings shall be conducted in the following manner:

1. The court reporter shall record and transcribe, if necessary, a record of the hearing.

2. All testimony shall be sworn under oath.

3. The rules of evidence shall be informal. All relevant evidence, subject to the County Board’s or hearing officer’s discretion may be reviewed.

4. The County shall present evidence first.
5. The applicant or licensee, or his counsel, if represented, may cross-examine all witnesses testifying in the proceedings may cross-examine all witnesses testifying in the proceedings.

6. The attorney for the County Board may cross-examine all witnesses testifying in the proceedings.

7. The decision of the County Board shall be based on the evidence presented at the hearing before the County Board or on the Findings of Fact, Conclusion of Law and Recommendations of the hearing officer.

8. If the applicant or licensee fails to appear at the hearing, he shall forfeit any right to a public hearing before the County Board or the hearing officer.

9. Any applicant or licensee aggrieved by a decision of the County Board shall have the right to appeal to the District Court in the County of Murray on questions of law and fact within thirty (30) days of the date of the decision.

Subd. 7. Removal of Suspension. In the case of a suspension, upon written notification from the licensee that all violations for which the suspension was invoked have been corrected, the Solid Waste Department shall re-inspect the site, facility or solid waste collection service within five (5) working days after receipt of the notice for the licensee. If the Solid Waste Department finds on such re-inspection that the violations constituting the grounds for suspension have been corrected, the Solid Waste Department shall immediately terminate the suspension by written notice to the licensee and the County Board.

SECTION XX. 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 cannot be complied with due to a technological impossibility. 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 XXI. NON-CONFORMING SITES, FACILITIES AND COLLECTION SERVICES

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

SECTION XXII. 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 XXIII. 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, operation or solid waste collection service, 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 XXIV. 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 XXV. 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 XXVI. OTHER ORDINANCES AND REGULATIONS

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

SECTION XXVII. REPEALER

The previous Murray County Solid Waste Ordinance is hereby repealed and replaced with the adoption of this ordinance.

SECTION XXVIII. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication according to law.
Passed by the Murray
County Board of Commissioners

this ______ day of _____________________, 19__.

______________________________
Chairman

________________________
seal

________________________
Date

ATTEST:

______________________________
County Auditor

APPROVED AS TO FORM AND EXECUTION:

______________________________
County Attorney
NOBLES COUNTY
SOLID WASTE MANAGEMENT ORDINANCE
NUMBER 961993
APRIL, 1993
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NOBLES COUNTY

Solid Waste Management Ordinance

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

I. TITLE

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

II. PURPOSE AND COMPLIANCE

The Solid Waste Management Ordinance for Nobles County is an ordinance authorizing and providing for County Solid Waste Management; establishing powers and duties in connection therewith; establishing standards and requirements for solid waste management operations within the incorporated and unincorporated areas of the County of Nobles; requiring licenses for storage, collection, transportation, processing, and disposal of solid waste, 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.

III. LEGAL AUTHORITY

The County Board of Nobles County, under the authority provided in Chapter 115, 115A, 116, 375, 400, 561.01 and 609.74 of the Minnesota Statutes and Nobles County Solid Waste Ordinances, does ordain:

IV. ABROGATION AND GREATER RESTRICTIONS

The Nobles County Board has determined this regulation be adopted to:

IV.01 Protect the public's health, prevent public nuisances, and prevent contamination of the groundwater and other environments of Nobles County from solid waste through the control of number, location and operation of such facilities.

IV.02 Preserve and protect our land and water resources.

V.03 Assure that all individuals are informed and responsible for their actions regarding solid waste that may affect the environment and the community now and in the future.
IV.04 Support activities that will promote use and reuse of materials found in solid waste that would otherwise be disposed in ways that would not recapture the useful characteristics of its components.

IV.05 Augment, supplement and support existing Nobles County and State of Minnesota controls on solid waste.

IV.06 Embody the purpose found in Minnesota State Laws and Rules on Solid Waste.

IV.07 The Nobles County Solid Waste Ordinance shall follow Minnesota Statutes, including but not limited to Chapters 17.135, 115, 115A, 116, 375, 400, 561.01, 609.671, 609.68 and 609.74.

V. DEFINITIONS

When used in this ordinance, the words and phrases shall be interpreted by reference to the definitions contained in Minn Regulations 7035.0300, and Minn. Stat. 115A.03, 115A.55 and 297A.01 unless the context clearly indicates otherwise. The following additional definitions supplement those cited immediately above.

V.01 Acceptable Household Quantities. Solid Waste which is otherwise Unacceptable Waste, but which is contained in Garbage, refuse, and Mixed Municipal Solid Waste from normal household activities. For the purposes of this definition, "household" includes any residential dwelling unit or place of transient residence.

V.02 Acceptable Non-Household Waste. Solid Waste which is otherwise Unacceptable Waste, but which is contained in Garbage, refuse, and municipal Solid Waste generated from commercial, industrial, or community activities, where the quantity of such Unacceptable Waste contained in any load delivered to the Facility does not constitute a significant portion of such load, provided, however, that no amount of Hazardous Waste that is regulated by law shall be Acceptable Waste. The term significant may vary with the chemical constituents of the waste and/or the waste stream composition. Therefore, "significant" shall be as established by the Department on a material basis.

V.03 Acceptable Waste. Solid Waste which is acceptable at the Facility. Acceptable Waste shall include Garbage, refuse, and other municipal Solid Waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, and which is not otherwise defined herein as Unacceptable Waste. No amount of Hazardous Waste that is regulated by law is acceptable at the Facility.
Acceptable waste shall also include Acceptable Household Quantities and Acceptable Non-Household Waste, as defined herein.

V.04 Adequate turf. A living ground cover of native perennial grasses or other suitable vegetation free of noxious weeds which provides ground cover to effectively prevent loss of final cover by winds or water erosion.

V.05 Agency. The Minnesota Pollution Control Agency

V.06 Air Pollution. 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.

V.07 Brush Disposal Facility. A site used exclusively for disposal in or on the land of trees and tree parts including stumps, branches and their attached leaves. Such disposal may include open burnir and burial of the resulting ash and unburned tree parts.

V.08 Canister System. A facility, usually to serve the public, where solid waste is deposited in mechanically serviced containers as an intermediate step of congregating solid waste from several properties for periodic removal of the accumulated waste by a commercial hauler.

V.09 Closure. 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, applying final cover, grading and seeding final cover, installation of monitoring devices, construction of ground and surface water diversion structures, and gas control systems as necessary.

V.10 Collection. The aggregation of solid 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.

V.11 Collector/s. Any Person/s who owns, operates, or leases vehicles for the purpose of collection and transportation of any type of Solid Waste.

V.12 Commercial hauler. Any person who owns, operates, or leases vehicles for the purpose of collection and transportation of any type of solid waste.
Committee. Nobles County Solid Waste Advisory Committee

Compost Facility. A site used to compost or co-compost solid waste including all structures 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.

Composting. The controlled microbial degradation of organic waste to yield a humus-like product.

County. Nobles County, Minnesota.

County Board. The Nobles County Board of Commissioners.

Cover. Cover material that is periodically spread and compacted on the top and side slopes of compacted solid waste to control fire, infiltration, and erosion.

Cover Material. Material approved by the Agency and Health Department that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness, and compactibility.

Environmental Services. The Nobles County Office of Resource Conservation and Development.

Demolition Landfill. A site used to dispose of demolition waste.

Demolition Debris. Non-putrescible solid waste resulting from the construction, remodeling, repair or demolition of structures including buildings and paved roads. It includes waste building materials, packaging and rubble such as concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, structural metals, insulation, roofing material, and plastic building parts. It does not include hazardous materials, asbestos, industrial waste, or appliances.

Disposal. Has the meaning given it in Minnesota Statutes Section 115A.03. Subdivision 10.

Dumping. The discharge, deposit, injection, 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 water, including ground waters.
V.25 Farm. A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

V.26 Final Solid Waste Disposal. The site, facility, operating procedures, and maintenance thereof for the complete and ultimate disposal of solid waste by the sanitary landfill method in accordance with MPCA Rules and this ordinance.

V.27 Fire Marshall. The State Fire Marshall or the Chief of the Fire Department in a municipality that has adopted the Uniform Fire Code of the State of Minnesota.

V.28 Floodplain. Is as defined in Minnesota Statutes, Chapter 104.

V.29 Hazardous Waste or Hazardous Substance. Hazardous Waste or Hazardous Substance has the meaning given it in Minnesota Statutes, section 115 B.02, subdivision 8.

V.30 Household or Family. An individual, or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, exclusive of usual service.

V.31 Household Hazardous Waste. Any waste generated from household activity that exhibit 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 opener, varnishes, stains, and adhesives.

V.32 Incineration. The process of burning wastes for the purpose of volume and weight reduction in facilities designed for such use.

V.33 Industrial Waste. All waste generated from an industrial or manufacturing process and waste generated from non-manufacturing activities such as service and commercial establishments. Industrial waste does not include office materials, restaurant or food preparation waste, discarded machinery, demolition waste, or household waste.

V.34 Infectious Waste. Laboratory waste, blood, regulated body fluids, sharps and research animal waste that have not been decontaminated.
Land Disposal Facility. Any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

Leachate. Liquid that has percolated through solid waste and has extracted, dissolved or suspended materials from it.

Licensee. Is defined as the Person who has been given authority by the County Board or the Office of Resource Conservation and Development to carry out any of the activities for which a license is required under the provisions of this ordinance.

Licenses. A license is issued only by the Nobles County Commissioners to the applicants of all of those facilities as stated in the Nobles County Solid Waste Ordinance.

Littering. The unlawful placing of any portion of solid waste in or on public or private lands, shorelands, roadways, or waters.

Mixed Municipal Solid Waste (MSW). Has the meaning given it in Minnesota Statutes, Section 115A.03, Subdivision 21.

MSW Land Disposal Facility. A site used for the disposal of mixed municipal solid waste in or on the land.

Monitoring Point. Any installation used to determine the quality or physical characteristics of ground water, surface water, or water in the unsaturated zone.

Multi-County Mixed Waste. Solid waste that is collected outside one County and then transported to another County and mixed with solid waste from that County.

Municipality. A city, village, borough, county, town, sanitary district, school district or other governmental subdivision or public corporation, or agency created by the legislature.

Office. Minnesota Office of Waste Management.

Open Burning. Burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.

Open Dump. Dump mean 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, flies, rodents and scavengers.
 Operator. The person responsible for the overall operation of a facility.

 Permit. A permit issued by the Solid Waste Administrator under Nobles County Solid Waste Ordinances to a category of permittees whose operations, emissions, activities, discharges or facilities are acceptable by the Solid Waste Administrator.

 Person. Any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal entity, but does not include the Pollution Control Agency.

 Personnel or Facility Personnel. 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.

 Pollutant. Has the meaning given it in Minnesota Statutes, Section 115.01, Subdivision 13.

 Post-Closure and Post-Closure Care. 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 environment posed by the closed facility.

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

 Putrescible Material. Is defined as Solid Waste which is capable of becoming rotten and which may reach a foul state of decay or decomposition.

 Recovered Material. Are materials that have been separated from solid waste and stored so that the material is properly protected from environmental degradation and is not a source of odor, harborage for skunks, rodents or mosquitoes and is being processed, modified, or converted to be a raw material that may be beneficially used.

 Recyclable Materials. 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.

V.58 Recycling Facility. A site used to separate, process, modify, convert, or otherwise prepare solid waste so that component material or substances may be beneficially used or reused as raw materials.

V.59 Refuse. Putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

V.60 Residence. Any building or portion thereof used as a dwelling or sleeping area for people.

V.61 Residential Lot. Any lot in a residential zoning district.

V.63 Resource Recovery. The reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from waste.

V.64 Responsible Party. The owner, operator, or successor in interest of a solid waste facility.

V.65 Rubbish. Nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

V.66 Run-off. Any liquid that drains over land from any part of a facility.

V.67 Run-on. Any liquid that drains over land onto any part of a facility.

V.68 Sanitary Landfill. 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.

V.69 Scavenging. Uncontrolled removal of solid waste materials from a licensed solid waste disposal facility.
V.70 **Self Generated Solid Waste.** Any person or firm or corporation owning or operating a residence, business, an industry or commercial establishment which generates solid waste by its operations.

V.71 **Shoreland.** Is defined as 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, reservoir, impoundment, 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.

V.72 **Sludge.** Has the meaning given it in Minnesota Statutes, Section 116.06, Subdivision 91.

V.73 **Solid Waste Collection.** The gathering of solid waste from public or private places.

V.74 **Solid Waste Facility.** All property real or personal, including negative and positive easements and water and air rights, which may be needed or useful for the processing or disposal of waste. It includes but is not limited to the storage, collection transportation, processing and reuse, conversion, or disposal of solid waste in a safe environmentally sound manner.

V.75 **Solid Waste Land Disposal Facility.** A facility used to dispose of solid waste in or on the land.

V.76 **Solid Waste Management Plan.** The Nobles County Solid Waste Management Plan, date February, 1992, and amendments thereto.

V.77 **Solid Waste Management System.** A total system for the storage, collection, transportation and final disposal of solid waste.

V.78 **Solid Waste Transportation.** The conveying of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyor, or other means.

V.79 **Source Separated Materials.** Materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in manufacturing processes.

V.80 **Special Wastes.** Nonhazardous solid wastes requiring management other than that normally used for mixed municipal solid waste.
State. The State of Minnesota.

Storage. The interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.

Tipping Fee. The fee charged to collectors and citizens for waste delivered to the facility.

Transfer Facility. A facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer facility may be fixed or mobile.

Unacceptable Waste. Solid Waste which is not acceptable at the MMSW Facilities. Unacceptable Waste shall include waste which would pose a threat to health or safety, or which may cause damage to, or materially adversely affect the operation of the Facility including but not limited to: explosives, unprocessed hospital, pathological and biological waste; commercial, industrial, and community Hazardous Waste, mining waste, human or animal remains, and sludges except as regulated by federal, state and local law; chemicals and radioactive materials; cesspool or domestic sewage; waste in liquid state; hazardous refuse of any kind, such as cleaning fluids, used crank case oils, cutting oils, paints, acids, caustics, poisons and drugs; and any other materials that the County, or that any other governmental agency or unit having appropriate jurisdiction shall determine, is harmful or of a toxic or dangerous nature.

Waste Processing. The treatment of solid waste after collection and before disposal. Processing includes but is not limited to volume reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification and the operations of a metal recycling or salvage facility.

Waste Tire. Means a pneumatic tire or solid tire for motor vehicles that has been discarded or that can no longer be used for its original intended purpose because of wear, damage, or defect.

Waste Tire Collection Site. Means a license Waste Facility used for the storage of Waste Tires prior to their transport to a Waste Tire Processing Facility.

Waste Tire Processing Facility. Means a licensed Waste Facility used for the shredding, slicing, processing or manufacturing of usable materials for Waste Tires, and may include temporary storage activity. Processing does not include the retreading of Waste Tires.
V.90 Water Table. The surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.

V.91 Wetland. A natural marsh where water stands near, at, or above the soil surface during a significant portion of most years, and which is eligible for classification as an inland fresh water wetland type 3, 4, or 5 under United States Department of Interior classifications or under Minnesota Wetland Act of 1991.

V.92 White Goods. Major appliances. Major appliances include but is 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, and freezers.

V.93 Working Face. That portion of the land disposal facility where waste is discharged and is spread and compacted prior to the placement of cover material.

V.94 Yard Waste. The non-woody garden wastes, leaves, lawn cuttings, weeds, and prunings generated at residential or commercial properties.
VI. ABBREVIATIONS

The following abbreviations, when used in this ordinance, shall have the meanings ascribed to them in this section.

AM       ant ante meridiem (12 midnight to 12 noon)
avg      average
BTU      British thermal unit
cu yd    cubic yard
dRDF     densified refuse derived fuel
EPA      Environmental Protection Agency
ft       feet
fps      feet per second
gal      gallon
hp       horsepower
hr       hour
in       inch
kwh      kilowatt hour
lb       pound
lin      lineal
LF       lineal feet
max      maximum
MPCA     Minnesota Pollution Control Agency
MMSW     Mixed Municipal Solid Waste
MSW      Municipal Solid Waste
mi       mile
NFPA     National Fire Protection Association
no.      number
PM       post meridiem (12 noon to 12 midnight)
psi      pounds per square inch
RDF      refuse derived fuel
SWMP     Solid Waste Management Plan
sq ft    square feet
sq yd    square yard
tpd      tons per day
tpy      tons per year
OWM      Minnesota Office of Waste Management
yr       year
VII. ADMINISTRATION

VII.01 The Nobles County Office of Resource Conservation and Development shall be responsible for general administration and enforcement of this ordinance.

VII.02 Solid Waste Administrator

The Nobles County Solid Waste Administrator shall be appointed by the Nobles County Board of Commissioners.

VII.03 Nobles County Solid Waste Advisory Committee

Nobles County Solid Waste Advisory Committee is an integral part of the Nobles County Office of Resource Conservation and Development. The committee is responsible for reviewing, guiding, and advising the Nobles County Office of Resource Conservation and Development and providing recommendations to the Nobles County Board on Solid Waste Management issues on a regular basis.

VII.04 Authority

The Solid Waste Administrator has been given authority by the Nobles County Board of Commissioners. The Solid Waste Administrator 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 applications and supporting materials which are referred to the Environmental office for operations within the County, require additional documentation and information, and after such review and consideration, to recommend in writing with documentation to the County Board whether a license should be granted or denied.

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

c. 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.

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

e. To require applicants to post bonds and proof of insurance at an amount set by the Board of Nobles County Commissioners.

f. 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.

g. To plan, implement, and administer all County operated waste abatement facilities and programs.

h. To implement all programs as proposed by the approved and as amended County Solid Waste Management Plan.

VIII. SOLID WASTE COLLECTOR REQUIREMENTS

VIII.01 Solid Waste Hauling

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

VIII.02 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 Services.

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 Nobles County for Solid waste. Such vehicles shall have leak-proof bodies of easily cleanable construction, completely covered to prevent any loss of material, and shall be subject to approval and periodic inspection by the Solid Waste Administrator.

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 Solid Waste Administrator.

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 by the date mandated by the State. For single family customers, the collector must offer a minimum 1 can, bag or tag rate. Non-offering of volume or 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. All solid waste shall be disposed of only at the site(s) declared as the County disposal site(s) by the County Board. The County disposal site(s) must have a permit from the agency and a license from the County where the disposal site is located. A license will not be issued to those hauling to unpermitted sites.

VIII.03 Compliance

The solid waste hauler and the vehicles used in collecting and transporting solid waste or designated recyclable materials within Nobles County must comply with all state and local laws.

VIII.04 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.

VIII.05 Licensed Hauler Requirement

Municipalities or Townships within Nobles County that contract with Refuse Haulers or Recyclables Collector must contract with a Refuse Hauler or Recyclables Collector who is licensed by Nobles County. Contracts shall be consistent with the provisions in this Subsection.

IX. RECYCLABLE COLLECTOR REQUIREMENTS

IX.01 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 XIV, 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 Section VIII.

IX.02 Term Replacement

For the purposes of this section, in Section VIII, 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 Section V.

X. RECYCLABLES CONTAINER, COLLECTION AND REPORTING REQUIREMENTS

X.01 Recyclables Container Requirements

By the approval of the County Board, 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.

X.02 Recyclables Preparation

By the approval of the County Board, 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 Resource Conservation and Development Office reserves the right to review and modify the amount of preparation required by the Recyclable Collector in consideration of local recyclable market requirements.

X.03 Frequency of Recyclables Collection

The Recyclable Collector shall collect recyclables from each customer at least twice a month.

X.04 Quantity Report Required

The Recyclable Collector must submit a monthly report to the Resource Conservation and Development, on or before the fifth working day following the reportable month, identifying the weight in tons of all recyclables collected from Nobles County residents. To the extent possible, the report must identify and distinguish the weight of each type of recyclable material collected from each sector, city, or town, and the revenue generated from the sale of the recyclables.

XI. SOLID WASTE MANAGEMENT FACILITIES

XI.01 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. For the purposes of this ordinance, solid waste management includes the following specific activities. In addition to other requirements listed herein, applicants for licenses must meet all requirements as the stated rules and statutes noted below to the satisfaction of the Solid Waste Administrator:


b. Operation on any Incinerator Facilities with a capacity greater than 1000 lbs per hour Minn. Rules Ch. 7005 and 7035.

c. Operation of Composting and Co-Composting Facilities Minn. Rules Ch. 7035.

d. Operation of Recycling Facilities Minn. Rules Ch. 7035.
e. Operation of Transfer Station Facilities Minn. Rules Ch. 7035.

f. Solid Waste Storage Minn. Rules Ch. 7035.

g. Waste Tires Minn. Rules Ch. 7035, 9220, and Minn. Stat. 115A

h. Collection and Transportation of Solid Waste Minn. Rules Ch. 7035.

i. Intermediate or final disposal of brush and trees.

j. Other activities or facilities required to be licensed by this ordinance.

k. Those Solid Waste Management Facilities which are applying for a Permit-by-Rule from MPCA or are not required to apply for a license from MPCA, are exempt from applying for a license in Nobles County. However, they are required to obtain a permit from the County. These facilities include:

1. Operation of ash, street cleaning and Demolition Debris Landfill Minn Rules, 7035.

2. Storage and spreading of contaminated soils, MPCA, land application of petroleum contaminated soils: Single Application sites.

3. Other activities or facilities required to obtain a permit by this ordinance.

A license or a permit shall not be required under this ordinance for any farm site used for the disposal of solid waste from family(s) or household(s) living at the site. 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.

XI.02 Commencement of Operation

Applicants for a license shall not commence any operation until the license application has been approved by the County Board, and a license granted by the Office of Resource Conservation and Development.
XI.03 Pre-Application Requirements

Prior to the County's consideration of an application for the initial license of a Solid Waste Facility license governed by this ordinance, the applicant shall submit to the Office of Resource Conservation and Development for review a needs assessment showing:

a. The name and address of the owners and operators of the proposed site and facility.

b. Geographical areas expected to be served by the proposed facility and the current and projected population of the area(s) to be served for the expected life of the facility.


d. The proposed operating hours, an estimate of the type and number of vehicles using the facility and the quantity of solid wastes deposited during those hours.

e. Adequate public or private road to the facility.

f. The anticipated type, quantity, and source of material to be handled at the facility.

g. The type and amount of equipment to be provided for operation of the facility.

h. A description of the intended operating procedures.

i. The availability and capacity of existing similar operations in the County.

j. The inadequacy or impracticality of the existing facilities.

k. The proposed facility complies with the County Solid Waste Management Plan and the intent of this ordinance.

XI.04 License Requirement and Non-Transferability

A non-transferable license issued by the Office of Resource Conservation and Development, shall be required for the operation of solid waste facilities and other activities.
involving solid waste.

XI.05 Licensing Period

Unless otherwise provided by the Office of Resource Conservation and Development, the license year for solid waste sites, facilities, operations and activities shall be from January 1 through December 31.

XI.06 Plans or Specifications Submittal

For facilities requiring an Agency permit for a solid waste facility or activity, the applicant for a license or license renewal may be required to submit complete sets of plans, specifications and/or reports.

XI.07 Consent of Concerning Body

The applicant shall submit 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 results of that consideration.

XI.08 Submittal 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 Office of Resource Conservation and Development.

XI.09 Waiver

The applicant shall submit additional data requested by the Resource Conservation and Development Office. 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.

XI.10 Application Response

After receiving a completed application for the operation of a solid waste facility or activity, the County Commissioners shall have 45 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, or suspension by revocation of an issued license.
XI.11 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 waste facility or activity, or if for any reason, ceases to operate or abandons the waste facility or activity, and the County is required to expend any monies or expend any labor or material 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 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 and the ordinances of the County. The performance bond shall be subject to cancellation by the surety at any time only upon being given one hundred twenty (120) days prior written notice of cancellation to the County. In lieu of part or 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.

XI.12 Insurance Requirement

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.

XI.13 Financial Assurance

Unless otherwise provided by the Office of Resource Conservation and Development, 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 Resource Conservation and Development Office approval shall include funding procedures, a description of the funding method, the value of the funding, and an inflation adjusted cost estimate which assures 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.

XI.14 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.

XII. SOLID WASTE STORAGE

XII.01 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 occupany, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation, and disposal of all solid wastes.

XII.02 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; (c) lumber piles and building materials unless being actively used by a business, construction or agricultural operation requiring use of such
lumber or materials; (d) cans, broken glass, broken furniture, boxes, crates, and other debris; (e) and other forms of mixed municipal solid waste and can be reasonably considered solid waste and constitute a danger to public health and the environment.

Nothing in this subsection is designed to restrict the lawful activities of agricultural farms and duly established and licensed automobile, construction, scrap iron, metal recyclers and salvage operations.

XII.03 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 regularly 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.

XII.04 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.

XII.05 Frequency of Container Service

Non-putrescible wastes suitable and sorted for recycling, or putrescible wastes may be contained for not 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.

XII.06 Toxic or 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).

XII.07 Bulky Items

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 Solid Waste Administrator.

XII.08 Recycling Containers

Solid Waste shall not be stored or disposed of in containers specifically designated for the collection or deposit of recyclables.

XIII. SOLID WASTE CONTAINER REQUIREMENTS OR COMPLIANCE

XIII.01 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.

a. All solid waste accumulated in manually serviced containers on any premises shall be placed and maintained in containers or plastic bags. Such containers shall be maintained in a good, clean, neat and sanitary condition at all times. The containers shall be equipped with handles and tight fitting covers. The containers shall have a maximum capacity of forty-five (45) gallons and containers and contents should not weigh more than sixty-
five (65) pounds. Solid waste shall be picked up at each residence once (1) each week in an amount not to exceed three (3) thirty (30) gallon size containers or six (6) twenty (20) gallon bags. No solid waste shall be placed in the Nobles County Recycling Containers.

b. 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.

c. 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 245.1 1077) for the Stability of Refuse Bins.

XIII.02 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.

XIII.03 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, who supplied by him.

XIII.04 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 Office of Resource Conservation and Development.

a. Investigations. The Office of Resource Conservation and Development 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 Office of Resource Conservation and Development does not investigate the complaint it shall mail to the container's owner a notice that a complaint was received regarding the container. The notice shall describe this ordinance's requirements for a solid waste container. The owner shall report his actions to the
Office of Resource Conservation and Development within ten (10) days of the notice date regarding the correction he or she has made. If the owner does not make this report to the Office of Resource Conservation and Development within ten (10) days, the Office of Resource Conservation and Development 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 Nobles 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 Nobles County Resource Conservation and Development Office not to empty this container.

SIGNED BY: ___________________ on behalf of the Nobles County Office of Resource Conservation and Development.

DATE OF NOTICE: ___________________

WARNING: This notice shall not be removed except by action of the Office of Resource Conservation and Development.

b. Notice. The notice attached to the container shall not be removed except by action of the Office of Resource Conservation and Development. 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.

IVA. COLLECTION AND TRANSPORTATION OF SOLID WASTE

IVA.01 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 Office of Resource Conservation and Development.
XIV.02 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 premises, business establishment or industry and transport it to an operation for which a permit or license has been issued by the Agency and Nobles County. Owner, 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.

XIV.03 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 loss 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 Solid Waste Officer shall be notified. The collection and transportation of solid waste shall be performed in accordance with State rules administered by the agency and the county.

XIV.04 Hazardous Waste Collection or 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.

XIV.05 Indemnification

The solid waste collection service will indemnify, defend and save harmless the County Board, their agents, elected official 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.
XIV.06 Mandatory Solid Waste Collection or Recyclable Materials, State Statute 115A.94-115A.941

a. Municipal Collection or Service Areas: By June 1, 1993, all corporate municipalities in Nobles County shall pass an ordinance requiring each residential unit and all commercial businesses to have solid waste collection and recyclable separation for either collection or drop-off.

b. Rural Service Areas: As of June 1, 1993, each residential unit and all commercial businesses in all rural designated service areas within Nobles County are required to have recyclable separation for either collection or drop-off as provided by the County. The County Board through resolution may form or alter service areas.

c. Mandatory Public Facility Recycling (Statute 115A.151): Any local unit of government, school district, or state agency in Nobles County shall ensure that facilities under its control from which mixed municipal solid waste is collected have containers for at least three of the following recyclable materials: paper, glass, plastic, and metal; and transfer all recyclable materials collected to a recycler.

XIV.07 Residential Recycling

It shall be unlawful for any owner or occupant of a residential or multi-unit residential building within Nobles County Municipality or service areas to generate and deposit for collection mixed municipal solid waste which contains any of the following recyclable materials:

a) Aluminum cans  
b) Bi-metal food cans  
c) Glass bottles and jars  
d) Plastic Bottles and jugs  
e) Newspaper  
f) Office paper  
g) Corrugated cardboard boxes  
h) 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.

XIV.08 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.

XIV.09 Commercial Recycling

It shall be unlawful for any owner or occupant of a commercial building within a Nobles 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 7 and specifically identified by County Resolution pursuant to Subdivision 8 of this Section.

XIV.10 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 Nobles County Board of Commissioners.

XIV.11 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.

XIV.12 Haulers

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

a) Any of the recyclable materials 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 Section XVI of this ordinance.

XIV.13 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 or permit, except as required by
the Agency. All submittals, as required by an Agency license or permit, shall also be submitted to the Resource Conservation and Development Office.

XIV.14 Recycling Collection Quantity Reporting Requirements

All civic or non-profit organizations, school groups, service clubs, commercial or industrial establishments or others who collect and dispose of recyclable material shall to the extent possible, submit a report to the Office of Resource Conservation and Development of the type and quantity of material collected. This report should be submitted within 30 days of disposal of the recycled materials.

XV. ON-SITE DISPOSAL OF SOLID WASTE

Rural On-Site Disposal

XV.01 Farm Households

A person who owns or operates land used for farming may bury, or burn and bury, solid waste generated from a person's household located on the farm land 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 from which it was generated.

XV.02 Exclusion

Subdivision XV.01 does not apply if:

a. Regularly scheduled pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the County Board of Commissioners.

b. To the following materials from land disposal:

1. Waste Tires (Refer to Subdivision XVI)
2. Waste Appliance (Refer to Subdivision XVI.10)
3. Waste Oil (Refer to Subdivision XVI.11)
4. Household Hazardous Waste (Refer to Subdivision XVI.17)
5. Lead Acid Batteries (Refer to Subdivision XVI.13)
6. Other materials as identified by Minnesota Statute and Rules.
Open Burning of Waste

a. Any burning of waste at a site shall be prohibited except as allowed by Agency rules, Minnesota Statute 17.135, any local ordinance, if applicable.

XVI. OPEN DUMPING OR LITTERING

XVI.01. Violation

It shall be a violation of this ordinance for any person to dispose of Solid Waste within Nobles County at any place except in the manner permitted by this ordinance.

XVI.02 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 provision:

The owner shall:

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

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

c. Eradicate rodents.

d. 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 Resources Conservation and Development Office prior to implementation.

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

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

g. Seed the cover material so that adequate turf is present.
h. Establish and maintain a final grade sufficient to promote water runoff without excessive erosion.

i. The owner of the property on which a dump is located shall place on record at the office of the Nobles County Recorder an instrument, in a form prescribed by the Resource Conservation and Development 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.

VI.03 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.

VI.04 Legal Action

Any cost that Nobles 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 Nobles County.

VI.05 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.
XVII. COLLECTION, STORAGE AND DISPOSAL OF REGULATED SPECIAL WASTES

Waste Tires

XVII.01 State Rules

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

XVII.02 Land Disposal Prohibited

The disposal of waste tires by burying in land is prohibited (Minn. Stat. 115A.904).

XVII.03 MMSW Prohibition

The disposal of waste tires in mixed municipal solid waste is prohibited.

XVII.04 Open Burning of Waste Tires

The burning of waste tires in open burning is prohibited.

XVII.05 Residential Storage Limits

No more than ten (10) waste tires may be stored within the boundaries of any residential lot.

XVII.06 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.

XVII.07 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 of this ordinance.

XVII.08 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 shoreline.
XVII.09 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

XVII.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.

No person shall dispose of white goods or major appliances at a solid waste processing facility or disposal facility. No person may accept white goods or major appliances for recycling purposes without designation, by resolution of the Nobles County Board, as a white good recycling drop site or acquire and maintain appropriate licenses and/or permits from the MPCA and U.S. EPA.

No owner, lessee, and occupant of any single or multi-family dwelling, business establishment, industry, in addition to appropriate MN Statutes and Rules for solid waste storage, may store more than five (5) white goods or major appliances in the open (on the outside) without written permission by the Office of Resource Conservation and Development or have a designation of a white good or major appliance drop-off site.

The County Board by resolution, may establish disposal fees for white good drop sites.

Used Oil

XVII.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

XVII.12 Yard Wastes Prohibition
Yard Wastes including, but not limited to non-woody 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**

**XVII.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).

**XVII.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).

**XVII.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. 115A.9155 subd. 1).

**XVII.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**

**XVII.17 Household Hazardous Waste**

A person may not place in mixed municipal solid waste any household hazardous waste.

**Solid Waste From Street Cleanings, Storm Sewers, and Drainage Systems**
XVII.18 Street Cleanings, Storm Sewers, and Drainage Systems

Solid Waste materials collected from snow removal, street cleaning, drainage basins or systems that remove sediments from storm sewer discharges shall be taken to an appropriately licensed Solid Waste Facility. Soils, grits and other inert granular materials recycled or re-used as allowed in a plan approved by the Health Department are exempt from being taken to a licensed Solid Waste Facility.

Manures

XVII.19 Manures

The owner shall cause Animal Manures to be removed or incorporated into the soil in a manner consistent with measures to protect the environment, recommendations of the Soil Conservation Service, state laws, and any other county ordinances.

When animal manures are properly stored in agricultural areas and managed for utilization as a fertilizer or for energy recovery in ways that will protect the Waters of the State from pollution and in accordance to county ordinances, they shall not be solid waste.

Animal manures shall be solid waste when they are accumulated, stored or spread on the ground surface in any area that pollutes the Waters of the State, or within two hundred (200) feet of a residence located on a neighboring property.

Motor Vehicles and Agricultural Implements as Solid Waste

XVII.20 Motor Vehicles or Agricultural Implements

Motor vehicles or agricultural implements shall be Solid Waste when they are either not operable or not equipped with a current license tag and are one or more of the following:

a. container for other solid waste or
b. abandoned or
c. stored or disposed outside of a building unless they are collectable, restorable or repairable as permitted by this ordinance
Unacceptable Waste

XVII.21 Unacceptable Waste

A Solid Waste Facility rejecting waste as "unacceptable waste" shall provide a written list of the nearest suitable facilities where that waste can be disposed or received from the public. Such waste shall be transported only to Solid Waste or Hazardous Waste Facilities operating with appropriate license for disposal, treatment, conversion, or recycling. The list shall include those facilities identified on a printed public informational form prepared and updated annually by the Resource Conservation and Development Office.

XVII.22 The Nobles County Board will by resolution ban additional materials as dictated by State Statutes and Regulations.

XVIII. ENFORCEMENT

XVIII.01 Existing Solid Waste Facilities, Operations and Activities

Solid Waste Facilities, operations and activities in existence at the time of the enactment of this ordinance, shall conform to the provisions of this ordinance no later than 180 days after the adoption of the ordinance, or terminate operations no later than that date, unless the County Board grants a variance for good cause shown under this section to continue operations. A request for this kind of variance shall be accompanied by a plan and time schedule for compliance with the provisions of this ordinance.

XVIII.02 Authority

The Solid Waste Administrator or such other person(s) as the County Board may designate by resolution or otherwise, shall enforce the provisions of this ordinance.

XVIII.03 Complaint or Investigation

All complaints as to alleged violation of this ordinance shall be filed in the Resource Conservation and Development Office which shall maintain a record thereof. The Solid Waste Administrator 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
Nobles County Solid Waste Management Ordinance

immediate or imminent danger to public health, safety or welfare, the Solid Waste Administrator shall immediately investigate the complaint.

b. In all other cases the Solid Waste Administrator 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 Solid Waste Administrator in the investigation.

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

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

VIII. 04 Violation Procedure

Whenever it is found that a violation of this ordinance has occurred, the Solid Waste Officer shall invite the alleged violator or an authorized representative of said violator to meet and consult with the Nobles County Solid Waste Advisory Committee. 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 Solid Waste 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 Solid Waste Administrator 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.
XVIII.05 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 Resource Conservation and Development 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, at which meeting the violator shall also be invited to, the Resource Conservation and Development 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 XVII.04 (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 Solid Waste Officer shall certify said amount to the County Auditor.

XIX. SERVICE CHARGE

XIX.01 Purpose and Authority

Pursuant to Minnesota Statute 400.08, Nobles County has the authority to impose reasonable charges for a service fee to cover the cost of solid waste management, including financial assurance, capping, and construction of monitoring wells at the Nobles County Sanitary Landfill. The County Board shall, by Resolution, may establish or revise the rate, fee, billing and collection method of the service charge.

XX. PENALTIES

XX.01 Interference with Solid Waste Administrator

Any person who shall prevent, molest, resist, or interfere with the Solid Waste Administrator in the discharge of his or her duties shall be guilty of a misdemeanor.
XX.02 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.

XXI. CIVIL ACTION OR COST AS SPECIAL TAX

If a person fails to comply with the provisions of this ordinance, 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 Department, the costs may be certified to the County Auditor as a special tax against the real property.

XXII. APPEALS

The Board of Commissioners of Nobles County shall act as a Board of Appeals. Any person wishing to appeal any action taken by the County pursuant to this Ordinance may request a hearing. The appeal must be received by the County within thirty (30) calendar days, exclusive of the day of receipt of notice, after the person received notice of the action taken by the County. The request shall be in writing stating the grounds of the appeal. If a person fails to submit an appeal within the required time period, the person shall forfeit any opportunity for a hearing. The County shall schedule a hearing within thirty (30) calendar days receipt of the notice of appeal, and shall send to the appellant by mail notice of the hearing date, time and location. If the appellant or his or her authorized representative fails to attend the hearing, the appellant shall forfeit any right to a hearing. The Resource Conservation and Development Office shall send to the appellant by mail notice of the decision within ten (10) days after the close of the hearing.
XXIII. VARIANCES

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

XXIV. 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.

XXV. REPEALER

Nobles County Solid Waste Ordinance No. 198471 is hereby repealed.

XXVI. EFFECTIVE DATE

This regulation shall be in full force and effective upon adoption and publication pursuant to law.

Passed and Adopted by the Nobles County Board of Commissioners
this 4th day of April, 1993.

[Signature]
Chairman, Nobles County Board of Commissioners

ATTEST:
Ken Roberts, Nobles County Auditor

Nobles County Minn.
Office of County Recorder

I hereby certify that the within instrument was filed in this office for record on this 28th day of May, 1993, at 8:30 o'clock A.M., and was duly recorded on Microfilm
Doc. No. 252304

[Signature]
COUNTY RECORDER
APPENDIX A:

Pipestone County Solid Waste Ordinance
SOLID WASTE

MANAGEMENT ORDINANCE

PIPESTONE COUNTY

MINNESOTA
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PIPETSTONE COUNTY
SOLID WASTE MANAGEMENT ORDINANCE

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

I. TITLE

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

II. PURPOSE AND COMPLIANCE

The purpose of this ordinance is to authorize and provide for Solid Waste Management for Pipestone 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 operations; 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 Pipestone 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 Pipestone County who is authorized by the Ordinance or otherwise by the County Board of Commissioners to represent Pipestone County in the enforcement and administration of this Ordinance.

Subd. 5 "County Board" is the Pipestone 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 organic content that would be conductive 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 Solid Waste Officer.

Subd. 10 "Solid Waste Office" is the Pipestone County Solid Waste 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 in 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 from 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 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 Solid Waste 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 of 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 Pipestone 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, noxious 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 Solid Waste Administrator. There shall be appointed by the Pipestone County Board of Commissioners a Solid Waste Administrator who shall be responsible for the administration of this ordinance.

Subd. 2 Duties. The Solid Waste Administrator 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 Solid Waste 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 Pipestone 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 Solid Waste 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 Pipestone 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 Solid Waste Administrator.

(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 Solid Waste Administrator.

(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 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 solid/waste designated recyclable materials within Pipestone 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 assures 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 Pipestone County that contract with Refuse Haulers/Recyclables collector must contract with a Refuse Hauler/Recyclable Collector who is licensed by Pipestone 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 I 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 I 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.

**VII. RECYCLABLES CONTAINER, COLLECTION & 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 Solid Waste Office reserves the right to review and modify the amount of preparation required by the Recyclable Collector in consideration of local recyclable market requirements.
4.8.4 Responsible Persons and Required Staff Time

Solid Waste Administrator oversees and coordinates county programs for management of used vehicle fluids and batteries.

4.8.5 Estimated 10 Year Budget

There currently are no specific programs for managing these products. Most of the programming efforts are included in the waste education or problem materials management budget line items.

4.8.6 Source of Financing

Financing will be provided from county general fund and SCORE grant sources.

4.8.7 Implementation Schedule

2003 On-going activities
2004 On-going activities
2005 On-going activities
2006 On-going activities
2007 On-going activities
2008-2012 On-going activities

4.9 Household Hazardous Solid Waste Management Programs

4.9.1 General Goals and Policies

Pipestone County's goal is to reduce the amount of household hazardous waste (HHW) to the fullest extent possible and to manage the quantity generated in such a way as to minimize contamination of the environment and the risk to human health.

Pipestone County adopts the following policies to achieve these objectives:
1. Pipestone County will continue to participate in regional HHW management programs.
2. Pipestone County will continue to provide education to its residents on alternatives to hazardous products and proper disposal of HHW.
3. Construction of an <90 day HHW facility.

4.9.2 Existing Programs, Staffing and Financing

Pipestone County is a member of the 10 county HHW management program operated by Lyon County. Pipestone County residents can dispose of HHW at the Lyon County facility located in Marshall. This facility is staffed by Lyon County. In order to maximize the collection of HHW, Pipestone County participates in the regional mobile collection unit program. Pipestone County conducts one to two one-day collection events per year. Staffing for these collection events is conducted in a
cooperative basis, with other county staff in the region assisting with collection events. This ensures qualified and experienced persons staff these events at a reasonable cost.

In addition to county programs for HHW collection, one private business collects spent fluorescent lamps. Carol’s Hardware in Pipestone will accept used fluorescent lamps for a nominal fee (approximately 75 cents per lamp). The store uses this service to attract and maintain customers. The County supports and encourages entrepreneurial efforts that contribute to sound waste management.

4.9.3 Specific Programs to be Maintained or Implemented in the Next Ten Years

It is anticipated that Pipestone County will continue to participate in regional HHW collection programs throughout the planning period. The County will continue to hold one to two annual collections based on the Solid Waste Officer and County Boards assessment of need. However, Pipestone County will also examine the potential for developing a drop off site in Pipestone County as part of its recycling program assessment being conducted during 2003.

4.9.4 Responsible Persons and Required Staff Time

The Solid Waste Administrator will be the responsible person for all HHW programs implemented by the County.

HHW Management .15 FTE

4.9.5 Estimated 10 Year Budget

See the Consolidated Waste Budget in Appendix B.

4.9.6 Source of Financing

HHW programs are funded through county general levy, special assessments, SCORE grants, and other grants and aid including reimbursements from Lyon County. Financing for a HHW drop off site, should one be built, may be acquired through a State of Minnesota Capital Assistance Program Grant.

4.9.7 Implementation Schedule

2003 Assessment of County <90 day HHW facility options, potentially the incorporation of recycling collection options,
   Construction of facility
   On-going activities
2004 On-going activities
2005 On-going activities
2006 On-going activities
2007 On-going activities
2008-2012 On-going activities
4.10  Demolition Debris Management Programs

4.10.1 General Policy and Goals

It is Pipestone County's Goal to ensure the proper disposal and management of demolition and construction debris, and non-hazardous industrial wastes.

Pipestone County adopts the following policies to achieve its goals:

1. To ensure that all permit by rule demolition debris landfill are permitted by the MPCA, and receive a conditional use permit from the Pipestone County Board.

2. To control environmental hazard and nuisance through the permitting process.

4.10.2 Description of Existing Demolition Practices and Programs

Pipestone County no longer operates a permitted landfill. Demolition and construction waste is hauled to a privately owned Permit-by-Rule Demolition Facility in the County. A limited amount of demolition is occasionally hauled to the Rock County demolition debris landfill near Luverne, Minnesota; a permitted demolition landfill operated by Rock County. However, it does not appear as if significant amounts of C&D waste are delivered to this facility.

Permit by rule demolition landfills are predominately used in Pipestone County. In the last year, one such facility was utilized.

Pipestone County currently is not directly involved in demolition waste management, with the exception of implementing land use controls as they relate to demolition landfills.

Farm operators continue to demolish and dispose of farm building on-site without permits in accordance with Minnesota Pollution Control Agency policy.

4.10.3 Specific Program to be Maintained or Implemented in the Next Ten Years

Pipestone County will provide technical assistance to demolition waste generators on an as needed basis. Pipestone County will also regulate permit-by-rule demolition landfills through the County zoning and land use ordinance.

4.10.4 Responsible Persons and Required Staff Time

The County Planning and Zoning Administrator will be responsible for regulating permit by rule demolition landfills, and the Solid Waste Administrator will be responsible for providing technical assistance to demolition waste generators. Currently both positions are staffed by a single person, so these services and responsibilities will be largely invisible to the general public. Because of limited activity specific allocations of staff time to these has not been made to demolition waste management. Time will be allocated from general and administrative staff time allocations on an as needed basis.
4.10.5 Estimated 10 Year Budget

Budgeting for permit by rule regulation will be conducted through the County Planning and Zoning budget. Technical assistance provided is included in general administrative line items in the consolidated Solid Waste Budget, Appendix B.

4.10.6 Source of Financing

County general fund revenues.

4.10.7 Implementation Schedule

2003 On-going activities
2004 On-going activities
2005 On-going activities
2006 On-going activities
2007 On-going activities
2008-2012 On-going activities

4.11 Ordinance and Licensing

4.11.1 Status of County Ordinance

Pipestone County has adopted a Solid Waste Ordinance. The ordinance was adopted in November 1992 and placed into force on January 1, 1993.

4.11.2 Description of Problems with Implementing or Enforcing the Current Ordinance

Pipestone County enforces its Solid Waste Management Ordinance through the Solid Waste Administrator and when necessary the County Attorney. The County also reserves the option to refer cases to the Minnesota Pollution Control Agency were appropriate.

The Ordinance will be reviewed for updating and potentially incorporated into the County Comprehensive Development Code.

4.11.3 County Solid Waste Ordinance

The Pipestone County Solid Waste Ordinance is included as Attachment A.

4.11.4 Plans to Develop and Amend Ordinance

Currently the update is scheduled to occur during CY 2003-2004

The County will specifically examine elements of the ordinance pertaining to volume based pricing requirements for licensing and landfill references. This review will be conducted to ensure compliance with Minnesota Statute 115A.93.
4.11.5 Responsible Persons and Required Staff Time

Solid Waste Administrator is the principal staff person responsible for administering and enforcing the Solid Waste Ordinance. In addition the Solid Waste Administrator may recommend to the County Attorney to begin legal proceeding against a person or persons to enforce the ordinance.

Ordinance Update & Enforcement .05 FTE

4.12 Solid Waste Staffing

4.12.1 Description of existing levels of Staffing for Solid Waste Programs Throughout the County

Pipestone County solid waste staffing is less than 1 full time equivalent. The Solid Waste Administrator is the principal staff person responsible for conducting and implementing county solid waste programs. The Solid Waste Administrator is one of several functions performed by one employee. This employee is also the Zoning Administrator, the Feedlot Administrator, and has responsibilities with the Soil and Water Conservation District. The Solid Waste Administrator is provided with an assistant, in the conduct of the total job responsibilities.

Total Staffing dedicated to Solid Waste Management is approximately .75 FTE.

<table>
<thead>
<tr>
<th>Program</th>
<th>2003 FTE</th>
<th>2003 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solid Waste Reduction</td>
<td>0.08</td>
<td>$2,184</td>
</tr>
<tr>
<td>Solid Waste Education</td>
<td>0.1</td>
<td>$2,730</td>
</tr>
<tr>
<td>Recycling Programs</td>
<td>0.35</td>
<td>$9,556</td>
</tr>
<tr>
<td>Yard Solid Waste Management</td>
<td>0.01</td>
<td>$273</td>
</tr>
<tr>
<td>Land Disposal Programs</td>
<td>0.01</td>
<td>$273</td>
</tr>
<tr>
<td>Solid Waste Tire Management</td>
<td>hhw budget</td>
<td>$0</td>
</tr>
<tr>
<td>Major Appliance Management</td>
<td>hhw budget</td>
<td>$0</td>
</tr>
<tr>
<td>Used Oil And Lead-Acid and Dry Cell Battery Management</td>
<td>hhw budget</td>
<td>$0</td>
</tr>
<tr>
<td>HHW Management</td>
<td>0.15</td>
<td>$4,095</td>
</tr>
<tr>
<td>Demolition Debris Management</td>
<td>As needed</td>
<td>$0</td>
</tr>
<tr>
<td>Ordinance and Licensing</td>
<td>0.05</td>
<td>$1,365</td>
</tr>
<tr>
<td>Total staffing</td>
<td>0.75</td>
<td>$20,477</td>
</tr>
</tbody>
</table>

4.12.2 Description of County Staffing Level Needed over the Ten Year Planning Period

It is anticipated that the solid waste staffing level will remain constant over the next ten-year period. It is not anticipated that it will be impacted by the construction of the <90 HHW Facility, which may also be used to potentially collect recyclables and appliances. It is likely that any expansion of solid waste programs, as well as the Ordinance update, will be achieved through contracting with the private sector or consultant for additional services. The County Solid Waste Administrator and the OEA will access the recycling program costs in the County to
determine the most fiscally responsible approach while maintaining the 35% SCORE Goal.

4.13 Solid Waste Program Funding

4.13.1 General Policies and Goals

It is the goal of Pipestone County to ensure adequate funding to provide quality waste management services. It is the goal of Pipestone County to ensure that solid waste management services are to the extent possible financed by the users, except where subsidies will provide significant financial incentive for waste abatement.

It is the goal of Pipestone County to ensure that programs are operated in as cost-effective a manner as possible to minimize the level of public funding necessary.

In order to achieve its goals Pipestone County adopts the following policies:
1. Pipestone County will continue to apply for and seek to meet necessary conditions to receive an annual SCORE Grant from the State of Minnesota Office of Environmental Assistance.
2. The County may impose service fees for management of certain waste management program services.
3. The County will continue to levy a Solid Waste Management Assessment on County households.
4. The County will meet funding gaps for necessary programs with general revenue or the establishment of additional local solid waste fees.
5. The County will seek to coordinate programs and contracts on a regional basis where possible to achieve scales of economy.

4.13.2 Existing Funding Amounts and Sources

Pipestone County currently utilizes a number of funding sources to support its solid waste management programs, Table 4-3.

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Minnesota, SCORE</td>
<td>$39,600</td>
</tr>
<tr>
<td>Solid Waste Assessment</td>
<td>$120,000</td>
</tr>
<tr>
<td>General Revenue</td>
<td>$9,747</td>
</tr>
<tr>
<td>Total Solid Waste Revenue for operating programs</td>
<td>169,346</td>
</tr>
<tr>
<td>Lyon County Rebate, ($83,000 has been set aside for the construction of an &lt;90 day HHW Facility)</td>
<td>$20,000</td>
</tr>
<tr>
<td>Total Revenue, including capital outlay from dedicated fund</td>
<td>189,346</td>
</tr>
</tbody>
</table>

Pipestone County is hopeful that HHW grants will continue to be made by Lyon County Regional Landfill. These are based on the volume of MSW delivered to the facility; recent rebates have been approximately $20,000 per year. Pipestone County places the rebate into a dedicated Environmental Cleanup Fund which is being used to fund the <90 day HHW facility and the HHW collection costs of disposal. The budget reflects dedicated fund transfer to cover capital outlay for the facility, HHW.
disposal costs, and recycling shed maintenance and replacement. SCORE is estimated to be $39,600 per year from 2003 through 2005, and then is projected to decrease to $20,000 by 2009 and remain the same. The Tri-County Recycling Center will continue to process recyclables at $50 per ton.

Pipestone County anticipates that appliance collection with its annual HHW collection events will continue to charge a fee to cover disposal costs. Similar fees will be charged for other problem wastes such as tires.

4.13.3 Future Funding Needs

Future funding needs are anticipated to rise. Inflation will continue to escalate program costs. At the same time, State support through SCORE grants has been reduced. Without increases in State SCORE formulas, restoration of recently decreased SCORE grants, and escalating contract costs for solid waste services from the private sector, the County will need to increase local contributions to the solid waste programs, which will impact the funding needs. If the County proceeds with a recycling and problem waste management facility, it will incur significant capital costs, and new operating costs. The Capital outlay for construction of the facility is currently in a dedicated fund for Environmental cleanup and has a balance of $83,000. Original plans for the facility were to locate it in the City of Pipestone, but due to City codes and regulations, the costs have increased. This will be one of the issues that OEA will be assisting the county with in the assessment of their recycling and HHW program. Operation cost of the <90 day facility are estimated to be $7,500 per year, the cost for HHW disposal. The funding is anticipated to come from the Regional Landfill rebate.

4.14 Plan Review and Five Year Update

Under the current legislative framework, a plan update will be due to the Office of Environmental Assistance in late 2007. Current rules provide for a draft plan to be submitted to the OEA six months prior to the due date.

Pipestone County anticipates initiating review of this plan 12 months prior to the next due date.

Current Plan Draft Submitted  April 2003
Current Plan Approval        June 2003
Plan Review and Update Initiated January 2007
Plan Update Draft Due        July 2007
Plan Update Due              December 2007

The time frames for plan review and revision may be impacted by a number of factors, including: significant changes in the waste management environment (i.e. landfill capacity availability), or with legislative changes which may extend the life of this plan update. The Office of Environmental Assistance has proposed changes to the Minnesota Waste Management Act in the 2003 legislative session, including portions addressing county planning requirements. Future planning activities will be consistent with any future legislative change.
4.16 Development of Numeric Goal/Volument Table

The Pipestone County Solid Waste Management System Goals and Waste Volume and Tonnage Table are included as Appendix C. The table is in a format approved by the Director of the OEA.

4.16 Development of County Solid Waste Program Budget

The 10-year Pipestone County Solid Waste Program Budget is included as Appendix B.

The ten-year budget is based on budgets from 2001, 2002, and 2003. General costs and allocations are projected to remain roughly constant in proportion. However, costs are expected to escalate at 3% per year. Recyclable commodity markets are difficult to project so it is assumed that the $50 per ton processing fee at the Tri-County Recycling Center will remain constant. Significant market fluctuations are not predicted. It is hoped that market conditions over time will average out to this cost level. It was assumed that the cost for HHW disposal will remain constant at $7,500 per year.

4.17 Alternatives to Proposed Systems

Pipestone County does not anticipate major operational difficulties at the Lyon County Sanitary Landfill during this planning period. However, should such a situation occur that prevents waste from being managed at the site, Pipestone County will take the following steps to resolve the lack of a disposal location.

1. Pursue landfill reciprocity agreement. The four operating landfills within the Southwest Regional Solid Waste Commission territory (Lyon, Renville, Cottonwood and Nobles Landfills) have signed a reciprocity agreement. The nature of this agreement is to allow waste that would ordinarily be delivered to a specific facility to be delivered to any of the other facilities. The agreement also provides for financial terms. If the Lyon County Sanitary Landfill is not available for a short-term period, Pipestone County will allow the reciprocity agreement to operate, and the waste to be delivered to any of the other remaining three regional landfills. Pipestone County will continue to coordinate with the Lyon County Landfill Advisory Committee as well as the waste hauler servicing the County. In the past, this agreement has worked well for short-term situations.

2. Coordinate with Southwest Regional Solid Waste Commission. Should the Lyon County Sanitary Landfill be closed for an extended period or closed permanently, Pipestone County will coordinate with the Southwest Regional Solid Waste Commission in the selection of another disposal facility. In the event of this facility closing, there will be seven counties significantly impacted--making the location of alternate disposal capacity a regional issue. There will be significant concern about the availability of Certificate of Need and permitted capacity at each of the remaining landfills, as the Lyon County facility manages over 60% of the regional waste stream. The preferred option will be to maintain the waste within the State of Minnesota, and within the Region. However, Pipestone County will maintain its options to utilize out-of state landfills that meet all federal requirements.
Pipestone County and the Solid Waste Commission will consider the cost-effectiveness and feasibility of utilizing resource recovery facilities that may have the capacity to accept the County’s or the region’s waste stream.

4.18 Mitigation of Environmental Risks

4.18.1 On-Site Disposal

Due to the rural nature of Pipestone County, there is a relatively large proportion of on-site waste disposal occurring in the county. Roughly 12% of the waste stream as estimated by the Goal-Volume Table is managed on site by rural residents. This amounts to approximately 1,000 tons per year or 2.7 tons per day of MSW disposed of on-site. On-site disposal practices include burning and burying or simply burying waste on site. While this practice is generally lawful under Minnesota Statute 114, Pipestone County does recognize that there may be some health or environmental risk associated with the practice.

The county will take an incremental approach to encouraging the reduction of on-site waste disposal. The following steps will be implemented:

1. Natural Attrition: The rate of rural population loss in Pipestone County is roughly twice that of municipal population loss. It can be expected that over time there will be some reduction of on-site disposal through the loss of family farms and abandonment of rural homesteads.

2. Educational Efforts: The County will include in its educational programs information regarding the laws pertaining to on-site disposal. The county will also develop educational materials pertaining to the risks and nuisances of on-site disposal. Better-informed rural residents will likely be more willing to voluntarily seek waste collection services.

3. Targeted promotion of waste abatement activities: The County will target rural residents for the promotion of waste abatement activities: including source reduction, recycling, and composting. While these efforts will not likely be reflected in the OEA Goal-Volume program they should result in reductions of on-site waste disposal.

4. Address Concentrated Rural Populations: The County will examine areas of concentrated rural settlement where on-site disposal is most inappropriate. If there is significant and problematic on-site waste management at these locations the county will consider requiring waste collection in the area or some other means of precluding this on-site disposal.

4.18.2 Illegal Disposal

As with all rural areas, illegal dumping of waste is an issue of concern in Pipestone County. Currently the problem is predominantly littering. There are occasional illegal dumps, as well. The Pipestone County Solid Waste Ordinance bans open dumping and littering. The Solid Waste Officer is responsible for investigating such incidents, and can if warranted refer the issue to the County Attorney for legal action.
4.19 Solid Waste Program Siting Program

The County does not anticipate developing a MSW management facility during the planning period. No siting program will be conducted.

4.20 Public Participation Program

4.20.1 Documentation of public input on the planning process will be maintained.

Comments received in person, via telephone, correspondence, or electronic communication will be noted. The notes documenting public comments will be then filed. All comments received and filed will be maintained in the Office of the Solid Waste Administrator.

4.20.2 Documentation of On-going Process to Ensure the Involvement and Consultation of Interested Parties.

Solid Waste management is regularly discussed at the County Board. These meetings are public and open. They are also noticed in the local newspaper, including the agenda. Further, the minutes of all county commission meetings are published. Solid Waste staff maintains open access to all county residents and interested parties.

Further, upon preliminary OEA staff approval this plan will be placed on 30-day public notice and be open to comments from the public.