

WASTE MANAGEMENT ORDINANCE

FOR

GOODHUE COUNTY

DECEMBER 1990

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WASTE MANAGEMENT ORDINANCE

An Ordinance authorizing and providing for County Waste Management, establishing powers and duties in connection therewith, establishing standards and requirements for waste management operations, including, but not limited to, compost facilities, recycling centers, transfer facilities, land disposal facilities, refuse-derived fuel processing facilities, and incinerators, within the County of Goodhue, requiring a license for the establishment and use of a waste management operation; embodying minimum standards and requirements established by rules of the Minnesota Pollution Control Agency and established by Goodhue County; providing for enforcement of said requirements; requiring a performance bond and insurance; imposing penalties for failure to comply with these provisions; and establishing a fee system for the licensing, permitting and enforcement of the provisions of this Ordinance in purpose and object to promote health, welfare and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes, Chapters 115, 115A, 116 and 400.

This Ordinance also establishes the policies and goals for Goodhue County regarding waste reduction, reuse and recycling in order to achieve mandated goals included in Minnesota Statutes regarding Waste Reduction and Recycling.

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

SECTION I. 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 and 400 and rules of the Minnesota Pollution Control Agency, which have been or hereafter may be adopted under those provisions. Terms and abbreviations used herein that 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. "Administrator" means the Solid Waste Administrator or a representative of the Solid Waste Administrator for Goodhue County.

Subd. 3. "Air Contaminant" means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

Subd. 4. "Air Pollution" means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

Subd. 5. "Ash" means the incombustible material that remains after the incineration of raw and processed waste materials including, but not limited to, coal, solid waste, hospital waste, or wood.

Subd. 6. "Backyard Compost Site" means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves and prunings from a single family or household, apartment buildings, or a member of which is the owner, occupant or lessee of the property.

Subd. 7. "Bulking Agent" means the material added to a compost system to provide structural support and prevent the settlement and compaction of the decomposing waste.

Subd. 8. "Bulky Item" means an oversized waste including appliances, furniture, trees or other waste that requires extraordinary handling methods to achieve compaction.

Subd. 9. "Canister System" means one or more waste storage containers located to function as intermediate storage facilities, and which are serviced on a regular basis by a public or private waste hauler.

Subd.10. "Certified Capacity" means the in-place volume granted an owner or operator of a mixed municipal solid waste land disposal facility for the disposal of mixed municipal solid waste by a certificate of need as granted by the County Board.

Subd.11. "Closure" means the act of ceasing to accept waste for disposal, processing or recycling or other management and followed by actions to prevent or minimize the threat to public health and the environment including removing stored wastes, removing contaminated equipment, applying final cover, installing monitoring devices and all other work performed as necessary.

Subd.12. "Commercial Hauler" means any person who owns, operates, or leases vehicles for the purpose of collection and/or transportation of any type of waste for recycling, disposal or other approved management.

Subd.13. "Composting" means the controlled microbial degradation of organic waste to yield a humus-like product.

Subd.14. "Contaminated Soils" means soil that has been impacted by a release of a chemical or petroleum-based substance and is subject to local, State, and Federal regulations.

Subd.15. "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 Goodhue in the enforcement or administration of this Ordinance.

Subd.16. "Cover Material" is material that is used to cover compacted waste in a land disposal site. Important general characteristics of good cover are low permeability, uniform texture, cohesiveness and compactability.

Subd.17. "Demolition Debris" means waste resulting from the destruction of buildings, roads and other manmade structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, rock, trees and plastic building parts.

Subd.18. "Disposal Site" means a facility that is designed or operated for the purposes of reducing the volume of waste prior to placement of the waste, or the placement of waste residue in or on the land or the placement of waste directly in or on the land. All appurtenant facilities needed to process or transfer the waste are considered part of the facility.

Subd.19."Existing Facility" means a facility that is in operation or on which construction has started on or has been arranged through a contractual agreement that cannot be cancelled or modified without substantial loss.

Subd.20. "Floodplain" means any land that is subject to a one percent or greater chance of flooding in any given year from any source.

Subd.21. "Free Liquid" refers to the liquid produced when a 100-milliliter representative sample of waste placed on a standard 400-micron conical paint filter for five minutes.

Subd.22. "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Subd.23. "Generator" means any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.

Subd.24. "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 by 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 include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge and source material, special nuclear material or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Subd.25. "Incineration" means the process by which wastes are burned for purpose of volume or weight reduction or energy recovery in facilities designed for such use.

Subd.26. "Incinerator Ash" is considered a special waste until either of the following events occurs:

- A. the United States Environmental Protection Agency establishes testing and disposal requirements for incinerator ash; or
- B. the Minnesota Pollution Control Agency adopts rules as required in Minnesota Statute Section 115A .97.

Subd.27. "Industrial Solid Waste" means all solid waste generated from an industrial or manufacturing process and solid waste generated from non manufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris or household refuse.

Subd.28. "Inert Material" means the uncompostable material remaining in a compost system after decomposition. Inert material does not include soil particles or other naturally occurring materials that may be found in the compost system.

Subd.29. "Infectious Waste" means laboratory waste, blood, regulated body fluids, sharps and research animal waste that have not been decontaminated.

Subd.30. "Intermediate Waste Storage Facility" is a facility for the preliminary storage of waste including, but not limited to, transfer facility, canister site or system, recovery of recyclable materials, reduction, shredding and compression or other management techniques.

Subd.31. "Intervention Limit" means a concentration or measure of a substance which, if found to be exceeded in a sample of surface water, ground water, soil or air, indicates possible pollution from a facility or activity.

Subd.32. "Land Pollution" means the presence in or on the land of any waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Subd.33. "Landspreading" means the placement of waste or waste by-products on or incorporation of them into the soil surface.

Subd.34. "Leachate" means liquid that has percolated through waste and has extracted, dissolved or suspended materials from it.

Subd.35. "Licensee" means a person who has been issued a license by the County Board for waste management purposes pursuant to this Ordinance.

Subd.36. "Liner" means a continuous layer of reworked natural soil or man made materials beneath and on the sides of a land disposal facility, compost facility or storage area that restricts the downward or lateral escape of waste, leachate or gas.

Subd.37. "Major Appliance" means clothes washers and dryers, dishwashers, hot water heaters, garbage disposals, trash compactors, conventional ovens, ranges and stoves, air conditioners, refrigerators and freezers.

Subd.38. "Monitoring Point" means any installation or location used to determine the quality or physical characteristics of water, air or soil.

Subd.39. "Open Burning" means burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct or chimney.

Subd.40. "Open Dump" means a land disposal site at which 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.

Subd.41. "Operation" means any site, facility, or activity relating to waste management.

Subd.42. "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 legal entity.

Subd.43. "Problem Material" means a material that, when it is processed or disposed with mixed municipal solid waste, contributes to one of the following results:

- A. the release of a hazardous substance, or pollutant or contaminant, as defined in Minnesota Statutes, Section 115B.02, Subdivisions 8, 13, and 15;
- B. pollution of water as defined in Minnesota Statutes, Section 115.01, Subdivision 5;
- C. air pollution as defined in Minnesota Statutes, Section 116.06, Subdivision 3; or
- D. a significant threat to the safe or efficient operation of a solid waste processing facility.

Subd.44. "Putrescible Material" means waste that is capable of being rotten, or that may reach a foul state of decay or decomposition.

Subd.45. "Recyclable Materials" means materials that are separated from waste for the purpose of recycling, including paper, glass, plastic, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incinerators is not a recyclable material nor is any material that is processed in a manner that precludes further use in its original form or processed form.

Subd.46. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing process without destruction of the material. Recycling includes yard waste composting and mechanical or hand separation of materials for reuse.

Subd.47. "Refuse" means putrescible and nonputrescible wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and municipal treatment wastes that do not contain free moisture.

Subd.48. "Refuse-derived Fuel" is solid waste that has been processed to make it suitable for use as a fuel source.

Subd.49. "Shoreland" means land located within the following distances from public water:

- A. 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and
- B. 300 feet from a river or stream, or the landward extent of a floodplain designed by ordinance on such a river or stream, whichever is greater.

Subd.50. "Solid Waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, or other discarded waste materials and sludges, in solid, semi-solid, or contained gaseous form, resulting from industrial, commercial, mining, or agricultural operations, or from community activities, but does not include hazardous waste, animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge, solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater 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 material, special nuclear material, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

Subd.51. "Transfer Facility" means a fixed or mobile facility in which waste collected from any source is temporarily deposited, compacted, or rearranged for transportation to another waste management facility in quantities greater than 10 cubic yards or stored more than 48 hours. Trucks and semi-trailers used solely to deliver waste from one facility to another are not considered to be transfer facilities.

Subd.52. "Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

Subd.53. "Waste Management" means the storage, collection, processing or removal of waste from or on public or private property, its transportation to intermediate storage facilities or its final disposal or processing by methods approved by the Agency.

Subd.54. "Waste Collection Service" means a public or private operation engaged in waste collection and transportation.

Subd.55. "Waste Materials" means all wastes defined as a hazardous waste or solid waste in their processed or unprocessed state. Waste materials include source-separated wastes, refuse-derived fuel, recyclables, compost, ash, etc.

Subd.56. "Water Pollution" means the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses; or to livestock, animals, birds, fish or other aquatic life; or the man made or man-induced alteration of the chemical, physical, biological, or radiological integrity of waters of the state.

Subd.57. "Water Table" means the surface of the ground water at which the pressure is atmosphere. Generally this is the top of the saturated zone.

Subd.58. "Waters of the State" means any waters, surface or underground, except those surface waters which are not confined but are spread and diffused over the land. "Waters of the State" includes all boundary and inland waters.

Subd.59. "Wetland" means a surface water feature classified as a wetland in the publication entitled "Classification of Wetlands and Deep Water Habitats of the United States," written and published by the United States Fish and Wildlife Service Biological Services Program, FWS 035-71/31, December 1979.

Subd.60. "Yard Waste" means the garden wastes, leaves, lawn cuttings, weeds, and prunings generated at residential or commercial properties.

SECTION II. GENERAL PROVISIONS.

Subd. 1. No person shall cause, permit, or allow land or property under his control to be used for waste management purposes, except at an operation for which a license has been granted by the County Board, unless otherwise provided by this Ordinance.

The Administrator may take action as allowed under Section VI, subdivisions 2 through 4 for actions violating this subdivision.

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

No license shall be issued for a waste facility unless the applicant has demonstrated to the satisfaction of the County Board the availability of revenues necessary to operate the facility in accordance with applicable Federal, State and local laws, ordinances and rules.

Subd.3. After receiving an application for an operation, the County Board shall refer such applications to the Administrator who shall give a recommendation to the County Board concerning whether it should issue or deny the license. If an applicant is denied a license, such applicant shall be notified in writing of the reasons therefor by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the applicant's right to file a further application after revisions are made to satisfy objections specified as reasons for the denial. All applicant's shall receive a preliminary response within 60 days of submittal and a final response within 120 days. Response times may be extended to obtain more information and/or to hold required public hearings.

Subd.4. The County Board shall refuse to issue a license for any operation that does not comply with this Ordinance, Agency rules and the County's Solid Waste Management Plan.

Subd. 5. Issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board. This bond shall name the County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that, if the licensee fails to comply with any requirements or fails to perform any of the acts required of an operation or ceases to operate any monies or expend any labor or material to restore the operation to a condition in compliance with this Ordinance, the bond holder and the sureties on its bond shall reimburse the County for any and all expenses incurred by the County to remedy failure of the licensee to comply with the terms of this Ordinance, and the bond holder and its sureties shall indemnify and save the County harmless from all losses, costs, and charges that may occur to the bond holder or its sureties because of any default of the licensee under the terms of the bond terms to operate in compliance with the terms of the ordinances of the County.

Subd.6. In addition to the bond referred to in subdivision 5, issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant securing insurance, and furnishing to the County a copy of a certificate therefor, the following types of insurance issued to the licensee by insurers duly licensed within the State of Minnesota and in amounts to be set by County Board; general liability including, but not limited to, bodily injury, property damage, motor vehicle, or other insurance such as Worker's Compensation, required by State or County Law.

Subd.7. Any license granted by the County Board under the provisions of this Ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this Ordinance or applicable state laws or rules, or upon written notification to the licensee and the County Board by the Administrator or by an authorized representative of the Agency that the continued use of the operation endangers the health, welfare or safety of the public or that the continued use pollutes or impairs the environment.

The notice of suspension shall be deemed adequately served whenever it is served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof or by registered mail. A copy of the notice of suspension shall be provided to the County Board. The County Board shall remove the license suspension only upon presentation of evidence acceptable to the County Board that the conditions that were cited as cause for suspension have been fully corrected.

A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning the operation shall have the right to be heard. The date of the hearing for license revocation shall be set by the County Board and shall not be held earlier than thirty days after notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of

evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique.

If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of the provisions of the license, this Ordinance, State laws or State rules, the County Board may revoke the license or continue such suspension until the licensee has demonstrated that full compliance with the rules has been attained and that such compliance will be continued in the foreseeable future.

Subd. 8. Routine inspection and evaluation of an operation shall be made by the Administrator at such frequency as to ensure consistent compliance by the operation with the provisions of this Ordinance. The licensee shall be provided with a written inspection report containing a precise description of any deficiencies, recommendations for the correction thereof and the date when the corrections shall be accomplished. Copies of said report(s) shall be furnished to the Agency. The licensee shall allow to authorized representatives of the County or the Agency access to the facility at any time for purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, and any other applicable statute, ordinance, or rule.

Subd. 9. Where the conditions imposed by any provision of this Ordinance differ with conditions imposed by other provision of this Ordinance, or any other applicable law, ordinance or rule, the provision that establishes the higher standards for the promotion of the public health, safety, and general welfare shall prevail.

Subd.10. Every license issued under this Ordinance for a waste management shall be registered with the office of the Administrator.

Subd.11. All unpaid bills related to waste management may be certified on the tax rolls for the next year.

SECTION III. SOLID WASTE ADMINISTRATOR.

Subd. 1. 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 license applications and supporting materials referred to the Administrator for waste management within the County, 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 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;

- D. To encourage and conduct studies, investigations and research relating to aspects of 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; and
- F. To develop and implement an educational program to involve school curriculum, local governmental units, the public at large, and affected parties to ensure and encourage participation in waste management programs.

Subd. 2. The Administrator shall be responsible for the completion of all reports to the Minnesota Office of Waste Management and Agency regarding County- owned waste facilities and expenditures from any grant funds. The reports shall include the following:

- A. Annual Reports for the Goodhue County Recycling Facility, the Goodhue County Demolition Land Disposal Facility, and the Red Wing Land Disposal Facility and any other County-owned or operated waste management facility;
- B. Annual Report on the Goodhue County's efforts to meet the State of Minnesota's mandated recycling goal; and
- C. Annual Report on the expenditures of the SCORE funding and surcharge imposed by the State of Minnesota.

Subd.3. The Administrator shall recommend to the County Board application for funding opportunities to assist in the implementation of this Ordinance from public or private sources.

Subd. 4. The Administrator shall be responsible for the development of plans and manuals as required to meet State and Federal rules.

SECTION IV. WASTE STORAGE.

Subd. 1. Waste materials shall be stored in a manner that complies with State and Federal rules administrated by the Agency.

Subd.2. Toxic or hazardous wastes shall be stored in accordance with State and Federal rules administrated by the Agency.

Subd.3. Transfer facilities and canister sites may be established and shall be licensed annually according to Sections II, V, XX, and shall meet all additional requirements imposed by the County Board.

Subd. 4. Waste materials shall not be stored on public or private property for more than two (2) weeks without the written approval of the Administrator. Nonputrescible wastes suitable for recycling shall not be stored on public or private property in a manner that

create a nuisance, safety concerns or health hazard. Approval may be granted for longer storage at the time of licensure for a commercial hauler based on the service provided.

SECTION V. COLLECTION AND TRANSPORTATION OF WASTE.

Subd. 1. The collection and transportation of waste materials shall be performed in accordance with State rules administered by the Agency.

Subd.2. Toxic or hazardous wastes shall be transported in a manner consistent with State rules administered by the Agency.

Subd. 3. No person may collect or transport waste materials for hire without first obtaining a license from the County Board. The County Board shall not issue a license until the applicant complies with all of the following requirements:

- A. The applicant shall submit a completed application form provided by the County for a waste collection and transportation license.
- B. The applicant shall submit for inspection to the County, when requested but no more than once per year except when are detected as not meeting Ordinance standards, all vehicles to be used for waste collection and transportation. An annual Minnesota Department of Transportation inspection shall be conducted prior to license issuance. The Minnesota Department of Transportation inspection results may be used in replacement of a County inspection.

Such vehicles shall have leak-resistant bodies of easily cleanable construction, completely covered with metal, heavy canvas or other suitable covering, and shall be subject to approval and periodic inspection by the Administrator or the Administrator's designee.

- C. The applicant shall meet all of the applicable requirements for obtaining a license that are specified in Section II of this Ordinance.
- D. The applicant shall establish a fee for collection and transportation of waste materials on a volume-based system, to the extent possible.

SECTION VI. LITTER.

Subd. 1. It shall be unlawful to place any portion of waste in or on public or private lands, shorelands, roadways, or waters. Such placement will be considered littering under this Ordinance.

Subd. 2. A person in violation of Subdivision 1 shall be subject to a civil penalty of not less than twice or more than five times the amount of cost incurred by the County to remove, process, and dispose of the waste.

Subd. 3. The Administrator with the County Attorney shall bring action to recover the civil penalty; related legal, administrative, and court costs; and damages for injury to or pollution of the lands, shorelands, roadways, or waters where the waste was placed.

Subd. 4. The County Board may place a lien on property used as a deposit for waste in violation of Section II, Subdivision 1, and collect the cost as a special assessment.

Subd. 5. The following provisions will apply to all unauthorized placement of waste:

- A. the deposition of waste in the County is prohibited except as allowed by this Ordinance;
- B. the property owner or occupant is required to remove any unauthorized deposition of waste;
- C. if the waste is not removed, the County shall provide for its removal at the property owner's or occupant's expense; and
- D. if direct payment is not received, the County shall provide for the expense to be a lien on the property and collected as a special assessment.

SECTION VII. PROBLEM MATERIAL MANAGEMENT.

Subd. 1. No person shall place major appliances in mixed municipal solid waste or dispose of major appliances in a solid waste processing or disposal facility after July 1, 1990.

Subd. 2. No person shall place a motor vehicle battery in mixed municipal solid waste.

Subd. 3. A person selling lead acid batteries at retail or offering lead acid batteries for retail sale in Minnesota must accept lead acid batteries from customers, charge the fee established by the State, and provide written notice of all State requirements.

Subd. 4. Any person selling lead batteries at wholesale or offering lead acid batteries for sale at wholesale must also accept lead acid batteries from customers.

Subd. 5. All lead acid batteries must be recycled.

Subd.6. A person who sells lead acid batteries at retail may not charge to receive lead acid batteries from consumers.

Subd. 7. A consumer may not deliver more than five lead acid batteries to a retailer at one time.

Subd. 8. A retailer who does not recycle lead acid batteries received from consumers is guilty of a misdemeanor. Each lead acid battery that is not recycled is a separate violation.

Subd. 9. All household batteries and industrial or commercial generated dry-cell batteries must be managed in accordance with the County's household battery program.

Subd.10. As more problem materials are defined by the State, all persons in Goodhue County will be required to meet the management controls established for each problem material.

SECTION VIII. RECYCLING AND RECYCLING FACILITIES.

Subd. 1. With this Ordinance, the County Board establishes a minimum recycling goal of 25 percent by weight of the total solid waste generated in Goodhue County. This goal will be met, to the extent possible, by December 31, 1992. Within two years from obtaining the 25 percent minimum, the County will increase the amount recycled by 10 percent.

Subd.2. In an effort to meet this goal, the County shall work with city and township officials to develop and implement programs including education efforts. All citizens of Goodhue County shall be given the opportunity to recycle.

Subd.3. A license shall be required for the collection and transportation of recyclables. The license shall be obtained in accordance with Sections II, V and XX. All recycling facilities, except publicly-owned and operated facilities, shall be licensed according to Sections II, V and XX and must comply with Agency permit requirements.

Subd.4. All applications for a recycling facility must include the potential markets, volumes, and fees for the proposed operations.

Subd. 5. All recycling collectors and facility operators shall submit an annual report to the Administrator. The report shall be submitted by January 10 of each year and shall cover the previous year's material handled.

Subd. 6. The Administrator shall work with state, city and township officials to develop recycling opportunities for problem materials and newly identified materials.

Subd. 7. The following technical standards shall apply to all recycling facilities:

- A. The site must be designed and constructed to prevent surface water from draining through recyclable or unusable material.
- B. All spills or leaks must be contained.
- C. Ample storage of recyclable materials and unusable materials.
- D. The facility must be operated in a manner that minimizes dust and other windblown material, vermin populations due to improper storage, and other nuisance conditions.
- E. All unusable material must be removed at least once each week.
- F. All facility structures must be located at least 20 feet from any property lines and must conform to all building and zoning requirements.

- G. A plan must exist for the routing of materials, if particular markets disappear or if the facility must close for a period of time - either scheduled or unscheduled shutdowns.
- H. If the facility is open for use by individuals, a separate unloading area must be provided or traffic controlled to prevent collisions between commercial and individual vehicles. This provision may be waived by the Administrator for facilities with fewer than 10 vehicles entering per day.
- I. When the facility is permanently closed, all materials must be removed and properly managed.

SECTION IX. TRANSFER FACILITIES.

Subd. 1. No person shall construct or operate a waste transfer facility without first obtaining a license issued by Goodhue County. The license shall be obtained in accordance with Sections II, V, and XX, and the facility must comply with Agency permit requirements.

Subd.2. The applicant must provide the following information when applying for a license to construct and/or operate a transfer facility:

- A. the facility design and layout;
- B. the types and number of vehicles expected to use the facility;
- C. the types of waste to be accepted;
- D. the hours of operation;
- E. the storage capacity of the facility;
- F. final location of waste;
- G. on-site traffic operations;
- H. operating plans;
- I. recycling and composting activities to be conducted, if any; and
- J. a copy of all permit materials submitted to the Agency.

Subd.3. All facility structures must be at least 20 feet from any property line and conform with all building and zoning ordinances.

Subd. 4. The design and operation of a transfer facility must meet the following standards:

- A. The facility must be secured.

- B. The facility must have all-weather roads that are negotiable by loaded collection vehicles.
- C. Tie downs or wheel curbs must be provided at elevated unloading areas.
- D. Tipping areas must be cleaned on a routine basis and capable of containing free moisture.
- E. All loading and unloading must be completed on an impervious surface.
- F. Special storage areas, Le. tires, appliances, etc., must be designed to prevent nuisance conditions, fire hazards, or other safety or health hazard.
- G. All putrescible waste must be removed at least twice per week and all stored materials at least monthly, unless otherwise approved.

Subd. 5. At closure, all materials must be removed from the facility and properly stored.

SECTION X. COMPOST SITES AND FACILITIES.

Subd. 1. A person operating a backyard compost site shall not be required to obtain a license under this Ordinance.

Subd.2. Backyard compost sites must be operated in a nuisance-free condition. No meat scraps or other uncompostable material may be deposited in the site. The pile must be turned regularly.

Subd. 3. All community yard waste compost sites must be licensed in accordance with Section II, unless publicly-owned and operated. All sites must receive a permit-by-rule from the Agency.

Subd.4. All yard waste compost sites must be constructed and operated in accordance with the following standards:

- A. Surface water drainage must be diverted from the compost area.
- B. The compost site must have controlled access and open only during posted hours.
- C. During the active lawn-cutting months when large amounts of grass are entering the site, the compost piles must be turned at least weekly with alternating days preferred. During the winter months, turning will not be required at a rate more frequent than monthly.
- D. Odors must be controlled.
- E. Non-compostables must be removed from the site at least weekly.

Subd. 5. All waste (including large scale manure operations) compost sites must be licensed in accordance with Section II. An agricultural producer composting only that waste generated by a single operation shall not be required to obtain a license.

Subd. 6. The compost site must be in compliance with local Zoning Ordinances, and be constructed and operated in accordance with State and Federal laws relative to compost facilities. The application for a County license shall include, but not be limited to, the following:

- A. the facility design plans including surface water controls, leachate control, traffic patterns and the compost pad standards;
- B. the operating plan describing material accepted, compost methods (e.g. turning standards, detention time, temperature), waste analysis, residual management, and final use of the finished product;
- C. the performance standards for the facility and final product;
- D. the distribution plan for the finished product; and
- E. the necessary information to show that the applicant is financially and operationally capable of properly managing the facility.

SECTION XI. SOLID WASTE LAND DISPOSAL FACILITIES.

Subd. 1. Land disposal facilities, including, but not limited to, mixed municipal solid waste, industrial solid waste, and demolition debris shall meet all the requirements of State rules administered by the Agency, which governs these facilities. Additionally, no person shall establish, operate or maintain a land disposal facility without first obtaining a license from the County Board in accordance with Section II.

Subd.2. An application for a county license shall include, but not be limited to, the following:

- A. An operating schedule and a schedule of fees to be levied at the land disposal facility.
- B. A notarized affidavit stating that the applicable local governments have been given thirty (30) days notification of the pending application for a license.
- C. A certificate from the County Zoning or City Administrator that the use proposed is in accordance with the established County or City Zoning Ordinance.
- D. Sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable to properly dispose of all solid waste.

Subd. 3. All land disposal facilities, in addition to the standards established by the Agency, shall be required to meet the following standards.

- A. A minimum 200-foot buffer zone for new disposal areas shall be maintained around aU facilities except for demolition debris facilities where the buffer zone will be based on the end use of the site. The 200-foot buffer zone is measured from the waste boundary to the nearest property boundary.
- B. All mixed municipal solid waste or other putrescible waste shall be covered daily. Cover material will be approved by the Administrator at the time of licensure.
- C. All leachate treatment must be consistent with local, State and Federal standards. If the proposed leachate is found to be consistent, the Administrator shall approve the treatment process.
- D. All new facilities shall be screened. Natural screening, such as existing trees or hills, will be acceptable.

SECTION XII. INCINERATION AND ENERGY RECOVERY.

All incinerators having a capacity greater than 6,000 pounds per hour shall meet the requirements of Federal and State rules administered by the Agency. Additionally, the following requirements shall apply to all incinerators of any size that process waste from more than a single household or other establishment.

Subd. 1. No person shall install or operate an incinerator without first obtaining a license from the County Board.

Subd.2. The applicant shall meet all requirements for obtaining a license as specified in Section II of this Ordinance. Furthermore, the County Board shall not issue a license until the applicant and facility comply with the following requirements:

- A. All of the same criteria for incinerator construction, operation and maintenance contained in State rules administered by the Agency that presently apply to incinerators with capacities greater than 6,000 pounds per hour.
- B. Upon completion of the facility and prior to initial operation, the Administrator shall be notified to allow personnel of the County to inspect the facility both prior to and during the performance tests.

Subd. 3. The application for a license shall include, but not limited to, the following:

- A. an operating schedule and a schedule of fees to be levied at the incinerator;
- B. a notarized affidavit stating that the applicable local governments have been given at least thirty (30) days written notification of the pending application for a license;

- C. a certificate from the County or City Zoning Administrator that the use proposed is in accordance with the established County or City Zoning Ordinance;
- D. sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable to properly process and dispose of all waste;
- E. all of the same information required for review by the State rules administered by the Agency that presently apply only to incinerators with capacities greater than 6,000 pounds per hour; and
- F. such additional data and information as may be required by the Administrator.

Subd. 4. During normal operation, the facility shall comply with the following requirements:

- A. Permanent records shall be maintained for County inspection as to the quantity of material incinerated, the total quantity of resulting residue and total hours of plant operation.
- B. Any discharges to the air, or to surface or ground waters of the state shall meet all applicable State rules for air and water quality or effluent standards now or hereafter adopted.
- C. All unloading and processing of solid wastes at the facility shall be conducted in such a manner as to prevent or eliminate odors, run-off, and litter outside the facility.

SECTION XIII. OTHER WASTE MANAGEMENT FACILITIES.

All waste management facilities shall be reviewed by the Administrator. The inability to amend this Ordinance on a timely monthly basis to address new management facilities shall not exempt any individual from the need to be licensed. All requirements including fees already in the Ordinance shall be consistent with established requirements and State and Federal laws until such time as this Ordinance is amended.

SECTION XIV. LAND APPLICATION.

Subd. 1. The land application of waste, sewage sludge, contaminated soils must be approved by the Administrator prior to land applying the material. The following information must be supplied for review:

- A. chemical analysis of the material;
- B. amount of material to be land applied;
- C. treatment method, as appropriate;
- D. location map of area to be used as the application site;

- E. a certificate of local approvals granted, if required; and
- F. any other conformation requested by the Administrator in order to adequately review the application.

Subd. 2. The following minimum standards apply to the land application of any material or waste:

- A. All material must be kept at least 20 feet from any property line, 500 feet from any residence, and 500 feet from any well.
- B. The material may be spread in layers no thicker than 4 inches.
- C. All analytical and operational reports must be submitted to the Administrator for review.
- D. Final incorporation of contaminated soils is not permitted without approval from the Administrator.

SECTION XV. HAZARDOUS WASTE MANAGEMENT.

Subd. 1. All generators of hazardous waste shall notify the Administrator of their existence. The generator shall submit to the Administrator a copy of the disclosure forms completed for the Agency.

Subd. 2. All transporters of hazardous waste shall submit to the Administrator a copy of their insurance and their identification number.

Subd.3. All hazardous waste facilities shall be designed, constructed and operated in accordance with State and Federal rules. A copy of all application materials submitted to the Agency shall be submitted to the Administrator for review also.

SECTION XVI. FEES.

Approval by the County Board of an application for a license for a waste management facility shall be contingent upon the payment to the County of a fee in the amount established by the County Board. The amount of the fee shall be based upon the cost to the County for processing the application including review of application material, public meetings and notifications, mailing, overhead, and administering and enforcing this Ordinance for a particular facility. The fees prescribed shall be paid by an applicant for each facility maintained. Waste fees shall be paid as a condition for license renewal. Fees shall be paid to the County Treasurer prior to issuance of licenses or approvals. The County Board shall also establish fees necessary to ensure proper waste management in accordance with Minnesota Statutes, Chapters 115A and 400.

SECTION XVII. TERMINATION OF SOLID WASTE OPERATIONS.

Subd. 1. All waste operations shall be terminated in accordance with County ordinances, Federal laws, and State rules administered by the Agency.

Subd. 2. The license of any operation in subd.1 with water monitoring wells or lysimeters that are reviewed by the County or the Agency shall establish with the County an escrow account no later than one year from the effective date of this Ordinance.

The purpose of the escrow account is to set aside adequate funds to continue sampling required by the County or the Agency for a period of no less than 30 years from termination of the operation.

The County Board shall specify by resolution the amount of money to be deposited in the account and the terms for payments which shall be made by the licensee to that account. Failure by the licensee to meet the escrow account conditions established by the County Board shall constitute a failure of the licensee to comply with the terms of this Ordinance, thereby enabling the County to use the provisions of Section II, Subd. 5 to make the necessary deposits to the escrow account.

Subd. 3. The licensee of each waste operation shall inform the County Board in writing of a licensee's intent to abandon or terminate the operation. Such notice shall be provided in advance of the abandonment or termination date by at least six months to allow the County Board to address closure requirements including costs. Failure of a licensee to comply, for any reason, with the above advance notice requirements shall constitute a failure of the licensee to comply with the terms of this Ordinance. The County Board may elect to pay all public and private higher-than-normal waste management costs which result from the premature cessation of a waste operation. The County may recover these costs through the provisions of Section II, subd. 5.

SECTION XVIII. 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. If such variance would result in noncompliance with Agency rules, a variance application must be filed with the Agency.

A variance may be granted by the County Board after a public hearing where the County Board determines that enforcement of this Ordinance would cause the applicant undue hardship, or that the Ordinance cannot be complied with due to technological impossibility or economic unreasonableness.

Such a variance shall not be granted for a period in excess of two years, except for a variance providing for the construction of permanent facilities, but may be renewed upon application by the applicant and after a public hearing is held. A variance may be revoked prior to expiration of the variance by the County Board at a public hearing. An application for a variance shall be accompanied by a plan and schedule for achieving compliance with

the Ordinance. Prior to any public hearing held by the County 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. Publication of a notice of hearing in appropriate newspapers shall be considered adequate notice.

SECTION XIX. NONCONFORMING SITES AND FACILITIES.

Waste management facilities in existence on the effective date of this Ordinance shall conform to the provisions of this Ordinance or terminate operations no later than 240 days from that date unless a variance application is submitted to the County Board within 180 days period following the effective date of this Ordinance. If the variance request is denied, the waste management facility must be properly closed.

SECTION XX. 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 waste management sites or facilities.

SECTION XXI. 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 judgement shall not affect any other provision of this Ordinance not specifically included in said judgement.

Subd. 2. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular structure, site, facility, or operation not specifically included said judgement.

SECTION XXII. PROVISIONS ARE CUMULATIVE

The provisions of this Ordinance are cumulative limitation upon all other laws and ordinances heretofore passed or that may be passed hereafter, covering any subject matter of this Ordinance.

SECTION XXIII. NO CONSENT.

Nothing contained in this Ordinance shall be deemed to be consent, license or permit to locate, construct, operate or maintain any site, facility or operation, or to carry on any activity.

SECTION XXIV. VIOLATIONS.

Subd. 1. Any person who violates or fails, neglects or refuses to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof

shall be punished therefor as provided by Minnesota Statutes. A separate offense shall be deemed committed upon each separate day during or which a violation occurs or continues.

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

SECTION XXV. OTHER ORDINANCES AND REGULATIONS.

Nothing in this Ordinance shall preclude any local units of government from adopting stricter regulations than this Ordinance.

SECTION XXVI. EFFECTIVE DATE.

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

Chair
Goodhue County Board

Attested By:
Goodhue County Administrator

Date

Date