

Washington County, Minnesota Ordinances

Ordinance No. 114

Washington County Solid Waste Management Ordinance No. 114.

Date Approved: 05/23/1995

Date Published: 06/16/1995

Resolution No. 95 - 086

Washington County Solid Waste Management Ordinance No. 114

Whereas,

the Waste Management Act, which imposes various mandates upon counties, was created out of concern for the protection of water, air and land resources, as well as protection of public health; and

Whereas,

1994 Minnesota Laws, Chapter 644, Section 80, Minnesota Statutes Sc. 115A.93 and Sc. 47381 lsubd. 5, authorize Washington County to license solid waste collection and transportation; and

Whereas,

Washington County is a member of the Solid Waste Management Coordinating Board (SWMCB), pursuant to a Joint Powers Agreement approved by Washington County on June 8, 1993; and

Whereas,

the purpose of the SWMCB is to establish a mechanism whereby the Counties can fulfill their responsibilities and jointly address certain regional needs for solid waste management, to increase landfill abatement, to maximize the efficiency and cost-effectiveness of the system, to ensure compliance with state, regional and county policies and to assist each other in the development and management of the system; and

Whereas,

the Counties, through the SWMCB, seek to coordinate the licensing of mixed municipal solid waste haulers in order to eliminate duplication of licensing, simplify hauler licensing work, and provide for improved county hauler data base; and

Whereas,

Minnesota Statutes Sc. 115A.93 subd.2(b) allows Washington County to delegate this licensing authority to a consortium of counties; and

Whereas,

on February 14, 1995, the Washington County Board of Commissioners approved of an amendment to the SWMCB joint powers agreement to establish a regional hauler license program; and

Whereas,

the Washington County Board of Commissioners adopted the Washington County Solid Waste Ordinance #105 on November 24, 1992, Ordinance #110 on March 22, 1994 and Ordinance #112 on December 6, 1994.

Now, Therefore, be it Resolved,

that the Washington County Board of Commissioners adopts the attached amendments to the Ordinances #105, #110 and #112 of the Washington County Solid Waste Management Ordinance and to implement a regional mixed municipal solid waste hauler license program.

Be It Further Resolved,

that the provisions of Washington County Solid Waste Management Ordinances and amendments thereto be and hereby are consolidated a Washington County Solid Waste Management Ordinance #114.

Attest:

James R. Schug, County Administrator
Wally Abrahamson, Chairman, County Board

Abrahamson - X - Yes
Engstrom - X - Yes
Hauser - X - Yes
Hegberg - X - Yes
Peterson - X - Yes

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1.0 Purpose, Scope and Authority

This ordinance establishes standards for the regulation of solid waste management activities and facilities in Washington County, Minnesota. This ordinance requires that appropriate licenses be obtained from Washington County for the establishment and operation of solid waste management activities and facilities. This ordinance is intended to support and promote the health, welfare and safety of the public pursuant to Minnesota Statutes, Chapter 115A, 145A, 375, 400 and 473. This ordinance incorporates and makes a part of its provisions previous amendments #110 and #112.

2.0 Definitions:

words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the words "shall" and "must" are mandatory and the words "may" and "should" permissive. In addition to the terms set forth in Section 2.0 herein, this ordinance incorporates by reference terms defined in the Waste Management Act, Minnesota Statute 115A.01 et seq..

2.1 Acceptable Waste

means waste which is acceptable at the designated 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 or infectious waste that is regulated by law is acceptable at the designated facility.

Acceptable waste shall also include acceptable household quantities and acceptable non-household waste, as defined herein. All household waste is acceptable waste unless it is otherwise regulated or prohibited by law.

2.2 Acceptable Household Quantities

means waste which is otherwise unacceptable waste, but which is contained in garbage, refuse, and municipal solid waste from normal household activities. For the purpose of this definition, "household" includes any residential dwelling unit or place of transient residence.

2.3 Acceptable Non-Household Waste

means 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 designated facility does not constitute a significant portion of such load. No amount of hazardous waste that is regulated by law is acceptable waste.

2.4 Acre Foot

means a unit of volume equal to the volume of one foot high with a base one acre in area = 43,560 cubic feet.

2.5 Adequate Turf

means a live ground cover mat of native perennial grasses, or other suitable vegetation free of noxious weeds, which provides sufficient ground cover to effectively prevent loss or damage of

final cover.

2.6 Air Contaminant

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

2.7 Air Pollution

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

2.8 Base County

means the metropolitan county in which a mixed municipal solid waste hauler's office, records, and vehicles are primarily located. If differing parts of the hauler's business are located in more than one metropolitan county, the Base County shall be the metropolitan county in which most of the hauler's vehicles are kept, as determined by the Department at the time of licensing. The Base County for haulers based in a county not participating in the Regional Hauler Licensing Program shall be an adjacent metropolitan county as determined by the Department.

2.9 Base License

means the license obtained by the hauler from the base county as a precondition to obtaining an operating license from the county or other counties.

2.10 Certificate of Rejection

means written documentation provided by the operator of the designated facility to the solid waste hauler stating that a load of waste has been rejected as unacceptable. The Certificate of Rejection shall not be issued for hazardous waste or nonprocessible waste.

2.11 Clean Fill

means materials consisting of at least 90 percent natural soils with the remaining 10 percent composed of concrete, concrete block, brick, glass, or similar inert materials approved by the Department in writing.

2.12 Clean Fill Demolition Landfill

means a solid waste land disposal facility for the disposal of clean fill and other waste approved by the Department.

2.13 Commingle

means combining two or more different types of source separated recyclable materials in the same container for subsequent recycling.

2.14 Construction Debris

means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

2.15 Containment

means isolating, controlling, and monitoring waste in a waste facility in order to prevent a release

of waste from the facility that would have an adverse impact upon human health and the environment.

2.16 Counties

means the counties participating in the Regional Hauler Licensing Program and includes: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.

2.17 County

means Washington County.

2.18 County Board

means the Washington County Board of Commissioners.

2.19 Department

means the Washington County Health, Environment and Land Management Department.

2.20 Designated Facility

means the Ramsey/Washington County Resource Recovery Facility located on Maxwell Avenue in Newport, Minnesota to which acceptable waste is required to be delivered under Section 10.1 herein.

2.21 Designation

means the requirement contained in Section 10.1 herein, that all or any portion of the acceptable waste that is generated within the County's boundaries or any service area thereof be delivered to the Designated Facility.

2.22 Designation Area

means the County of Washington, Minnesota.

2.23 Designation Plan

means that document entitled "Joint Designation Plan" which detailed the County's proposal for the designation of waste, and which was approved by the Metropolitan Council on December 13, 1984, pursuant to the statutory designation procedures contained in Minnesota Statutes Section 115A.80 et seq. (1984).

2.24 Disposal or Dispose

means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

2.25 Disposal Facility

means a waste facility licensed by the Department that is designed and operated for the purpose of disposing of waste on or in the land, together with any appurtenant facilities needed to process waste for disposal or transfer to another waste facility.

2.26 Financial Assurance

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

2.27 Generate

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

2.28 Generator

means any person who generates solid waste.

2.29 Hauler

means any person, firm, corporation, association, partnership, or other entity, that collects or transports mixed municipal solid waste that is generated in the counties. Hauler does not mean a person hauling his or her own residential household waste.

2.30 Hazardous Waste

shall have the meaning ascribed to it in the Washington County Hazardous Waste Management Ordinance.

2.31 Herbaceous

means any nonwoody plant.

2.32 Holidays

means those holidays when the designated facility is closed. Initially the holidays are Christmas Day, New Years Day, Memorial day, July 4th, Labor Day, and Thanksgiving Day. These holidays may be changed by resolution of the County Board.

2.33 Incineration

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

2.34 Industrial Solid Waste

means all solid waste generated from an industrial or manufacturing process and solid waste generated from nonmanufacturing 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.

2.35 Inert Material

means a material that displays either no chemical activity or chemical activity only under special or extreme conditions, to include the uncompostable material remaining in a compost system after decomposition.

2.36 Intermediate Disposal

means the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station operations, open burning, incomplete land disposal, incineration, composting, reduction, shredding, compression, recycling, processing, resource recovery, and any other management or handling of waste short of final disposal.

2.37 Land Pollution

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

2.38 Landspreading/Land Application

means the placement of waste or waste by-products on or incorporated into the soil surface.

2.39 Landspreading/Land Application Site

means any land used for the purpose of landspreading or the land application of waste or waste by-products.

2.40 Leachate

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

2.41 Licensee

means the landowner, owner, operator, or other person or persons given authority by the Department to establish, operate, and maintain a solid waste management activity, disposal site or facility.

2.42 Market

means any person which accepts and recycles recyclable materials.

2.43 Marketed

means delivery of recyclable materials to and acceptance by a market.

2.44 Medical Waste

includes infectious waste, as defined in the Infectious Waste Control Act of 1989, Minn. Stat. section 116.76, subdivision 12 (Supp. 1989), as amended, and waste originating from the diagnosis, care or treatment of a person or animal, or waste resulting from biological research, whether or not the waste has been decontaminated.

2.45 Mixed Municipal Solid Waste

means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

2.46 MPCA

means the Minnesota Pollution Control Agency.

2.47 Open Dump

means a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning and is exposed to the elements, flies, rodents, and scavengers.

2.48 Operating County

includes only those Counties in which the hauler collects or transports mixed municipal solid waste.

2.49 Operating License

means the license required of the Hauler in order to collect or transport mixed municipal solid waste in an Operating County. If the Hauler collects or transports mixed municipal solid waste in its Base County, it must also obtain an Operating License.

2.50 Operator

means the person or persons responsible for the operation of a solid waste facility.

2.51 Owner or Solid Waste Facility Owner

means the person or persons who own a solid waste facility or part of a solid waste facility.

2.52 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 and with respect to acts prohibited or required herein, shall include employees or licensees.

2.53 Processing

means the treatment of solid waste after collection, including all activities after the time the waste is delivered to a waste facility. Processing includes but is not limited to disposal, storage, containment, separation, exchange, resource recovery, physical or chemical modification, and transfer from one waste facility to another. For the purpose of requirements for Resource Recovery Certification, processing shall not include storage, exchange or transfer of waste.

2.54 Prohibited Materials

means solid waste which is unacceptable for collection, processing, or disposal due to the physical or chemical nature of the material or due to a facility's inability to properly manage the waste.

2.55 Recovered Materials

means materials that have been separated from the solid waste stream for reuse and are, or will be, processed, modified, or converted to a raw material that may be beneficially used.

2.56 Recyclable Materials

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

2.57 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.

2.58 Regional Hauler Licensing Program

means the hauler licensing program established by joint powers agreement of February 1, 1995, among Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.

2.59 Rejected Waste

means unacceptable waste which is rejected at the designated facility pursuant to Section 10.5.1,

herein.

2.60 Resource Recovery

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

2.61 Resource Recovery Facility

means a waste facility established and used primarily for resource recovery , including related and appurtenant facilities such as transmission facilities and transfer stations primarily serving the resource recovery facility.

2.62 Salvaging

means the controlled and authorized removal of waste materials from a licensed solid waste facility.

2.63 Satellite Vehicle

means a vehicle used to collect solid waste for subsequent transfer into another, usually larger, vehicle or container for transport to a solid waste management facility.

2.64 Scavenging

means the removal of waste materials from a licensed solid waste facility, which has not been authorized by the Department.

2.65 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 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.

2.66 Shrub

means a perennial woody plant of relatively low stature, typically with several stems arising from or near the ground.

2.67 Site

means the spatial location of a proposed or actual solid waste management activity or facility.

2.68 Sludge

means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air contaminant treatment facility, or any waste having similar characteristics and effects.

2.69 Solid Waste

means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common 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.

2.70 Solid Waste Collection

means the gathering of solid waste from public or private places.

2.71 Solid Waste Hauler

means any person or persons who collects or transports any solid waste; except, an individual resident hauling his or her own household waste is not a solid waste hauler.

2.72 Solid Waste Management Coordinating Board or SWMCB

means the joint powers board established by agreement of the Counties for the coordination of solid waste management issues in the metropolitan area.

2.73 Solid Waste Storage

means the holding of solid waste in quantities equal to or greater than ten cubic yards for more than 48 hours.

2.74 Solid Waste Transportation

means the conveying of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyer, or other means.

2.75 Solid Waste Management

means activities which are intended to affect or control the generation of solid waste and activities which provide for or control the collection, processing, and disposal of waste.

2.76 Source Separation

means the separation of recyclable materials from waste by the generator prior to collection for recycling.

2.77 Tipping Fee

means the fee charged to haulers and citizens for waste delivered to the designated facility.

2.78 Tree

means a perennial woody plant, generally with a single stem (trunk).

2.79 Unacceptable Waste

means waste which is not acceptable at the designated facility. Unacceptable waste shall include waste which would likely pose a threat to health or safety, or which may cause damage to, or materially adversely affect the operation of the designated facility including but not limited to: explosives; medical waste; hazardous waste as regulated by federal, state and local laws; chemicals and radioactive materials; oil sludges; asbestos in identifiable quantities; cesspool, domestic sewage or other sewage sludge; human or animal remains; street sweepings; ash; mining waste; sludges; demolition debris; construction debris; waste in liquid state; hazardous refuse of any kind, such as cleaning fluids, used crank case oils, cutting oils, paints, acids, caustics, poisons, drugs; and any other materials that the designated facility owner/operator and the Counties shall agree, or that any other governmental agency or unit having appropriate jurisdiction shall determine, is harmful or of a toxic or dangerous nature.

2.80 Waste Facility

means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal facilities.

2.81 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, which is incorporated by reference. The publication is not subject to frequent change. In addition, the Department may use the 1987 Corps of Engineers Wetland Delineation Manual to identify wetlands. The Department will incorporate by reference and utilize the January 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands when revisions to this document are finalized.

2.82 Yard Waste

means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

3.0 Standards Adopted:

Minn. Rule Parts 7035.0300 to 7035.2875 and 9220.0200 to 9220.0300 and 9220.0450 to 9220.0510 inclusive, relating to solid waste and waste tire management, respectively, which are in effect as of the date of adoption of this ordinance, are hereby adopted by reference and made a part of this ordinance, as amended.

4.0 Standards Amended:

The above adopted rules are hereby amended as follows:

4.1

Wherever the term "Minnesota Pollution Control Agency," or "agency" appears in these adopted rules, it shall be held to mean the "Department."

4.2

Wherever the "Commissioner" appears in these adopted rules, it shall be held to mean "Department."

4.3

Wherever the term "permit," "permittee," "permitting," or "permitted" appears in these adopted rules, it shall mean "license," "licensee," "licensing," or "licensed."

4.4

The terms "Minnesota" or "State of Minnesota" shall be held to mean "Washington County."

4.5

Wherever the term "Minnesota Waste Management Board," or "Board" appears in these adopted rules, it shall be held to mean the "Department."

4.6

Wherever the term "Chair" appears in these adopted rules, it shall be held to mean "Department."

5.0 Department Rights and Duties:

The Department shall have the right and duty to administer this ordinance. The Department's rights and duties shall include, but shall not be limited to those described in this section.

5.1

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

5.2

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

5.3

The Department shall have the right and duty to issue or deny solid waste licenses and to impose solid waste management activity, site, or facility specific conditions on such licenses.

5.4

The Department shall have the right and duty to investigate complaints of violations of this ordinance.

5.5

The Department shall have the right and duty to recommend, when necessary, to the County Attorney's Office, that legal proceedings be initiated against a certain solid waste management activity, or facility.

5.6

The Department shall have the right and duty to encourage and conduct studies, investigations, and research relating to aspects of solid waste management, such as methodology, chemical and physical considerations, and engineering.

5.7

The Department shall have the right and duty to advise, consult, and cooperate with other governmental

agencies in the furtherance of the purposes of this ordinance.

5.8

The Department shall have the right and duty to prepare and negotiate agreements with responsible parties to address the closure and post closure requirements for licensed and unlicensed solid waste facilities.

6.0 Licensee Responsibilities:

The licensee's responsibilities shall include, but shall not be limited to those described in this section.

6.1

The licensee shall be responsible for compliance with all of the provisions of this ordinance.

6.2

The licensee shall allow the Department free access to the solid waste management activity, site, or facility; provided that the entrance and activity is undertaken after reasonable notice and during normal business hours, except as provided in Minnesota Statutes Chapter 115A.882 RECORDS; INSPECTION; for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance or any other applicable statute, ordinance, or regulation.

6.3

The licensee shall allow the Department and the County Board and their designees access to records required under Minnesota Statutes Chapter 115A.882 RECORDS; INSPECTION, MPCA Solid Waste Management Rules parts 7001.3500 Subp. 3. A. and 7035 concerning the operation of a solid waste management activity or facility.

6.4

No licensee shall operate any solid waste management activity or facility, or dispose of, or permit to be disposed, any solid wastes in a manner so as to degrade the soil, air, or waters of the County. Any licensee who causes any degradation of the soil, air, or waters of the County shall undertake whatever action is necessary to correct the degradation and restore said soil, air, or waters to its condition prior to its degradation.

6.5

The licensee shall be responsible for facilitating all environmental monitoring, including but not limited to water, soil, and landfill gases, which are required by this ordinance or the license conditions for the applicable solid waste management activity or facility.

6.6

The licensee agrees to indemnify and save the County harmless from all losses, costs, and charges that may be incurred by the County due to the negligent or intentional acts the licensee, its officers, agents, or employees or the failure of the licensee to comply with the provisions of this ordinance and which are not otherwise payable from the insurance and financial assurance required by this ordinance.

7.0 Licensing

7.1 License Required.

Unless otherwise provided by this ordinance, no person shall cause, permit or allow real or personal property under their control to be used for solid waste management purposes, except at an operation for which a license has been granted by the Department. The procedures for license issuance, denial, variance, revocation, suspension, renewal, administration, and fees shall be governed by the Washington County Administrative Ordinance, to the extent that said procedures do not conflict with provisions of this ordinance.

7.1.1

No Hauler shall collect or transport mixed municipal solid waste generated in Washington County unless the Hauler has a valid Base License and a valid Washington County Operating License. On the expiration date of the licenses, any activity for which the licenses is required shall cease.

7.2 Licensee.

For applicable solid waste management activities or facilities a license shall be issued to the landowner, facility owner, and facility operator or other persons responsible for compliance with the requirements of this Ordinance.

7.3 License Term.

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

Notwithstanding, all solid waste management activities or facilities shall submit an annual report containing information, data, plans, and reports as required by the Department for the specific solid waste management activity or facility.

7.3.1

Licenses issued to persons collecting and transporting mixed municipal solid waste in January 1995 shall remain in effect until June 30, 1996, a period of 18 months. Commencing on July 1, 1996, the licensing period for persons collecting mixed municipal solid waste shall be from July 1 until June 30 of the following year, a period of 12 months.

7.4 Application and Fees.

An applicant for a license to construct or operate a solid waste facility or engage in a solid waste management activity shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives all applicable fees, all material: required by this section, and all materials required by subsequent sections applying to the specific management activity for which a license is sought. Applicants for a solid waste management activity or facility license shall not commence any construction or operation or engage in any activity until the license application has been approved by the Department; nor shall any operation commence until a license is issued. A solid waste management activity or facility license shall not be issued until construction has been completed in compliance with this ordinance, the approved plans, theMPCA permit, where applicable, and the activity or facility has been approved for operation by the Department.

7.5 Written Application.

A person who requests the issuance, modification, or renewal of a solid waste management activity or facility license shall complete, sign, and submit to the Department a written application.

The application shall contain the items listed in subparts 7.5.1 to 7.5.9:

7.5.1

The name, address, and telephone number of the facility owner, facility operator, and landowner of the proposed solid waste management activity or facility for which the application is submitted.

7.5.2

The name, address, and telephone number of the person who prepared the application.

7.5.3

A description including the location of the solid waste management activity or facility.

7.5.4

A general description of the wastes to be stored, processed, or disposed of; anticipated quantity of wastes to be stored, processed, or disposed of; and proposed methods for managing the wastes.

7.5.5

A topographic map, or other map if a topographic map is unavailable, that shows the proposed solid waste management activity or facility and the area surrounding it for a distance of at least one mile in all directions. The map must be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads and other applicable details as determined by the Department. Wells must be identified on the map.

7.5.6

An analysis of the waste if required by the Department.

7.5.7

A copy of a draft or final environmental impact statement that has been prepared under the National Environmental Policy Act, United States Code, title 42, sections 4331 et seq. as amended through December 31, 1982, or a copy of an environmental assessment or environmental impact statement prepared under the rules of the Minnesota Environmental Quality Board, Minnesota Rules, chapters 4400 and 4410.

7.5.8

Written proof that the municipal or township governing body in which said solid waste management activity or facility is located has considered the establishment of the solid waste management activity or facility with respect to zoning and other applicable regulations.

7.5.9

All application forms, documents, plans, and reports and modifications thereto required by the MPCA including but not limited to preliminary application, preliminary site evaluation reports, detailed site evaluation reports, and final application.

7.6 Signatures.

A license application must be signed as follows:

- a. By the solid waste management activity or facility owner, landowner, and operator.
- b. By a Minnesota registered engineer when a firm prepares the necessary reports and plans for a solid waste management activity or facility license.

7.7 Certification.

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

7.8 Application Review.

Within 30 days of receipt by the Department of a license application for a solid waste facility or activity, the Department shall notify the applicant in writing whether the application is complete and if not, what items are needed to make it complete, and shall give an estimate of the time it will take to process the application. Within 180 days of receipt of a completed application, the Department shall approve, disapprove, or delay decision on the application, with reasons for the delay, in writing. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license.

7.9 Fees.

The County Board shall, by resolution, establish fees, including fees for the annual license, application and plan review, renewal of licenses, late application fee, and other fees as may be necessary for the administration of the ordinance.

7.10 Other Waste Facilities.

Any solid waste management site, facility, or activity not otherwise provided for in this ordinance must be licensed or exempted from licensure by the Department or County Board prior to construction or operation.

7.11 Additional or Unnecessary Data.

The applicant must submit reasonable additional data requested by the Department. The Department may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

7.12 License Conditions.

The Department may impose conditions on any approvals or licenses that are issued by the Department that may be necessary due to the characteristics of the waste, facility specific conditions or other non-typical management characteristics or conditions pertinent to the regulated solid waste management activity or facility in order to protect public health, safety, or the environment or as otherwise provided by law.

7.13 Designated Resource Recovery Facility Certification.

The operator of the designated resource recovery facility shall certify as unprocessable each load of mixed municipal solid waste it does not process at intervals specified by the county. Certification must be made to each county that sends its waste to the designated resource recovery facility. Certification must include at least the number and size of loads certified as unprocessable and the reasons the waste is unprocessable. Loads certified as unprocessable must include the loads that would otherwise have been processed but were not processed because the designated resource recovery facility was not in operation, but nothing in this section relieves the operator of its contractual obligations to process mixed municipal solid waste. For the purpose of this section, waste is "unprocessed" if it has not, after collection and before disposal, undergone at least one process, as defined in Minnesota Statutes, Section 115A.03, subdivision 25, excluding storage, exchange, and transfer of the waste.

7.13.1

The designated resource recovery facility shall submit a report, on a form provided by the Department, including but not limited to the following:

- a. the total amount of wastelandfilled as excess (TLO), unprocessed, reject, recovered (recycling) and residual wastes landfilled, by month;
- b. a description of excess, rejects and residuals management;
- c. for the wastes identified in a. above, a description of the designated resource recovery facility's efforts to further process each waste, other facilities that were contacted to process each waste, the frequency and manner of contact made to the other facilities and the final decision of the facilities that were contacted. Waste tonnages and the date that the designated resource recovery facility pursued cooperative waste agreements for additional processing of each waste shall be included in the report.

7.14 Change in Facility Construction or Operation.

No change shall be made in the construction or operation of a solid waste management activity or facility unless such change is first approved by the Department.

7.15 Multiple Operation Facilities.

Multiple operation solid waste management facilities shall be licensed according to the solid waste management component constituting the largest percentage by waste volume of the total operation. Regulation of ancillary operations associated with the licensed solid waste management facility shall be implemented through conditions of the license. Waste haulers associated with a solid waste management site or facility will be licensed independently from the facility license.

7.16 Financial Assurance-Contingency Action and Closure.

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, financial assurance, in an amount to be set by the County Board, and naming the County as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The condition of such financial assurance shall be that if the licensee fails to obey any of the requirements or do any of the acts required by this ordinance in the operation of the solid waste management activity or facility, or if, for any reason, ceases to operate or abandons the solid waste management activity or facility, and the County is required to expend any monies or expend any labor or material to restore the solid waste management activity or facility to the condition and requirements as provided by the ordinance, the obligor and the sureties on its financial assurance 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 their license to operate and the ordinances of the County. The financial assurance shall be subject to cancellation by the surety at any time only upon giving 120 days prior written notice of cancellation to the Department.

7.16.1

The following solid waste activities or facilities are exempt from the requirements of section 7.14 unless otherwise provided by the County Board:

- a. transporter-spreaders of water treatment lime sludge used for agricultural purposes;
- b. solid waste haulers;
- c. clean fill demolition landfills;
- d. type B demolition landfills;

- e. yard waste compost facilities;
- f. recycling facilities;
- g. yard waste land spreading facilities.
- h. other solid waste management facilities and activities exempted by the County Board on a case-by-case basis provided said exemption will not adversely affect public health, safety, and the environment.

7.16.2

The Department may waive the financial assurance requirements under this section if the applicant, owner, or operator demonstrates that financial assurance is being provided to and has been approved by the MPCA for the subject solid waste activity or facility.

7.17 Financial Assurance-Postclosure Care.

Unless otherwise provided by the County Board, issuance or renewal of any solid waste land disposal facility license shall be contingent upon the owner of the solid waste facility or the operator or both providing financial assurance for the postclosure maintenance, monitoring, and long term care of the solid waste facility. Use of this financial assurance shall be limited to the solid waste facility for which it was provided.

Documentation submitted with the application for County 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 postclosure activities at the solid waste facility take place. The amount of the financial assurance shall be equal to or exceed the total estimated postclosure costs specified in the approved postclosure plan.

The method of financial assurance shall provide that the County shall have the right to draw upon the funds or that part or all of the funds shall be paid to the County in the event that the owner or any successor in interest or operator fails to perform any of the required postclosure activities or duties. Amounts paid to the County shall be used by the County to carry out postclosure requirements.

During the postclosure period the County may decrease the amount of the financial assurance if the owner or operator demonstrates to the satisfaction of the County that the amount of financial assurance exceeds the remaining cost of postclosure monitoring, maintenance, and long term care. Upon completion of the postclosure period, the County shall release any financial assurance to the person providing said financial assurance.

7.17.1

The following solid waste land disposal facilities are exempt from the requirements of section 7.15 unless otherwise provided by the County Board:

- a. clean fill demolition landfills;
- b. type B demolition landfills.
- c. transporter-spreaders of water treatment lime sludge used for agricultural purposes;
- d. yard waste compost facilities;
- e. yard waste land spreading facilities.
- f. other solid waste land disposal facilities exempted by the County Board on a case-by-case basis provided said exemption will not adversely affect public health, safety, and the environment.

7.17.2

The Department may waive the financial assurance requirements under this section if the applicant, owner, or

operator demonstrates that financial assurance is being provided to and has been approved by the MPCA for the subject solid waste activity or facility.

7.18 Insurance.

An applicant or licensee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota in types and amounts to be established by the County based on the type of solid waste management activity or facility under consideration. The licensee shall provide 30 days written notice to the Department should any insurance policy be canceled before the expiration date of said policy.

7.19 License Renewal.

An applicant for renewal of a solid waste management facility license shall submit the following information in addition to the applicable general and specific licensing requirements found in this and subsequent sections:

- a. a report indicating any proposed changes at the facility for the forthcoming year;
- b. for land disposal facilities, plans, specifications, and reports indicating conditions as they exist at the time of license renewal; plans must include elevations and indicate completed, active and inactive areas of the land disposal facility; total amount of waste, in tons and cubic yards, deposited in the land disposal facility to date; the total remaining capacity of the land disposal facility; and the estimated remaining active life of the facility in years.
- c. If applicable under Section 3.0, an annual report containing the information in MPCA Solid Waste Management Rules part 7035.2585. The Department may modify the annual report requirements within the solid waste activity or facility specific license conditions provided such modification will not adversely affect public health or the environment.

7.20 Continuation Of Expired License.

A person who holds an expired license and who has submitted a timely and complete application for reissuance of the license may continue to conduct the licensed solid waste management activity until the Department takes final action on the application if the Department determines that both of the following are true:

- a. the licensee is in compliance with the terms and conditions of the expired license and the Washington County Solid Waste Management Ordinance; and,
- b. the Department, through no fault of the licensee, has not taken final action of the application on or before the expiration date of the license.

7.21

Unless otherwise provided for in this Ordinance, applicants, owners, and operators of proposed or licensed solid waste management activities or facilities shall comply with MPCA's Solid Waste Management Facility General Technical Requirements parts 7035.2525 - 7035.2655. The Department may waive certain requirements provided such waiver will not endanger the environment or the safety or health of the public.

7.22

The Department may issue owners or operators of the following solid waste management facilities or activities a General Solid Waste Management License upon notification of the proposed activity.

A General solid waste management license will remain valid only so long as the facility or activity is in compliance with applicable Minnesota Statutes, MPCA Solid Waste Management Rules, and the Washington County Solid Waste Management Ordinance:

A solid waste management owner/operator eligible for consideration under this section shall, upon request by the Department, submit a form provided by the Department notifying the Department of its proposed activity.

7.22.1

Transfer Facilities designed for less than 30 cubic yards capacity that are in compliance with MPCA Solid Waste Management Rules parts 7035.2525 to 7035.2655, 7035.2855, and 7035.2865;

7.22.2

Clean Fill Demolition Landfills that meet the following criteria:

- a. The fill area occupies less than 125 cubic yards and;
- b. Duration of the project is less than 30 days; or
- c. The fill is a utilization project under the jurisdiction of the local zoning authority, the Minnesota Department of Natural Resources, or the Army Corps of Engineers or;
- d. The facility is a recognized/permitted sand and gravel operation which stockpiles clean fill demolition material for crushing and reuse or;
- e. Used for driveway and road stabilization.

7.22.3

Petroleum Contaminated Soil Processing provided the following criteria are met:

- a. The soil is not a hazardous waste as defined by the Washington County Hazardous Waste Management Ordinance;
- b. The soil is contaminated with petroleum products from a leaking underground storage tank or pipeline break;
- c. The total volume of soil is less than 125 cubic yards if land spreading is the proposed management method;
- d. The project has been approved in writing by the MPCA;
- e. The Health, Environment and Land Management Department has approved, in writing, the storage of excavated soil stored on the subject property for greater than a two (2) week period; and
- f. Processing, including incineration and land application, must occur on the same property which generated the contaminated soil.

7.22.4

Compost facilities receiving yard waste only that are in compliance with MPCA Solid Waste Management Rules part 7035.2835, subparts 2 and 3.

7.22.5

Recycling facilities that are in compliance with MPCA Solid Waste Management Rules parts 7035.2845 and 7035.2855.

7.22.6

Energy recovery facilities governed by MPCA Rules parts 7001.0010 to 7001.0210, 7001.1200 to 7001.1350, and 7005.0010 to 7005.3060, except that facilities processing refuse-derived fuel must be licensed by the Department in accordance with section 7 of this ordinance.

7.22.7

Storage sites for non-sludge wood waste generated from the wood preparation phase prior to processing.

7.22.8

Multiple Operation Facilities provided the solid waste management constitutes only the activities or facilities described in 7.22.1 through 7.22.7 above.

7.23 Closure.

The owner of the property on which a land disposal facility is located, shall place on record an instrument with the Washington County Recorder, in a form prescribed by the Department placing the public on notice of the existence and location of the land disposal facility and of the obligations placed upon parties holding an interest in the property and the restrictions which may affect the use of the property.

7.A Ground Water Performance Standards

7.A.1

Unless specifically waived in writing by the Department the owner or operator of Mixed Municipal Land Disposal Facilities, Industrial Waste Land Disposal Facilities, and Demolition Debris Land Disposal Facilities Type A must design, construct, operate, and maintain the facility to achieve compliance with items 7.A.1.a to 7.A.1.j. In the case of Industrial Waste Land Disposal Facilities, this section shall be applicable to expansion of existing facilities in addition to new facility construction.

Expansion as used in this section means a horizontal or vertical increase in the disposal area beyond that provided for in a MPCA permit or Department license in effect prior to the effective date of this ordinance.

7.A.1.a

A compliance boundary must be established at each facility in accordance with items 7.A.1.b and 7.A.1.c. If the conditions in items 7.A.1.d or 7.A.1.e apply, a lower compliance boundary and surface water compliance boundary may also be established. Ground water quality must comply with items 7.A.1.e, 7.A.1.f, and 7.A.1.h at the locations given in item 7.A.1.f. If an intervention limit established under items 7.A.1.e, 7.A.1.f, and 7.A.1.h is exceeded in ground water at any location, the owner or operator must take the actions specified in 7.A.1.g.

7.A.1.b

The owner or operator must propose the locations of the compliance boundary. The owner or operator shall submit the proposed locations to the Department for review and approval, together with the rationale for the selected locations, supporting information, and any additional information the Department may require to describe locations of the boundaries in the facility license.

7.A.1.c

The compliance boundary must be established in accordance with subitems (1) and (2).

(1) The compliance boundary must surround the waste fill area and each waste management system. It must be located on the facility property, with a sufficient setback from the property boundary to enable the installation of monitoring points and, if necessary, ground water control features. The following factors shall also be considered in establishing the location of the compliance boundary:

- (a) hydrogeologic factors, including attenuation and dilution characteristics; ground water quantity, quality, flow rates, and flow directions; and anticipated rates and directions of pollutant

movement;

(b) the feasibility of ground water monitoring at the compliance boundary;

(c) the feasibility of corrective actions to maintain compliance with ground water quality standards at the compliance boundary;

(d) the volume, composition, and physical and chemical characteristics of the leachate;

(e) the proximity and withdrawal rates of ground water users, and the availability of alternative water supplies; and

(f) any other public health, safety, and welfare effects.

(2) The distance between the compliance boundary and the approved waste boundary must be no greater than 200 feet. The Department may require a smaller separation distance if ground water flow rates are very slow or where necessary to provide additional protection to ground water, including sites with downward ground water flow. At existing facilities, including expansion areas, the Department may allow a separation distance greater than 200 feet if the following conditions are met:

(a) the Department determines that the owner or operator has provided sufficient monitoring to assure reliable detection and tracking of pollutant migration within the area enclosed by the compliance boundary, and that the larger separation presents no greater risk to water quality and water use than a separation distance of 200 feet or less;

(b) any hydrogeologic evaluation required by the Department or the MPCA is complete or will be completed according to a compliance schedule; and

(c) the owner or operator revises the cost estimate for contingency action if required by the Department or the MPCA to reflect any greater costs for additional monitoring; ground water containment, removal, and treatment; and other contingency actions, and provides evidence of financial assurance to pay for the increased costs.

7.A.1.d

In addition to the compliance boundary required of all facilities under item 7.A.1.c, the Department shall designate a lower compliance boundary at any facility where there is a potential for substantial pollutant migration downward to a deeper aquifer used locally as a source of water supply. The lower compliance boundary shall be designated at a contact between soil or hydrogeologic units, or other definable surface within the saturated zone, and shall be located to prevent adverse effects on water supplies.

7.A.1.e

The Department may designate a surface water compliance boundary if it is determined, by any analysis required by the Department or the MPCA, that pollutants entering the ground water from the facility may migrate to surface water at concentrations that could adversely affect the quality of surface water.

(1) The surface water compliance boundary must be designated as a vertical plane extending downward from the land surface or as some other readily definable plane located between the land disposal facility and the surface water.

(2) The surface water compliance boundary may either replace a portion of the compliance boundary or be designated in addition to the compliance boundary. The surface water compliance boundary may be substituted entirely for a portion of the compliance boundary only if the facility is within 500 feet of the surface water and the Department determines that all pollutants entering the ground water from the facility will discharge into that surface water.

(3) The Department shall establish standards and intervention limits for the surface water compliance boundary

in the facility license based on the applicable provisions of MN Rules Chapter 7050. If the surface water in turn recharges an aquifer used as a water supply, the Department shall establish standards and intervention limits protective of both surface water and drinking water.

(4) The Department shall require submission of any facility information needed to establish standards and intervention limits for the surface water compliance boundary, including low-flow stream discharge rates, mixing characteristics and rates, biological communities, and chemical composition of the surface water and leachate.

7.A.1.f

Except as provide in items 7.A.1.e and 7.A.1.h and this item, pollutant concentrations in ground water must not exceed the standards listed in this item at or beyond the compliance boundary and at or below the lower compliance boundary. The standards and intervention limits for these two boundaries are as follows:

	Substance	Standard or intervention limit <i>(in micrograms per liter unless otherwise noted)</i>
(1)	Acrylamide	0.025
(2)	Acrylonitrile	0.17
(3)	Alachlor	2.5
(4)	Aldicarb	2.3
(5)	Aldrin	0.0075
(6)	Allyl chloride	7.35
(7)	Arsenic	12.5
(8)	Asbestos	1800000 medium and long <i>(greater than 10 microns fibers per liter)</i>
(9)	Barium	375
(10)	Benzene	3
(11)	Bis (2-chloroethyl) ether	0.078
(12)	Cadmium	1.25
(13)	Carbofuran	9
(14)	Carbon tetrachloride	0.67
(15)	Chlordane	0.055
(16)	Chlorobenzene (monochlorobenzene)	15
(17)	Chloroform	1.3
(18)	Chromium	30
(19)	Copper	325
(20)	DDT	0.25
(21)	Dibromochloropropane (DBCP)	0.063
(22)	1,2-Dibromoethane (Ethylenedibromide, EDB)	0.002
(23)	1,2-Dichlorobenzene (orth-)	155

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(24)	1,3-Dichlorobenzene (meta-)	155
(25)	1,4-Dichlorobenzene (para-)	18.8
(26)	3,3-Dichlorobenzidine	0.052
(27)	1,2-Dichloroethane	0.95
(28)	1,1-Dichloroethylene	1.8
(29)	1,2-Dichloroethylene (cis-)	17
(30)	1,2-Dichloroethylene (trans-)	17
(31)	Dichloromethane (methylene chloride)	12
(32)	2,4-Dichlorophenoxyacetic acid (2,4-D)	17
(33)	1,2-Dichloropropane	1.5
(34)	Dieldrin	0.0025
(35)	2,4-Dinitrotoluene	0.27
(36)	1,2-Diphenylhydrazine	0.11
(37)	Epichlorohydrin	8.9
(38)	Ethylbenzene	170
(39)	Heptachlor	0.025
(40)	Heptachlor epoxide	0.0015
(41)	Hexachlorobenzene	0.053
(42)	Hexachlorobutadiene	1.1
(43)	Hexachlorocyclohexane (alpha-)	0.0075
(44)	Hexachlorocyclohexane (beta-)	0.047
(45)	Hexachlorocyclohexane (gamma-) (Lindane)	0.05
(46)	Hexachlorodibenzodioxin	0.000015
(47)	Hexachloroethane	6.2
(48)	Lead	5.0
(49)	Mercury	0.75
(50)	Methyl ethyl ketone	43
(51)	Methoxychlor	85
(52)	Nickel	38
(53)	Nitrate (as Nitrogen)	2500
(54)	Nitrite (as Nitrogen)	250
(55)	N-Nitrosodimethylamine	0.0035
(56)	N-Nitrosodiphenylamine	17.8
(57)	Total carcinogenic polynuclear aromatic hydrocarbons	0.007
(58)	Polychlorinated biphenyls (PCB's)	0.02
(59)	Pentachlorophenol	55

(60)	Selenium	11
(61)	Styrene	35
(62)	2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)	0.0000005
(63)	1,1,2,2-Tetrachloroethane	0.44
(64)	Tetrachloroethylene	1.7
(65)	Toluene	500
(66)	Toxaphene	0.075
(67)	1,1,1-Trichloroethane	50
(68)	1,1,2-Trichloroethane	1.5
(69)	Trichloroethylene	7.8
(70)	2,4,6-Trichlorophenol	4.4
(71)	2,4,5-TP (Silvex)	13
(72)	Vinyl chloride	0.037
(73)	Xylene	110

7.A.1.g

If an intervention limit established under items e, f, or h is exceeded in ground water at any location where the facility's impacts are monitored, the owner or operator must take the following actions:

- (1) immediately notify the Department in writing;
- (2) immediately resample if previous samples at the facility did not exceed the intervention limits;
- (3) evaluate the need to resample if previous samples exceeded the intervention limits;
- (4) evaluate the significance of the exceedance and the source or cause of the constituents exceeding the intervention limits;
- (5) evaluate the need for immediate corrective action to prevent pollutant concentrations from approaching or exceeding standards at the compliance boundary, surface water compliance boundary, or lower compliance boundary;
- (6) evaluate the need for changes in water monitoring, including sampling frequencies, constituents analyzed, and installation of additional monitoring points;
- (7) within 30 days after obtaining the sample results in which an intervention limit was exceeded, submit a written report to the Department describing the evaluations and conclusions under subitems (2) to (6) and the actions taken or planned under subitem (8); and
- (8) take other actions described in the facility's contingency action plan, if applicable.

7.A.1.h

In lieu of the intervention limits and standards under items e and f, the Department may utilize alternative standards and intervention limits in the facility license as follows:

(1) If the concentration of any constituent in the background ground water at a facility is greater than a standard or intervention limit established in this subpart, the background concentration of the constituent must be used as the standard or intervention limit. For purposes of this subitem, background refers to the condition of ground water that has experienced no change in quality due to migration of constituents from the facility. If the background water quality is inadequately defined, the Department may require additional evaluation including sampling, statistical analysis of sampling data, and installation of additional monitoring points. The Department may alter the alternative standards or intervention limits if background water quality is changing due to actions or events occurring outside the facility property and beyond the owner's or operator's control.

(2) Upon request by the owner or operator, the Department may establish alternative limits for some or all substances for portions of a facility filled before the effective date of this Ordinance. Unless approved by the Department as provided in subitem (1), the alternative limits must not exceed four times the concentrations given in item 7.A.1.f. The owner or operator must have completed a remedial investigation study evaluating the extent and severity of ground water pollution at the facility and a feasibility study evaluating the feasibility and the environmental and economic costs, risks, and benefits of the possible alternative corrective actions. The alternative approaches must include corrective actions intended to achieve compliance with the standards under items e and f and at least one additional approach intended to maintain ground water concentrations lower than four times the concentrations under item f. The feasibility study also must evaluate the pollutant concentrations that would remain in ground water after corrective action and the extent to which the use of these alternative limits may adversely affect the immediate and future use of ground water downgradient from the facility.

(3) If the quality of a public water supply is potentially affected by migration of a leachate from a facility, and if the maximum contaminant level for a substance as defined and established under either MN Rules Chapter 4720 or under the National Primary Drinking Water Regulations, Code of Federal Regulations, title 40, part 141, is a lower concentration than the standard under items e and f, the Department may use the maximum contaminant level as the alternative standard and alternative intervention limit for that substance.

(4) If a substance is present in ground water at a facility, and if that substance is known to impart undesirable taste or odor to drinking water, the Department may upon the recommendation of the Minnesota commissioner of health establish alternative limits to avoid these taste and odor effects.

(5) If a substance not listed in item f is present in ground water at a facility and is determined by the Minnesota commissioner of health to be potentially harmful to health, the Department may establish alternative limits for that substance. Except as provided elsewhere in this subpart, the alternative limits shall be 25 percent of the concentration given in unit (a) or (b):

(a) For a substance not classified by the United States Environmental Protection Agency as Group A (human carcinogen) or Group B (probable human carcinogen), the recommended allowable limit, as determined by the Minnesota commissioner of health; or

(b) For a substance classified by the United States Environmental Protection Agency as a Group A or Group B carcinogen, either the concentration corresponding to a risk of one additional case of cancer per 100,000 adults consuming the water over a lifetime, as estimated by the United States Environmental Protection Agency and the Minnesota commissioner of health, or the recommended allowable limit under unit (a), whichever is lower.

(6) If a substance which has a standard or an alternative standard under subitems (2) to (5) is present in ground water at a facility, and if the recommended allowable limit or the concentration corresponding to the one-in-100,000 cancer risk under subitem (5) is changed, the Department may establish alternative limits for

that substance. The alternative limits shall be 25 percent of the concentration given in subitem (5), unit (a) or (b), whichever is applicable.

7.A.1.i

If a substance is not detected in a sample and the limit of detection is higher than the intervention limit or standard for that substance, the intervention limit or standard will not be assumed to have been attained or exceeded.

7.A.1.j

The Department, after investigation and evaluation, may require the owner or operator to implement the facility contingency action plan, if applicable, and to take corrective action under the following circumstances, even if a standard or intervention limit established under this subpart is not being exceeded:

(1) in the event of a substantial release of eachate that the Department may reasonably expect to result in a violation f water quality standards; or

(2) based on the additive carcinogenicity or toxicity of a combination of pollutants in the ground water, in lieu of the limits for individual substances under items e, f, or h. The additive carcinogenicity or toxicity must be computed using the approach given in "Guidelines for the Health Risk Assessment of Chemical Mixtures," Federal Register, Volume 51, pages 34014 - 34025, September 24, 1986. Where quantification using this approach is feasible, the Department may require response actions if the sum total risk of consuming the water over a lifetime would exceed either 2.5 additional cases of cancer in population of 1,000,000 persons or for noncarcinogens, 25 percent of the acceptable concentration for long-term consumption.

8.0 Other Solid Waste Facilities/Activities.

Solid waste may not be placed in the following areas unless a requirement is specifically waived in writing by the MPCA:

- a. Floodplains;
- b. Shoreland governed by MN Rule chapters 6105 and 6120;
- c. Wetland;
- d. Within a location where emissions of air pollutants would violate the ambient air quality standards in MN Rule parts 7005.0010 to 7005.3060;
- e. Less than 5 feet above a seasonal high water table;
- f. On a site with karst features including, but not limited to sinkholes, disappearing streams, and caves.

8.1 Agricultural Application of Water Treatment Lime Sludge

8.1.1 Applicability.

This section shall apply to all persons seeking a license to deliver and apply water treatment lime sludge for agricultural purposes.

8.1.2 Specific Licensing Requirements.

In addition to the applicable requirements of section 7.0, an applicant shall submit the following information:

8.1.2.1

The origin(s) of the lime sludge to be utilized;

8.1.2.2

A description of the process responsible for the generation of the lime sludge;

8.1.2.3

A description of the lime sludge application methods, equipment to be used and other pertinent spreading information;

8.1.2.4

A description of how application rates will be determined, including calculations;

8.1.2.5

A description of procedures and methods utilized for determining soil pH;

8.1.2.6

A description of methods and procedures to be utilized for sludge sampling and analysis, parameters to be tested for, frequency of sampling and analysis, and laboratories to be utilized.

8.1.3

Financial assurance shall not be required.

8.1.4

The applicant shall submit proof of insurance in the types and amounts identified by the County.

8.1.5 Operation Requirements.

The licensee shall conduct the lime sludge land application operation according to the following:

8.1.5.1

Only lime sludge from sources approved by the Department shall be utilized;

8.1.5.2

Lime sludge shall not be placed on soils with a pH of greater than 6.5 unless specifically approved by the Department. Enough sludge shall be applied to bring the pH of the soil to no greater than 6.9;

8.1.5.3

The lime sludge shall be spread on agricultural production lands to adjust soil pH to the optimum for crop production. Application rates shall be equivalent to those recommended by the Minnesota Extension Service;

8.1.5.4

Lime sludge exhibiting the characteristic of corrosivity as defined in MPCA Hazardous Waste Rules 7045.0131 subp. 4 shall not be land applied;

8.1.5.5

Soil pH shall be determined for each field to be treated. The analysis shall be conducted and the results

certified by an independent laboratory;

8.1.5.6

The licensee shall prevent spillage or dusting from the vehicles in transit and shall clean up any spillage which may occur.

8.1.5.7

The following application and application site criteria shall apply:

8.1.5.7.1

No lime sludge application on soils with less than a two (2) foot surface to groundwater separation.

8.1.5.7.2

No spreading of sludge on soils with a surface permeability of less than 0.20 inches per hour unless the sludge is incorporated immediately.

8.1.5.7.3

Lime sludge shall not be spread on sites with a slope greater than twelve (12) percent.

8.1.5.7.4

The minimum distances from anydowngradient surface water shall be maintained when applying lime sludge as follows:

Land Slope	Separation (feet)
Less than 2 percent	25
2 - 6 percent	50
6 - 12 percent	100

8.1.5.7.5

The licensee shall spread or assume responsibility for all lime sludge it transports to application sites within Washington County.

8.1.5.7.6

The lime sludge shall be spread within five (5) calendar days after delivery unless otherwise specified in the site application notice. If storage is necessary because field conditions prevent immediate spreading, it shall occur at the site in as protected and unobtrusive manner as possible and will not be for any more than 120 days. In no case shall lime sludge be field stored so that it will freeze prior to spreading.

8.1.6 Reporting Requirements.

8.1.6.1

The frequency of lime sludge sampling and analysis shall be at least an annual report for each of the waste treatment plant limesludges. Additional samples may be required by the Department. Each lime sludge shall be analyzed for the following parameters on a dry weight basis:

Aluminum (ppm)	Copper (ppm)	Mg(OH) ₂ , (pct)
Arsenic (ppm)	Cyanide (ppm)	Nickel (ppm)

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Barium (ppm)	Fluoride (ppm)	pH (standard pH units)
Ca(OH ₂), (pct)	Iron (ppm)	Selenium (ppm)
CaCO ₃ (pct)	Lead (ppm)	Silver (ppm)
Cadmium (ppm)	Manganese (ppm)	Sulfates (ppm)
Chromium Hexavalent (ppm)	Mercury (ppm)	Zinc (ppm)

The Department may add or delete parameters from the above list depending on review of analytical results.

8.1.6.2

An annual calendar year summary shall be submitted to the Department by the following February 28. This report shall include at least the following: quantity of lime sludge hauled from each source; the quantity applied to each site; lime sludge analytical data according to 8.1.6.1 above; the date of delivery to each site the date of spreading at each site and any problems encountered and their resolution.

8.1.6.3

The licensee shall inform farmers of the lime sludge agronomic properties, including application methods and rates and other pertinent information as determined by the Department or the Minnesota Extension Service on a form provided by the Department. The form shall be signed by the landowner, tenant, operator, or owner/representative and shall be submitted by the licensee to the Department for each proposed site

8.1.6.4

A specific application site notice shall be submitted to the Department for review and comment at least 14 calendar days (based upon the date postmarked) before planned application date. If there are any problems or questions concerning the proposed application, the Department will communicate this to the licensee by telephone within this 14 day period and confirm it by follow-up letter. Site application will not occur until the concern is resolved. Lack of comment by the Department will not be cause to delay the proposed application.

The 14 day notice period may be waived provided the Department and the licensee conduct a joint inspection of the proposed site and the appropriate application site notice is submitted before the planned application date

The licensee shall provide the Department with 48 hours notice prior to spreading lime sludge on any approved site(s). The licensee will notify the Department no more than seven (7) days after the indicated spreading date if lime sludge is not spread due to adverse weather or other conditions.

8.1.6.4.1

The specific site notice shall include at least the following information:

- a. name, address and telephone number of the applicant;
- b. name, address and telephone number of site owner (if different than applicant);
- c. site identification code;
- d. legal description of property;
- e. acreage to be treated;
- f. site soil pH;
- g. quantity of lime sludge to be applied in tons;
- h. source of lime sludge to be applied;
- i. planned lime sludge delivery date;
- j. planned lime sludge application date;
- k. application site soil types to a depth of 60 inches, slope, and water table separation;

- l. lime sludge storage;
- m. plat map and soil map with proposed application areas outlined and rejected areas shaded in;
and
- n. any items of special interest or consideration such as streams, ditches, lakes, ponds, wells, residences, and storage.

8.2 Land Spreading Sites or Facilities

8.2.1 Applicability.

This section shall apply to all persons seeking a license to land spread solid waste. Minn. Rules 7035.2535 - 7035.2655 are hereby adopted and made a part of this Section. Industrial waste, as defined by Minn. Rule 7035.0300, proposed for land application shall comply with applicable sections of Minn. Rules 7035.1590 - 7035.2500.

8.2.2 Specific Licensing Requirements.

In addition to applicable requirements of section 7.0, an applicant shall submit the following:

8.2.2.1

A detailed description and analysis of each waste type proposed to be landspread. Data on waste types shall include, at a minimum, the following information:

- a. the sources, processes, or treatment systems from which the wastes originate including a list of all chemicals added during these processes. Material safety data sheets or other data sources providing information specific to these chemicals shall be included;
- b. waste pre-treatment or waste processing techniques utilized prior to land spreading;
- c. the volumes of solid waste to be landspread, stored or disposed;
- d. the physical characteristics of the waste including the solids fraction and the organic fraction;
- e. a chemical evaluation of the waste as directed by the Department including but not limited to the following:
 - (1) pH;
 - (2) nutrient content including Kjeldahl-nitrogen, ammonia-nitrogen, nitrate and nitrate-nitrogen, phosphorous and potassium;
 - (3) metals identified by the Department;
- f. biological populations identified by the Department.
- g. analyses of soils representative of the proposed sites to be used and on a mixture of waste material and soil for those parameters identified by the Department. Analyses of waste-soil mixtures shall represent the anticipated field conditions.

8.2.2.2

Estimated start date and time required for completion of the project.

8.2.2.3

An assessment and analysis of data including conclusions drawn concerning the potential benefits and adverse effects of the land spreading program. This assessment shall include information showing that the waste has value as a soil conditioner or fertilizer or will not cause a detrimental effect to public health, safety or the environment. The following information shall be submitted:

- a. documentation of previous successful uses of the solid waste, or other solid wastes with similar composition, properties, and characteristics;

- b. documentation of compliance with existing regulations pertaining to the licensing and marketing of fertilizers or soil conditioners;

8.2.2.4

Information on the characteristics of the site(s) to be used for the land spreading program including at least the following:

- a. site locations including copies of soils maps, plat maps and USGS topographic maps;
- b. description of the contracts or agreements covering use of the land including owner's name, address and telephone number;
- c. description of on-site land uses and current land uses on surrounding properties;
- d. description of the site geology and hydrogeology including depth to seasonal high water table, groundwater flow direction and soil conditions;
- e. location of all homes and private wells within 1/4 mile of the site;
- f. description of the crops to be grown or dominant vegetation of the site;
- g. soil test results from samples taken on-site. Parameters to be analyzed shall include soil pH, organic matter, available phosphorus, available potassium, and any other parameters deemed necessary for analysis and design of the proposed operation;
- h. description of other soil additives to be used on the site;
- i. identification of potentially sensitive environmental receptors such as floodplains, wetlands, and shoreland;

8.2.2.5

Information on site design, site development and operation plans including at least the following:

- a. Provisions for interim waste storage or disposal when normal land spreading sites are unavailable or inaccessible, including:
 - (1) type of storage or disposal;
 - (2) location of storage or disposal facility;
 - (3) capacity of storage or disposal facility;
 - (4) construction details;
 - (5) property interest or contractual agreement allowing use of the storage or disposal facility;
 - (6) future anticipated use of the storage or disposal facility;
 - (7) evaluation of environmental effects resulting from use of the storage or disposal facility.
- b. Proposed mode of waste transportation, including:
 - (1) the transporter of the waste;
 - (2) the method of transportation;
 - (3) the type of vehicle used for waste transportation;
 - (4) spill contingency plans and notification procedures.
- c. Proposed maximum rates of application (annual and cumulative) for parameters specified by the Department.
- d. Proposed crop monitoring, soil, groundwater and surface water monitoring.
- e. Proposed record keeping and reporting procedures to be used for monitoring waste volumes applied, application rates, disposal locations, and cumulative waste loading applied to each site.
- f. Proposed site closure, maintenance, and long-term care procedures and final land use plans for

each land spreading site.

8.2.2.6

An applicant shall submit written proof of compliance with any applicable municipal or township ordinances and regulations.

8.2.2.7

Financial assurance may be required.

8.2.2.8

The applicant shall submit proof of insurance in the types and amounts identified by the Department.

8.2.3 Operation Requirements.

The licensee shall operate the Land Spread Site or Facility as follows:

8.2.3.1

Sites shall not be land spread until the site has been approved, in writing, by the Department and a site inspection has been conducted.

8.2.3.2

The site shall not be open to the public.

8.2.3.3

The licensee shall contract directly with the approved source of the waste. Only one source shall be used for the term of the license.

8.2.3.4

The site shall have sufficient security to control site usage.

8.2.3.5

The waste shall be at least five (5) feet above the seasonal high water table after incorporation and ten (10) feet in uniform sandy soils.

8.2.3.6

Site slopes shall not exceed four (4) percent.

8.2.3.7

Sites shall not be closer than 100 feet to surface water.

8.2.3.8

Sites shall not be closer than 200 feet residences or buildings.

8.2.3.9

Land application shall occur between April 15 and November 1, annually.

8.2.3.10

Petroleum contaminated soils shall not be applied in a thickness exceeding four (4) inches.

8.2.3.11

Spread soil must be incorporated with the upper four to six inches of native soil within 48 hours after application. Fertilizers, if required, shall be broadcast either just before or just after land spreading, and prior to incorporation.

8.2.3.12

The soil shall be disced during the land spreading season in accordance with a schedule approved by the Department.

8.2.3.13

Soil samples shall be taken from the land spread areas on a schedule and analyzed for contaminants approved by the Department.

8.2.3.14

Soil from land spread areas shall continue to be monitored until soil analytical results meet standards approved by the Department.

8.2.3.15

The land application shall not be permitted to alter or obstruct surface drainage so as to adversely affect other properties.

8.2.3.16

There shall be no drainage into the application area, impounding of water in the application area, or drainage or other discharge of waste material to other properties or public right-of-ways.

8.2.3.17

Unauthorized materials left at the site shall be immediately removed and properly disposed of by the operator.

8.2.3.18

Adequate equipment shall be provided for delivery, storage, mixing, spreading, incorporation, fertilization, cultivation and other operations.

8.2.3.19

No waste shall be deposited before 6:00 AM or after 8:00 PM and no equipment shall be operated after 10:00 PM.

8.2.3.20

The licensee shall maintain the site so that it is free of litter and other nuisances.

8.2.3.21

Only approved waste types shall be disposed at the site. Plans to accept additional waste types require separate written approval from the Department.

8.2.3.22

The solid waste land spreading plan may be amended at any time, subject to written approval of the Department. Any proposed amendment shall contain the same type of information required in the original land spreading plan. The amended plan may not be put into effect until it has been approved by the Department.

8.2.3.23

Depending on the type of operation to be conducted, solid waste materials shall be plowed, disced, or otherwise incorporated into the surface soil layer at appropriate intervals as specified in the solid waste land spreading plan to minimize surface water run-off and surface leaching and to control objectionable odors.

8.2.3.24

No solid waste shall be deposited in areas containing ponded or standing water.

8.2.3.25

Maximum one time and/or cumulative site specific application rates for parameters designated by the Department shall be strictly observed for disposal on land used for growing food chain crops.

8.2.3.26

For waste materials determined by the Department to contain significant numbers of pathogens, preprocessing shall be required prior to land spreading.

8.2.3.27

Food chain crops grown on solid waste land spreading sites which have received waste applications containing pesticides or persistent organic materials shall not be marketed or used for human or animal consumption unless the crops meet all applicable contaminant levels as established by law.

8.2.4 Closure.

The licensee shall close the site according to the procedure contained in 8.2.4.1 and 8.2.4.2 below:

8.2.4.1

The licensee shall notify the Department, in writing, at least 120 days prior to the termination of the operation, of its intent to close the site. This notice shall include the following information:

- a. the proposed final date by which all solid waste disposal or land spreading operations will be terminated;
- b. the current waste types, sources, and volumes of solid wastes being deposited at the site;
- c. the cumulative volumes of waste which were applied to the site during active operations;
- d. the proposed future land uses of those areas previously used for waste deposition, if different from originally approved end use;
- e. the proposed site closure, site monitoring, and long-term care procedures to be implemented following site closure, if different from the originally approved closure plan.
- f. special precautions to be utilized to limit access to the facility, and to insure that no further solid waste materials are deposited after the closure date.

8.2.4.2

Final closure by the licensee shall include, but is not limited to:

- a. discing, plowing or otherwise incorporating all deposited solid waste materials in the surface soil layers, or covering all land spreading areas with an adequate thickness of final earth cover material;
- b. providing for the control of surface water run-off to minimize adverse effects on surface water and groundwater quality;
- c. establishing a vegetative cover to promote evapotranspiration and to control soil erosion, and otherwise preparing the land surface for the intended future land use;
- d. continuing to grow crops with the associated monitoring plan;

e. performing the required environmental monitoring associated with the approved final closure and post-closure plans.

8.2.5 Reporting.

The licensee shall submit monitoring reports to the Department on a frequency specified in the license conditions. The report shall include the following information for each site utilized during the preceding reporting period:

8.2.5.1

The amount of solid waste applied in tons per acre on a dry weight basis;

8.2.5.2

The amount of nitrogen applied in pounds per acre on a dry weight basis;

8.2.5.3

The amount of cadmium applied in pounds per acre on a dry weight basis;

8.2.5.4

The total amount of each specific metal specified by the department applied in pounds per acre on a dry weight basis;

8.2.5.5

Soil, groundwater, surface water, plant tissue other parameters identified by the Department;

8.2.5.6

A description of any adverse environmental health effects that occurred during the land spreading operation;

8.2.5.7

A description of any action not in compliance with the approved land spreading plan.

8.2.5.8

An annual report shall be submitted to the Department in compliance with Minn. Rules 7035.2585.

8.3 Yard Waste Land Spreading Sites or Facilities

8.3.1 Applicability.

This section shall apply to all persons seeking a license to land spread yard waste or yard waste compost. Yard waste or yard waste compost land spread in biodegradable or photodegradable bags or similar containers is not permitted under this section unless specifically approved in writing by the Department.

8.3.2 Specific Licensing Requirements.

In addition to applicable requirements of section 7.0, an applicant shall submit the following:

8.3.2.1 A description of the material.

At a minimum, data on yard waste proposed for land spreading shall include the following information:

- a. the source or sources of the yard waste or yard waste compost;
- b. the name or names of persons transporting and delivering yard waste or yard waste compost to the proposed facility.
- c. the volume of yard waste to be land spread and, if applicable, stored prior to land spreading;

8.3.2.2

Estimated start date.

8.3.2.3

Proposed land application procedures and rates.

8.3.2.4

Crops to be grown on each site.

8.3.2.5

Plans for the storage of yard waste, if applicable.

8.3.2.6

Specific location of the site, including a map delineating the proposed spreading area.

8.3.3

An applicant shall submit written proof of compliance with any applicable municipal or township ordinances and regulations.

8.3.4

Financial assurance is not required.

8.3.5

The applicant may be required to submit proof of insurance in types and amounts identified by the Department.

8.3.6 Operation Requirements.

The licensee shall operate the Yard Waste Land Spreading Facility as follows:

8.3.6.1

The site shall have sufficient security to control site usage.

8.3.6.2

The land spreading shall not be permitted to alter or obstruct surface drainage so as to adversely affect other properties.

8.3.6.3

Unauthorized materials left at the site shall be immediately removed and properly disposed of by the operator.

8.3.6.4

Adequate equipment shall be provided to implement land spreading operations.

8.3.6.5

The licensee shall operate the site in a nuisance-free manner.

8.3.6.6

Approved sites should not spread more than 20 tons/acre of yard waste within a five year period.

8.3.7 Closure.

The licensee shall close the site according to provision 8.3.7.1 below:

8.3.7.1

The licensee shall notify the Department at least two (2) weeks prior to the termination of the operation.

8.3.8 Reporting Requirements.

8.3.8.1

A written annual report shall be submitted to the Department stating the quantity, by weight or volume, of yard waste or yard waste compost received and land spread.

8.4 Clean Fill Demolition Landfills

8.4.1 Applicability.

This section shall apply to all persons seeking a license to construct or operate a Clean Fill Demolition Landfill exhibiting the following characteristics:

- a. the fill area occupies between 125 cubic yards and 15,000 cubic yards;
- b. the duration of project is between 30 days and 365 days;
- c. fill material shall be limited to clean concrete, concrete block, brick, or similar inert material specifically approved by the Department. Tree waste, yard waste, metal, and other construction/demolition waste is not acceptable fill under this section;

8.4.2 Specific Licensing Requirements.

In addition to applicable requirements of section 7.0, an applicant shall submit the following:

8.4.2.1

A plan (to a scale no greater than 100 feet per inch) showing the fill site location; setbacks from property lines and structures; occupied structures; drainage patterns, streams, lakes, ditches; wells; site dimensions; seasonal high water table; existing conditions; final proposed contours; and other information as may be required by the Department.

8.4.2.2

A written report describing the type, source, and quantity (cubic yards), and percentage of each type of waste; capacity of the site in cubic yards; estimated time required for completion of the project; zoning classification; proposed end use; and a closure/ post closure plan.

8.4.3

An applicant shall submit written proof of compliance with any applicable municipal or township ordinances and regulations.

8.4.4

Financial assurance shall not be required.

8.4.5

The applicant shall submit proof of insurance in the types and amounts identified by the Department.

8.4.6 Operation Requirements.

The licensee shall operate the Clean Fill Demolition Landfill as follows:

8.4.6.1

The site shall not be open to the public.

8.4.6.2

The licensee shall contract directly with the approved source of the fill material. Only one source shall be used for the term of the license.

8.4.6.3

The site shall have sufficient security to control site usage.

8.4.6.4

The fill material shall be placed above the seasonal high water table.

8.4.6.5

The fill material shall be placed in thin layers to facilitate compaction.

8.4.6.6

The fill material shall be compacted to the extent practicable and graded to provide surface drainage off the fill

8.4.6.7

The filling shall not be permitted to alter or obstruct surface drainage so as to adversely affect other properties.

8.4.6.8

There shall be no drainage into the fill area, impounding of water in the fill area, or drainage or other discharge of fill material to other properties or public right-of-ways.

8.4.6.9

Unauthorized materials left at the site shall be immediately removed and properly disposed of by the operator.

8.4.6.10

Adequate equipment shall be provided for spreading, compacting and covering operations.

8.4.6.11

No fill material shall be deposited before 6:00 AM or after 8:00 PM and no equipment shall be operated after 10:00 PM.

8.4.6.12

The licensee shall maintain the site so that it is free of litter and other nuisances.

8.4.6.13

Detrimental amounts of organic material shall not be permitted. Except as permitted by the Department, no rock or similar irreducible material with length, width, or height greater than 12 inches shall be buried or placed in Clean Fill Demolition Landfills.

8.4.6.13.1

The Department may permit placement of larger rock when the licensee properly devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

- a. prior to issuance of the Clean Fill Demolition Landfill license, oversize waste disposal areas shall be delineated on the grading plan;
- b. waste greater than 12 inches length, width, or height shall be 10 feet or more below grade, measured vertically;
- c. rocks shall be placed so as to assure filling of all voids with fines.

8.4.7 Closure.

The licensee shall close the site according to subparts 8.4.7.1 -- 8.4.7.6 below:

8.4.7.1

The licensee shall notify the Department at least two (2) weeks prior to the termination of the operation.

8.4.7.2

The licensee shall apply 24 inches of soil or other material specifically approved by the Department as final cover. The finished surface shall be free of undrained depressions and shall be graded to facilitate surface drainage (at least 2%) but not excessively (no greater than 25%) so as to be subject to erosion.

8.4.7.3

The finished site shall be properly seeded and turf established, if applicable.

8.4.7.4

The licensee shall submit an "as-built" plan within 60 days after closure depicting final contours and condition as they exist at the time of closure.

8.4.7.5

The licensee shall place on record an instrument with the Washington County Recorder on a form prescribed by the Department. It shall describe the land reclamation and any restrictions which may affect the use of the property.

8.4.7.6

The licensee shall agree to maintain the site, including but not limited to the final cover and turf, beyond the term of the license.

8.5 Demolition Landfill Type B

8.5.1 Applicability.

This section shall apply to all persons seeking a license to construct or operate a demolition landfill that has

less than a 1000 yds³ capacity and the project is of less than 30 days duration. The requirements of Minnesota Solid Waste Rules Chapter 7035.2825, subparts 2 - 6 apply to Type B Demolition Landfills and are hereby adopted and made part of this section.

8.5.2 Specific Licensing Requirements.

In addition to applicable requirements of section 7.0, an applicant shall submit the following:

8.5.2.1

Plot plan, aerial photograph, map or other appropriate materials satisfactorily depicting the following details within 1/4 mile of the site:

- a. property owner's name, address and telephone number;
- b. name, address, and telephone number of person locally responsible for managing the site;
- c. legal description of the proposed site;
- d. site location;
- e. setbacks from property lines and structures;
- f. occupied structures;
- g. drainage pattern;
- h. streams, lakes, ditches;
- i. wells;
- j. site dimensions;
- k. seasonal high water table;
- l. surface and bottom elevations;
- m. other information as may be required by the Department.

8.5.3

An applicant shall submit the following additional information:

- a. a description of the type, characteristics, source, and quantity of waste including the percentage of each type of waste;
- b. capacity of the site in cubic yards;
- c. estimated time required for completion of the project;
- d. zoning classification.

8.5.4

An applicant shall submit written proof of compliance with any applicable municipal or township ordinances and regulations.

8.5.5

Financial assurance shall not be required.

8.5.6

The applicant shall submit proof of insurance in the types and amounts identified by the Department.

8.5.7

Operation Requirements. The licensee shall operate the Type B Demolition Landfill as follows:

8.5.7.1

The site shall not be open to the public.

8.5.7.2

The licensee shall contract directly with the approved source of the demolition debris. Only one source shall be use for the term of the license.

8.5.7.3

The site shall have sufficient security to control site usage.

8.5.7.4

The waste shall be placed in thin layers to facilitate compaction.

8.5.7.5

The waste shall be compacted to the extent practicable and graded to provide surface drainage off the fill.

8.5.7.6

The disposal shall not be permitted to alter or obstruct surface drainage so as to adversely affect other properties.

8.5.7.7

Drainage into the disposal area should be avoided. Impounding of water in the disposal area, or drainage or other discharge of waste onto other properties or public right-of-ways is prohibited.

8.5.7.8

Unauthorized materials at the site shall be immediately removed and properly disposed of by the operator.

8.5.7.9

Adequate equipment shall be provided for spreading, compacting and covering operations.

8.5.7.10

No waste shall be deposited before 6:00 AM or after 8:00 PM and no equipment operation after 10:00 PM.

8.5.7.11

The licensee shall maintain the site so that it is free of litter and other nuisances.

8.5.8 Closure.

The licensee shall close the site according to the following:

8.5.8.1

The licensee shall notify the Department at least two (2) days prior to the termination of the operation.

8.5.8.2

The licensee shall apply 24 inches of soil or other material specifically approved by the Department as final cover. The finished surface shall be free of undrained depressions and shall be graded to facilitate surface drainage (at least 2%) but not excessively (no greater than 20%) so as to be subject to erosion.

8.5.8.3

The finished site shall be properly seeded and turf established, if applicable.

8.5.8.4

The licensee shall place on record an instrument with the Washington County Recorder on a form prescribed by the Department. It shall describe the disposal area and any restrictions which may affect the use of the property.

8.5.8.5

The licensee shall agree to maintain the site, including but not limited to the final cover and turf, beyond the term of the license.

8.5.A Demolition Landfill Type A

8.5.A.1 Applicability.

This section adopts and establishes requirements for all persons seeking a license to construct or operate a demolition landfill that has greater than or equal to 1000 yds³ capacity and the project is equal to or greater than or 30 or more days duration.

8.5.A.2

The requirements of Minnesota Solid Waste Rules Chapter 7035.2535 - 7035.2655 and 7035.2825, apply to Type A Demolition Landfills and are hereby adopted by reference and made part of this Ordinance.

8.6 Tree Waste Facilities

8.6.1 Applicability.

This section shall apply to all persons seeking a license to construct or operate a tree waste management facility.

8.6.2 Specific Licensing Requirements.

In addition to applicable requirements of section 7.0, an applicant shall submit the following:

8.6.2.1

A plan showing the site location (to scale no greater than 100 feet per inch); setbacks from property lines and structures; occupied structures; drainage patterns, streams, lakes, ditches; wells; site dimensions; seasonal high water table; existing conditions; final proposed contours; and other information as may be required by the Department.

8.6.2.2

A written report describing the source, size of the site in acres, zoning classification, markets, and a closure/post closure plan.

8.6.2.3

If disposal by open burning is anticipated, evidence that an open burning permit has been or can be obtained.

8.6.3

An applicant shall submit written proof of compliance with any applicable municipal or township ordinances and regulations.

8.6.4

The applicant shall submit proof of insurance in the types and amounts identified by the Department.

8.6.5

Operation Requirements. The licensee shall operate the tree waste facility as follows:

8.6.5.1

A sign shall be posted at the entrance stating, at a minimum, days and hours of operation, materials accepted or not accepted, and conditions of acceptance.

8.6.5.2

The site shall have sufficient security to control site usage.

8.6.5.3

Provisions must be made for the disposal or utilization of wood ash for all facilities where an open burning permit has been issued.

8.6.5.4

Land disposed waste shall be placed in thin layers to facilitate compaction.

8.6.5.5

Land disposed waste shall be compacted to the extent practicable and graded to provide surface drainage off the fill.

8.6.5.6

The operation shall not be permitted to alter or obstruct surface drainage so as to adversely affect other properties.

8.6.5.7

Drainage into the management area should be avoided. Impounding of water in the storage area, or drainage or other discharge of waste onto other properties or public right-of-ways is prohibited.

8.6.5.8

Unauthorized materials left at the site shall be immediately removed and properly disposed of by the operator.

8.6.5.9

Adequate equipment shall be provided for storage or processing operation, including fire fighting equipment.

8.6.5.10

No tree waste shall be delivered before 6:00 AM or after 8:00 PM and no equipment shall be operated after 10:00 PM.

8.6.5.11

The licensee shall maintain the site so that it is free of litter and other nuisances.

8.6.5.12

Open burning shall be conducted in compliance with MPCA Rules Chapter 7005.0815.

8.6.6 Closure.

The licensee shall close the site according to the following:

8.6.6.1

The licensee shall notify the Department at least six (6) months prior to the termination of the operation.

8.6.6.2

The licensee shall apply 24 inches of soil or other material specifically approved by the Department as final cover. The finished surface shall be free of undrained depressions and shall be graded to facilitate surface drainage (at least 2%) but not excessively (no greater than 25%) so as to be subject to erosion.

8.6.6.3

The finished site shall be properly seeded and turf established, if applicable.

8.6.6.4

All waste or other unauthorized materials must be removed from the site prior to closure. Closure shall be approved in writing by the Department.

8.6.6.5

The licensee shall place on record an instrument with the Washington County Recorder on a form prescribed by the Department. It shall describe the land reclamation and any restrictions which may affect the use of the property.

8.6.6.6

The licensee shall agree to maintain the site, including but not limited to the final cover and turf, beyond the term of the license.

8.6.7 Reporting Requirements

8.6.7.1

An annual report shall be submitted to the Department which shall be in compliance with Minn. Rules 7035.2585.

8.6.7.2

The licensee shall submit quarterly inspection and operation reports on forms provided by the Department.

8.7 Regional Mixed Municipal Solid Waste Hauler Licensing

8.7.1 Applicability.

This section shall apply to all persons seeking a license to collect and transport mixed municipal solid waste, a term that is defined by Minn. Stat. Sec. 115A.03 subd. 21, at the point of generation or that transfer or otherwise transport solid waste to a disposal or processing facility. Persons hauling the solid waste they generate in vehicles bearing passenger license plates are exempt from the licensing requirements of this section; but, solid waste shall be collected and transported in a nuisance free manner consistent with the intent of this section.

8.7.1.1 License Application for Base and Operating Licenses.

In order to obtain a Base License and a Washington County Operating License, the Hauler shall submit a completed application to the Department on forms provided by the Department. Information necessary to obtain a Base License and Operating License shall be set forth on the application forms as determined by the Department. Applications which are not complete shall be returned to the Hauler. An application will be deemed incomplete if information is omitted, incomplete, inaccurate, or non-compliant, or if required fees do not accompany the application.

8.7.1.2 Incomplete or Non-Conforming Application.

If an application for a Base License or Operating License is made with Washington County and is not complete or otherwise does not conform to the requirements set forth in this ordinance, the Department shall notify the applicant, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify, or otherwise alter the application. The notification required in this section shall be served upon the applicant by first class mail sent to the address provided on the application form.

8.7.1.3 License Fees.

The Hauler shall pay to the Department all license fees required. If Washington County is not the Base County, the fee for a Washington County Operating License shall be paid to the Base County. Such license fees shall be established by the Solid Waste Management Coordinating Board. No license fee shall be prorated for a portion of a year and no license fee shall be refunded.

8.7.1.4 Late Fees.

Complete application submitted after the due dates specified in Section 8.75 shall be subject to the following late fees:

1. One to seven days late - twenty-five percent (25%) late fee;
2. Eight to thirty days late - fifty percent (50%) late fee;
3. Thirty-one or more days late - one hundred percent (100%) late fee.

8.7.1.5 No Bar to Enforcement Action.

Payment of the license fee together with payment of any late payment penalty shall not bar enforcement action by the County.

8.7.1.6 Application Due.

Hauler license renewal applications must be submitted to the Base County by April 30 each year. A Hauler license renewal application received after April 30 shall be subject to a late fee.

8.7.1.7 Failure to Act on License Application.

If the Department does not act on a license renewal application, which is timely submitted, the current Base License and Operating License shall continue in force until the Department takes action on the application. If a license has expired, an application shall be deemed an initial application except that such applicant must pay late fees imposed by Section 8.7.1.4. If the Department fails to act within 60 days of receipt of a properly completed initial application or a renewal application that is received after the due date, the applicant may request a hearing on the application. The request for a hearing shall be governed by the Washington County Administrative Ordinance.

8.7.1.8 Notice of Denial.

If the Department denies a Base License or Operating License to an applicant, the applicant shall be notified of such denial in writing.

8.7.1.9 License Transfer.

Base Licenses and Operating Licenses are non-transferable.

8.7.2 Base License

8.7.2.1 Base License.

If Washington County is a Base County, a Hauler must obtain and maintain a Base License from Washington County. In addition, a Hauler must obtain an Operating License for each of the Counties, including Washington County, in which the Hauler collects and/or transports mixed municipal solid waste. Application for the Operating License would be made to the Department.

8.7.2.2 Vehicles Licensed.

The Hauler's Base License shall identify all vehicles used by the Hauler for the collection or transportation of mixed municipal solid waste generated within the Counties.

8.7.2.3 Decalomania

The Hauler shall be issued a license decal for the current license year for each vehicle used by a Hauler for the collection or transportation of mixed municipal solid waste generated within the Counties. The decal shall be affixed in a conspicuous place on the left side of the cab of the vehicle for which it was issued. The Hauler must maintain the license decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be deemed unlicensed. If a vehicle not previously identified is put into service during the license year, the Hauler shall submit the required information for this vehicle to the Base County and shall not use the vehicle collect or transport mixed municipal solid waste within the Counties until a decal has been issued and affixed to the new vehicle.

8.7.2.4 Insurance.

The Hauler shall obtain and submit certificates of insurance issued by insurers duly licensed by the State of Minnesota providing the following coverage, or a self-insurance plan certified by the Minnesota Commissioner of Commerce for providing equivalent coverages.

A. general liability coverage in the amount of \$500,000 for bodily injury per occurrence, \$250,000 for property damage per occurrence, or \$500,000 combined single limit; and

B. automobile liability coverage in the amounts of \$500,000 for property damage, \$250,000 for bodily injury per person and \$500,000 for bodily injury per accident, or \$500,000 combined single limit.

C. Workers Compensation insurance in accordance with Minn. Stat. Chapter 176

Nothing in this provision shall prohibit a hauler from providing insurance with limits higher than the limits required herein. All such required policies shall name the Solid Waste Management Coordinating Board, Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties as additional insureds. All policies and certificates shall be endorsed to require that the insurer provide at least a sixty (60) day written notice to the County prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Hauler shall maintain insurance in compliance with this paragraph throughout the term of the Base License.

8.7.3 Operating License

8.7.3.1 Operating License.

Any Hauler that collects or transports mixed municipal solid waste in the County must obtain and maintain an Operating License from the Department.

8.7.3.2 Vehicles Licensed/Vehicle Decals.

All vehicles used by the Hauler for the collection or transportation of mixed municipal solid waste within the County shall be included in the Hauler's Base License application to the Base County. The Hauler shall affix a decal as required by the Base County in a conspicuous place on the left side of the cab of the vehicle for which it was issued as directed by the Base County. The Hauler must maintain the license decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed.

8.7.3.3 Identification.

The business name and telephone number of the Hauler shall be printed or painted in legible characters on both sides of all vehicles or containers used by the Hauler to store, collect, or transport mixed municipal solid waste in the County. Such characters shall be at least four inches in height for all vehicles and at least two inches in height for all containers. This provision shall not apply to containers owned and maintained by a solid waste generator.

8.7.3.4 Standards.

The issuance of an Operating License shall be subject to the provisions of the Washington County Administrative Ordinance and any other conditions set forth in this Ordinance or established by the County Board of Commissioners. A Hauler shall obtain and maintain a Base License from its Base County in order to be eligible for an Operating License from Washington County.

8.7.3.5 Conditions of Operating License

8.7.3.6

Revocation or suspension of the Base License shall constitute sufficient basis for summary suspension of the County Operating License in accordance with the Washington County Administrative Ordinance.

8.7.4 Effective Date and Duration

8.7.4.1 Effective Date.

This ordinance shall be effective immediately upon passage by the County Board of Commissioners and publication as required by law and shall apply to the license year commencing July 1, 1995.

8.7.4.2

If the County withdraws from the Regional Hauler Licensing Program, any Hauler licenses in effect at that time, shall continue in force until the end of the current license year unless otherwise suspended or revoked.

8.7.5 Specific Licensing Requirements.

In addition to the applicable requirements of section 7.0, an applicant shall submit the following information:

- a. a list of all vehicles, including satellite vehicles, to be used for solid waste collection and transportation, specifying make, model and year for each vehicle; each vehicle's rated capacity, tare weight, license plate number, state issued registration number, and the Northern States Power Company or other designated facility number exclusively issued for that specific vehicle.

- b. the total number of commercial accounts in the County, the total number of residential accounts in the County, the days of the week solid waste is collected for each city and township in the County;
- c. a description of the company's recycling and other waste abatement activities.
- d. certificate(s) of insurance pursuant to Section 7.18 of this ordinance.
- e. additional information pertaining to solid waste management requested by the Department.

8.7.5.1 Equipment and Operation Requirements.

8.7.5.2

Each vehicle or other conveyance used by a hauler for the collection or transportation of solid waste shall be easily cleanable, leak-proof, and be covered with metal, canvas, or a fish-net type material made for this purpose.

8.7.5.3

The business name and telephone number of the licensee should be easily visible and be printed or painted in legible characters on both sides of all vehicles, containers, and conveyances used by the hauler to store, collect, or transport waste generated within the County.

8.7.5.4

The Department may inspect and approve all solid waste storage, collection, and transportation containers, vehicles, and conveyances if deemed necessary by the Department to protect public health, safety, or the environment.

8.7.5.5

The licensee shall not allow solid waste to remain or be stored in any collection or transportation vehicle in excess of 48 hours, except in the event of an emergency such as inclement weather, equipment breakdown, or accident. The Department may approve storage for greater than 48 hours, on a case-by-case basis, for reasons other than emergencies, provided such storage will not adversely affect public health, safety, or the environment.

8.7.5.6

The licensee shall be responsible for the cleanup of any solid waste that must be dumped in an emergency. In addition, a licensed hauler shall be responsible cleaning up any litter or solid waste discharged onto roadways while in transit. Should the responsible hauler fail to clean up solid waste dumped in an emergency or discharged onto roadways while in transit, the County may charge such hauler the entire cost of the removal and disposal of the solid waste.

8.7.6

The licensee shall charge residential and commercial customers rates for the collection of mixed municipal solid waste that vary with the volume or weight of the waste collected. The licensee shall provide, upon request of a residential customer, a quote of the licensee's charges.

8.7.7

The licensee shall not impose a greater charge on residents who recycle than on residents who do not recycle.

8.8 Other Solid Waste Management Activities or Facilities

8.8.1 Applicability.

This section shall apply to all persons seeking a license to construct or operate a solid waste management activity or facility not specifically mentioned in this Ordinance or MPCA Solid Waste Management Rules part 7035.

8.8.2 Specific Licensing Requirements.

In addition to applicable requirements of section 7.0, an applicant shall submit the following:

8.8.2.1

A plan (to a scale no greater than 100 feet per inch) showing the fill site or activity location; setbacks from property lines and structures; occupied structures; drainage patterns, streams, lakes, ditches; wells; site dimensions; seasonal high water table; existing conditions; final proposed contours; and other information as may be required by the Department.

8.8.2.2

A written report describing the type, source, and quantity (cubic yards), and percentage of each type of waste; capacity of the site or anticipated activity volumes in cubic yards; estimated time required for completion of the project; zoning classification; proposed end use; and a closure/ post closure plan.

8.8.3

An applicant shall submit written proof of compliance with any applicable municipal or township ordinances and regulations.

8.8.4 Financial assurance may be required.

8.8.5

The applicant shall submit proof of insurance in the types and amounts identified by the Department.

8.8.6 Operation Requirements.

The licensee shall operate the solid waste management activity or facility in accordance with conditions set forth by the Department in the license.

8.8.7 Closure.

The licensee shall close the facility or cease the activity according to conditions set forth in the license.

8.8.8 Reporting Requirements

8.8.8.1

An annual report shall be submitted to the Department in compliance with Minn. Rules 7035.2585.

8.8.8.2

The licensee shall submit quarterly inspection and operation reports on forms provided by the Department.

8.9 One Time Land Application of Petroleum Contaminated Soil

8.9.1 Applicability.

This section shall apply to all persons seeking a license for the one time land application of petroleum contaminated soil. This section applies, only, to soils contaminated with petroleum product; it does not apply to soil contaminated with petroleum wastes such as used oil. Land application of solid wastes other than soil contaminated with petroleum product will be regulated under section 8.2 of this ordinance. Sites shall be limited to a total volume of 1500 cubic yards of petroleum contaminated soil per one-quarter section of land and shall be no closer than one-quarter mile to any other land treatment site. Sites shall be limited to a maximum of three (3) contaminated soil sources.

8.9.2 Specific Licensing Requirements.

In addition to applicable requirements of section 7.0, an applicant shall submit the following:

8.9.2.1

A description and analysis of the soil(s) proposed for deposition.

8.9.2.2

The source of the petroleum contaminated soil.

8.9.2.3

A description of waste pre-treatment or waste processing techniques required prior to land spreading;

8.9.2.4

The volume of petroleum contaminated soil to be land spread and, if applicable, stored prior to land spreading;

8.9.2.5

If applicable, a description of the storage procedures.

8.9.2.6

The physical and chemical characteristics of the petroleum contaminated soil obtained from representative waste samples.

8.9.2.7

Estimated start date and time required for completion of the project.

8.9.2.8

A description of the characteristics of the site(s) to be used for the land spreading including at least the following:

- a. Site locations including copies of soils maps, plat maps and USGS topographic maps;
- b. Description of the contracts or agreements covering use of the land including owner's name, address and telephone number;
- c. Description of on-site land uses and current land uses on surrounding properties;
- d. The Department may require a description of the site geology and hydrogeology;
- e. Location of all homes within 1/4 mile of the site;
- f. Location of all wells within 1/4 mile of the site;
- g. Description of the crops to be grown or dominant vegetation of the site;
- h. Soil test results from samples taken from the proposed application site. Parameters to be analyzed shall be those deemed necessary for analysis and design of the proposed operation;
- i. Description of other soil additives to be used on the site.

8.9.2.9

Information on site design, site development and operation plans including at least the following:

- a. Proposed mode of waste transportation, including:
 - (1) The transporter of the waste;
 - (2) The method of transportation;
 - (3) The type of vehicle used for waste transportation;
- b. Proposed rate of application for parameters specified by the Department.
- c. Proposed application method.
- d. Proposed crop monitoring, soil, groundwater and surface water monitoring, if applicable.
- e. Proposed record keeping and reporting procedures to be used for monitoring waste volumes applied, application rates, disposal locations, and cumulative soil amounts applied to each site.
- f. Proposed site closure, maintenance, and long-term care procedures and final land use plans for each land spreading site.

8.9.2.10

An applicant shall submit written proof of compliance with all applicable municipal or township ordinances and regulations.

8.9.2.11

An applicant shall submit copies of all plans, reports, applications, permits, licenses, approval letters and all other documentation relevant to the proposed operation to the Department.

8.9.2.12

Financial assurance may be required depending on closure costs, potential remedial action, any required environmental monitoring, and other financial assurance in-place at the time of application.

8.9.2.13

The applicant shall submit proof of insurance in the types and amounts identified by the Department.

8.9.2.14

The Department shall jointly license the petroleum contaminated soil generator, the soil transporter/spreader, and the landowner.

8.9.3 Operation Requirements.

The licensee shall operate the Land Application Facility as follows:

8.9.3.1

The site shall not be open to the public while the license is in effect.

8.9.3.2

The petroleum contaminated soil shall be placed at least four (4) feet above the seasonal high water table, tile lines and bedrock after incorporation, and eight (8) feet in uniform sandy soils.

8.9.3.3

Site slopes shall not exceed four (4) percent.

8.9.3.4

Sites shall not be closer than 200 feet to the ordinary high water level of surface waters, tile drain inlets,

known underground caves and sinkholes.

8.9.3.5

Minimum distance to residential property lines or inhabited buildings shall be 200 feet.

8.9.3.6

Sites shall not be closer than 200 feet to a private water supply well.

8.9.3.7

Sites shall not be closer than 1000 feet to a public water supply well.

8.9.3.8

The minimum distance to an adjacent property line shall be 50 feet.

8.9.3.9

Soil permeability in the top four feet of the soil profile shall be no greater than six inches per hour.

8.9.3.10

Land application shall occur only when the land is not frozen, is free of snow and ponded water and is otherwise tillable. Spreading shall not be done between November 1 and April 1 annually.

8.9.3.11

The proposed land treatment site shall be marked with stakes and/or flags prior to or at the time of Department site inspection. The stakes must remain in place during application of the contaminated soil and until all follow-up monitoring requirements described in this Ordinance are met.

8.9.3.12

Petroleum contaminated soils shall not be applied in a thickness exceeding four(4) inches or 540 cubic yards per acre.

8.9.3.13

Following are the maximum petroleum concentrations of petroleum contaminated soil which may be spread at a four inch thickness on native soils within different permeability ranges and the formula for determining spreading thickness if the allowable total petroleum hydrocarbon concentration for a four inch spreading thickness:

Native Soil Permeability (inches per hour)	Allowable Total Petroleum Hydrocarbon (TPH) Concentration For a 4" Spreading Thickness	Formula For Determining Spreading Thickness if TPH Exceeds Concentration Limits
2.0 - 6	1000 ppm	4000/(ppm TPH)
0.6 - 2.0	2500 ppm	10000/(ppm TPH)
less than 0.6	5000 ppm	20000/(ppm TPH)

8.9.3.14

Petroleum contaminated soil containing lead shall not be permitted for landspreading at levels that would allow the site to exceed 500 pounds of lead per acre.

8.9.3.15

Contaminated soil generated at different locations must not be combined or spread on the same plot of land within the approved treatment area. Individual plots must be separated by a minimum of two feet to prevent mixing of contaminated soil from separate sources.

8.9.3.16

Rocks larger than four inches in diameter and debris, including pieces of plastic, bricks, metal, wood and other debris mixed with the contaminated soil, must be removed prior to incorporation of the contaminated soil into the native soil.

8.9.3.17

The Department may require soil nutrient tests for proposed land application sites. Soil for proposed sites should contain at least two percent organic matter and 20 milligrams per kilogram or 40 pounds per acre of extractable phosphorus. The Department may require the addition of nitrogen, sulfur and/or phosphorus (P2O5) if soil analysis indicates organic matter and extractable phosphorus fall below the above levels.

8.9.3.18

Spread soil must be incorporated with the upper four to six inches of native soil within 48 hours after application. If fertilizers are added, they must be broadcast either just before or just after soil spreading, but prior to incorporation.

8.9.3.19

The land application shall not be permitted to alter or obstruct surface drainage so as to adversely affect other properties.

8.9.3.20

There shall be no drainage into the application area, impounding of water in the application area, or drainage or other discharge of waste material to other properties or public right-of-ways.

8.9.3.21

Unauthorized materials left at the site shall be immediately removed and properly disposed of by the operator.

8.9.3.22

Adequate equipment shall be provided for delivery, storage, mixing, spreading, incorporation, fertilization, cultivation and other operations.

8.9.3.23

No petroleum contaminated soil shall be deposited before 6:00 AM or after 8:00 PM and no equipment operation after 10:00 PM.

8.9.3.24

The licensee shall maintain the site so that it is free of litter and other nuisances.

8.9.3.25

Only approved petroleum contaminated soil shall be disposed at the site. Plans to accept additional waste petroleum contaminated soil require separate written approval from the Department.

8.9.3.26

The petroleum contaminated soil land spreading plan may be amended at any time, subject to written approval

of the Department. Any proposed amendment shall contain the same type of information required in the original land spreading plan. The amended plan may not be put into effect until it has been approved by the Department.

8.9.3.27

Petroleum contaminated soil shall be plowed, disced, or otherwise incorporated into the surface soil layer once per month between April 1 and November 1 annually.

8.9.3.28

The licensee shall be responsible for monitoring soil conditions at the approved site. Soil samples shall be collected and analyzed at intervals and for parameters specified by the Department in the conditions of the license. Sampling shall continue until treatment soils achieve a level of less than 10 parts per million of total petroleum hydrocarbons.

8.9.3.29

The licensee shall notify the Department prior to the termination of the operation.

8.9.4 Reporting Requirements

8.9.4.1

The licensee shall immediately report any non-compliance or potential non-compliance with the conditions of this license to the Washington County Health, Environment and Land Management Department.

8.9.4.2

The licensee shall submit a report to the Department within 30 days of termination of the operation if implementation and outcome varied significantly from the originally approved land spread plan.

8.9.4.3

Soil monitoring reports shall be submitted to the Department at intervals and for parameters specified by the Department in the conditions of the license issued for the site.

9.0 Illegal Dumping

9.1 Unauthorized Dumping.

It shall be a violation of this ordinance for any person to dispose of solid waste within Washington County at any place except at a site or facility authorized by this ordinance.

9.2 Unlicensed Open Dumps.

It shall be a violation of this ordinance for any person to operate an open dump as defined by Minn. Rule 7035.0300 Subp. 72.

9.2.1

Waste placed in open dumps or illegally disposed of after November 6, 1984 shall be collected and transported to a licensed waste facility for proper disposal by the property owner or other person(s) determined by the Department to be responsible for the illegal activity. The responsible party shall notify the Department at least 48 hours prior to commencement of excavation/removal activity at the subject site. A receipt or other

documentation approved by the Department which indicates satisfactory and legal disposal of the subject solid waste shall be submitted to the Department no later than 14 days after disposal.

9.2.2

The owner of any open dump in existence and which ceased to accept waste prior to November 6, 1984 should submit a closure plan for Department review and shall close the dump in accordance with the following provisions:

9.2.2.1

Close access and prohibit use of the site.

9.2.2.2 Open burning shall cease, if occurring.

Open burning for the purpose of correcting a violation or as a component of a closure plan shall be permitted only when evidence is provided to the Department that an open burning permit has been obtained from the proper issuing authority.

9.2.2.3

Effective means must be taken, if necessary, to control flies, rodents, and other insects or vermin.

9.2.2.4

Implementation of a water monitoring program may be required by the Department based on the open dump's potential to adversely affect the public's health and the environment. Any required water monitoring program shall be conducted pursuant to MPCA rules, guidelines, procedures, and policies. Plans to protect the ground and surface water shall be approved by the Department prior to implementation.

9.2.2.5

Surface water must be diverted around and away from the open dump.

9.2.2.6

Remove all containerized liquids, hazardous waste, and other items specified by the Department for proper processing or disposal. Potentially recyclable materials may be removed for processing or marketing.

9.2.2.7

Compact waste in the dump to the greatest extent practicable. Cover with at least 30 inches of soil. Broken concrete, concrete block, bituminous and similar rock-like materials are not considered suitable cover material. The cover must be compatible with the proposed end use.

9.2.2.8

Establish and maintain final grade between 2% and 25% to promote surface water run-off without excessive erosion.

9.2.2.9

Establish vegetative cover consisting of shallow rooted perennials or other suitable vegetation.

9.2.2.10

The owner of the property on which the open dump is located shall place on record an instrument with the Washington County Recorder, in a form prescribed by the Department placing the public on notice of the existence and location of the open 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.

10.0 Designation

10.1 Designation.

All acceptable waste generated within the County must be delivered to the designated facility, and may not be delivered to any other solid waste management facility except as provided in subsection 10.4 and 10.7 herein. The County may from time to time designate additional solid waste management facilities. This provision is binding on all persons in the County, including without limitation, political subdivisions, solid waste management operations, solid waste generators, and solid waste haulers.

10.2 Acceptance Requirement.

The designated facility must accept all acceptable waste delivered to the designated facility, unless the County has declared an interruption of designation as defined in subsection 10.4 herein.

10.4 Interruption of Designation Requirement.

The Director of the Department or the Director's designee may choose to interrupt the designation requirement of Section 10.1 rather than invoke diversion. Interruption shall be for a period up to 72 hours. Any interruption greater than 72 hours shall require approval of the County Board. If the County Board or Department interrupts the designation requirement of Section 10.1, no person may deliver any solid waste to the designated facility until such time as the designation requirement has been reinstated. This provision does not relieve any person of any obligation to comply with all other applicable federal, state or local laws or ordinances. The County Board or Department will provide reasonable notice of any suspension and subsequent reinstatement of the designation requirement to solid waste haulers, municipalities and solid waste management facility operators in the County.

10.5 Delivery of Unacceptable Waste.

10.5.1 Rejection of Unacceptable Waste.

No person may deposit unacceptable waste at the designated facility. The designated facility operator may reject any load for which there is a reasonable basis to believe the load contains unacceptable waste by refusing to allow disposal of the load at the designated facility. At the time of such rejection, the designated facility operator will provide the vehicle operator with a Certificate of Rejection stating the reason or reasons therefor. The designated facility operator shall transmit a copy of the Certificate of Rejection to the County in a timely manner.

10.5.2 Mixing of Waste Prohibited.

No person shall mix acceptable waste with unacceptable waste.

10.5.3 Disposal of Rejected Waste.

Waste rejected, pursuant to 10.5.1, must be disposed of in accordance with all applicable federal, state and local laws and regulations. A Certificate of Rejection must be presented to the operator of any alternate solid waste management facility used for Rejected Waste. No solid waste management facility may permit solid waste subject to designation to be deposited at such a solid waste management facility unless the person or solid waste hauler seeking deposit presents a Certificate of Rejection from the designated facility.

Any person or solid waste hauler who deposits unacceptable waste at the designated facility must recover all such unacceptable waste, except for hazardous waste, immediately upon demand of the designated facility

operator. Such unacceptable waste shall be considered rejected waste, and must be disposed of in accordance with this Ordinance and all applicable federal, state and local laws and regulations.

10.5.4 Receiving Hours.

Acceptable waste must be delivered to the designated facility between 6:00 AM and 6:00 PM Monday through Saturday, excluding holidays, or at such other times as the County may determine. The designated facility operator will not be required to allow delivery of acceptable waste at any times other than those specified herein.

10.6 Tipping Fees

10.6.1 Payment.

All persons must pay a tipping fee to the designated facility operator for solid waste accepted at the designated facility.

10.6.2 Establishment of Fees.

10.6.2.1 Procedure.

The County Board shall establish or amend the tipping fee by resolution. The resolution shall state the effective date of the tipping fee.

10.6.2.2 Principles.

The County shall set the tipping fee and any amendments thereto at a reasonable amount, taking into account any of the following factors:

- a. the cost to the County of solid waste management services including those provided by the designated facility;
- b. the cost to and savings by the solid waste haulers of delivering waste to the designated facility;
- c. the tipping fees charged at solid waste land disposal facilities in the metropolitan area;
- d. any economic incentive the County may provide;
- e. the County of origin of waste processed or transferred by the designated facility; and
- f. any other factors which the County may determine to have an impact on the reasonableness of the tipping fee at the designated facility.

10.7 Exemptions.

The following materials shall be exempt from designation; however, the exemptions in this section apply to only those materials separated from mixed municipal solid waste that are managed in a manner that is preferred over the primary management method of the designated facility under Minn. Stat. section 115A.02, paragraph (b):

10.7.1

Materials that are separated by the generator from mixed municipal solid waste and recovered for reuse in their original form or for use in manufacturing processes. For the purpose of this section, "manufacturing processes" does not include the treatment of waste after collection for the purpose of composting.

10.7.1.1

Recyclable materials that are commingled for recycling and then recycled. The residual materials remaining after the processing of commingled recyclable materials are exempt from designation if there is at least an 85 percent volume reduction in the material processed at the recycling facility and the residuals are managed as

separate waste streams. Mixed municipal solid waste that remains after the processing of commingled recyclable materials is subject to designation if there is not at least an 85 percent volume reduction in the material processed at the recycling facility or the mixed municipal solid waste material is not managed as a separate waste stream, and shall be delivered to the Designated Facility. A person may request a variance from the designation requirement for the mixed municipal solid waste subject to designation, as described herein, resulting from the processing of commingled recyclable materials. The process for consideration of such a request shall be pursuant to the requirements of the Washington County Administrative Ordinance. The Department shall grant a variance if it finds that:

- a. The mixed municipal solid waste resulting from commingling recyclable materials will be processed at a resource recovery facility;
- b. The person requesting the variance has not been found in violation of the designation provision in the six months prior to filing for a variance; and
- c. The person requesting the variance agrees to report and actually reports to the Department the quantities of materials, by categories to be specified by the Department, that are recycled from the processing of the commingled recyclable materials and the quantity of mixed municipal solid waste that are processed at a resource recovery facility.

Materials that have been separated for recycling that cannot be marketed, as determined by the person that owns the material, are no longer considered recyclable materials and are subject to designation requirement if they become mixed municipal solid waste.

10.7.2

Acceptable solid waste processed at another resource recovery facility, provided that:

10.7.2.1

Such facility was in operation at the time of approval by the Metropolitan Council of the Counties' Designation Plan, on December 13, 1984;

10.7.2.2

Such acceptable solid waste shall be exempt only at the processing capacity of such other facility in operation at the time of approval of the Designation Plan;

10.7.2.3

The owner of the resource recovery facility shall provide documentation to the Department within 30 days following a written request to do so by the Department, substantiating the following:

- a. the existence of the resource recovery facility at the time of Designation Plan approval;
- b. the amount and type of solid waste processed at the resource recovery facility at that time;
- c. such other information as the Department may require.

10.7.3

Acceptable waste otherwise subject to designation for which negotiated contractual arrangements exist that requires the delivery of the solid waste to the facility for the term of the contract; provided that this exemption shall apply only during the term of such contract and only while the hauler is not in default thereunder.

10.7.4

Acceptable waste not otherwise exempt under the provision of 10.7, which the Department determines on a case-by-case basis should be exempt for reasons of public health and safety, under such conditions as the Department may specify. The Department shall make its determination based upon written application and following receipt of an application fee. At its option, the Department may convene an informal hearing with the applicant to consider the application. The Department will act upon the request within 30 days of receipt of the application. Failure of the Department to act upon the request within 30 days shall constitute a denial of the application, without prejudice to the applicant to reapply.

10.7.5

Materials that are separated at a transfer station permitted by the MPCA and licensed by the Department and located within the County for the purpose of recycling the materials if:

- a. the transfer station was in operation on January 1, 1991; or
- b. the materials were not being separated for recycling at the Facility at the time the transfer station began separation of the materials.

10.7.6

Subject to approval by the Metropolitan Council, materials that the County determines will be separated for recycling at a transfer station located outside of the County if:

- a. the residual materials left after separation of the recyclable materials are delivered to the designated facility;
- b. each solid waste hauler who would otherwise be subject to the designation ordinance and who delivers waste to the transfer station has not been found in violation of the Section 10 of this ordinance in the six months prior to filing for an exclusion;
- c. the materials separated at the transfer station are delivered to a recycler and are actually recycled; and
- d. the owner or operator of the transfer station agrees to report and actually reports to the County the quantities of materials, by categories to be specified by the County, that are recycled by the facility that otherwise would have been subject to designation.

10.7.6.1

In order to qualify for the exclusion under 10.7.6, the owner of a transfer station shall file with the County a written description of the transfer station, its operation, location, and solid waste supply sources, the quantity of solid waste delivered to the transfer station by the owner of the transfer station, the market for the materials separated for recycling, where the recyclable materials are delivered for recycling, and other information the County may reasonably require. Information received by the County is nonpublic data as defined in Minn. Stat. Section 13.02, subd. 9.

10.7.6.2

The County may revoke a granted exclusion if any of the conditions of 10.7.6 (a) through (d) are not being met.

10.8

Any person proposing to own or operate a resource recovery facility using solid waste materials subject to this Section may petition the County for exclusion of the materials from the this Ordinance. In order to qualify for the exclusion of materials under this paragraph, the petitioner must submit with the petition, a petition review fee, if applicable, a written description of the proposed facility, its intended location, its waste supply sources, purchasers of its products, its design capacity, and other information that the County may reasonably require.

The County, after appropriate notice and hearing, shall issue a written decision with the findings of fact and conclusions on all material issues. The County shall grant the petition if it determines that:

- a. the solid waste materials will be processed at another solid waste management facility, and
- b. the exclusion can be implemented without impairing the financial viability of the designated facility or impairing contractual obligations or preventing the performance of contracts by the designated facility owner or operator, the County, or users of the designated facility.

10.8.1

Any person aggrieved by the decision of the County may appeal to the Metropolitan Council. The review is confined to the record. The decision of the Metropolitan Council must be based on standards stated in Section 10.7. If the petition is approved by the Metropolitan Council, this ordinance shall be amended to conform with the decision of the Metropolitan Council. The petitioner and the County may agree to amend the petition at any time during the procedure outlined in this subsection.

10.9 Penalties.

The County may impose civil and misdemeanor penalties for violation of this Section, pursuant Minn. Stat. Section 115A.86, Subd. 6.

11.0 Solid Waste Disposal Prohibition

11.1

No person may place, or transport for placement, solid waste that is generated in the County in a portion of a disposal facility that does not comply with the minimum requirements for design, construction, and operation of a new disposal facility for the type of solid waste being disposed. Pursuant to Minnesota Statute § 473.849, this provision is effective January 1, 1992, for disposal facilities located outside the metropolitan area and January 1, 1995, for all disposal facilities regardless of location.

11.2

The County shall enforce the prohibition contained in Subsection 11.1 and, pursuant to Minn. Stat. Section 115A.86, Subd. 6 (c), may impose penalties of up to \$10,000.00 per day of violation and recover attorney fees and court costs incurred by the County.

12.0 Enforcement

12.1 Licensed Solid Waste Management Activities or Facilities.

All provisions of this ordinance relating to licensing and licensed solid waste management activities, sites, or facilities shall be enforced pursuant to the Washington County Administrative Ordinance.

12.2 Unlicensed Solid Waste Management Activities or Facilities.

Any provisions of this ordinance not enforced under the Washington County Administrative Ordinance shall be enforced according to this subsection.

12.2.1 Misdemeanor.

Any person within the County who violates this ordinance, except for an activity or at a site or facility for which a license has been granted, 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 Department, 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.

12.2.2 Injunctive Relief.

In the event of a violation or a threat of violation of this ordinance, the County may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations.

12.2.3 Civil Action or Cost as Special Tax.

If a person fails to comply with the provisions of this ordinance, the County may recover cost incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property.

12.2.4 Citation.

The Department may issue citations for violations of this ordinance.

12.2.4.1

Citations shall have the form designated in the Washington County Administrative Ordinance, Section IV.

12.2.4.2

Whenever any representative of the Department discovers a violation of this ordinance, they may issue a citation to the person alleged to have committed the violation.

12.2.4.3

The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or implied authorized to accept such issuance. The citation shall be issued to the person charged by delivering a copy to them personally or by leaving it at their dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by sending it via registered mail to the person's last known address. A citation directed to a corporation shall be issued by registered mail addressed to the corporation at its principal place of business or delivered to an agent designated by the corporation to receive service of process.

12.3

The County may impose civil and misdemeanor penalties for failure to deliver mixed municipal solid waste to the Designated Resource Recovery Facility pursuant to Minn. Stat. Section 115A.86Subd. 6.

13.0 Service Charge

13.1 Purpose and Authority:

Pursuant to Laws 1984, Chapter 644, Section 80, and Minn. Stat. Sections 400.03, 473.811, Subd. 3A, the County hereby imposes on all owners, lessees or occupants of property, including properties owned, leased or used by the State or a political subdivision of the State a service charge for solid waste management services

provided to their properties by the County or by those under contract with the County.

13.2 Definitions:

For the purpose of this section, the terms used herein shall have the following meaning unless the context clearly indicates otherwise.

13.2.1 Residential Property

is all improved real property classified as residential class by the County Assessor.

13.2.2 Non-Residential Property

is all improved real property in Washington County classified by the County Assessor as commercial, industrial, utility, tax exempt or a dwelling of four or more units.

13.3 Rates and Charges:

Rates and charges imposed may take into account the character, kind and quality of the service and of the solid waste; the method of disposition including but not limited to activities such as recycling, composting, co-composting, resource recovery, the number of people served at each place of collection, 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 solid waste facilities, the establishment of a reserve fund for payments of a fee to the Facility vendor for services to be provided at the Facility, and administrative costs associated with providing waste management services to County residents; and specifically may take into account as an additional cost of service, the amount of waste estimated to be generated by different classifications of solid waste generators, as determined by the County.

13.3.1

The rate of the solid waste management service charge for Residential property shall be \$36.00 per improved parcel.

13.3.2

The rate of the solid waste management service charge for Non-residential property shall be \$84.00 per improved parcel.

13.4.1

Service charges shall be billed directly to every owner of real property through the County property tax statements as a separate item and shall be due, payable and collected in the same manner as real property taxes subject to the same penalties and interest as overdue real property taxes. In such instances, no charge shall become payable in any year unless first certified by the County Board to the County Auditor in the year prior to its being payable.

13.5 Unpaid Charges.

13.5.1 Taxable Properties:

On or before October 15 in each year, the County Board shall certify to the County Auditor all unpaid outstanding charges for services hereunder, and a statement of the description of the lands which were serviced and against the charges arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments with interest of six percent upon the tax rolls of the County of the taxes of the year in which the assessment is filed.

For each year ending October 15 the assessment with interest 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.

13.5.2 Tax-Exempt Properties:

Unpaid charges may be collected as otherwise provided in Section 13 of this ordinance.

13.5.3 Civil Action:

In addition to each and every other remedy available to the County, unpaid solid waste management charges, penalties and interest may be recovered in a civil action against a property owner, lessee or occupant.

13.6 Administrative Appeal

13.6.1

A person assessed a service charge may appeal the amount of the charge billed to the Department by requesting in writing an adjustment to the charge. If the Department denies the request for adjustment, the person may appeal the decision to the County Board.

13.7 Effective Date:

The rates and manner of collection established herein shall be effective on January 1, 1995.

14.0 Additional Requirements and Provisions

14.1 Waivers or Modifications.

Due to the great variability in the types of solid wastes and their existing and potential management methods, the Department may waive or modify the strict application of the provisions of this ordinance by reducing or waiving certain requirements when such requirements are unnecessary or impractical, provided such a waiver or modification will not endanger the public health, safety, welfare, or the environment. The Department may impose reasonable additional requirements through solid waste management activity or facility specific license conditions when deemed necessary to protect the public health, safety, welfare, or the environment.

14.2 Agency Approval.

No modification or waiver may be granted if it would result in noncompliance with Minn. Rules Chapter 7035, unless such modification or waiver has been granted by the agency.

14.3 Promotion of Public Health, Safety, and Welfare.

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

14.4 Indemnification.

This ordinance shall not be construed to hold the Department or the County or any officer or employee responsible thereof for any damage to persons or property by reason of the inspection or reinspection authorized herein provided, or by reason of the approval or disapproval of equipment or licensing herein, nor

for any; action in connection with the inspection or control of solid waste or in connection with any other official duties.

14.5 No Consent.

Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate, or maintain any solid waste facility, or to carry on any activity.

14.6 Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of the ordinance are severable.

14.7 Repeal and Enactment.

The enactment of this ordinance repeals and replaces Washington County Solid Waste Management Ordinance No. 42 adopted November 6, 1984 and amended by Washington County Ordinances No. 47, 49, and 63; Washington County Solid Waste Management Ordinance No. 105 adopted November 24, 1992 and amended by Ordinance No. 110 adopted March 22, 1994 and amended by Ordinance No. 112 adopted December 5, 1994.

14.8 Effective Date.

This ordinance shall be effective 30 days after passage by the County Board and publication according to law.

Passed by the Board of County Commissioners of Washington County, Minnesota, this 23rd day of May, 1995.

Wally Abrahamson, Chair
Board of County Commissioners

Attest:
James R. Schug, County Administrator

Approved as to form and legality:
George Kuprian, Assistant County Attorney

Ordinance prepared by:
Washington County
Department of Health, Environment and Land Management
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