

Washington County, Minnesota Ordinances

Ordinance No. 119 Hazardous Waste Management Ordinance

Date Approved: 11/07/1995

Date Published: 12/01/1995

Date Repealed: 08/26/2003 (*Repealed by Ordinance No. 166*)

Resolution No. 95-203

Washington County Hazardous Waste Management Ordinance Amendments Ordinance No. 119

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,

Minnesota Statutes Section 473.811 Subdivision 5b, specifies that each Metro County shall, by ordinance, establish and revise rules, regulations, and standards relating to Hazardous Waste. Provisions of this Statute require revision of the County Ordinance that embodies and is consistent with the Minnesota Pollution Control Agency Rules, Minnesota Rules Chapter 7045.0020 et. seq.; and

Whereas,

the County Board of Commissioners of the County of Washington acknowledges the need for protection of the environment and public health and the need for regulation of hazardous waste.

Now, Therefore, be it Resolved

by the Board of Commissioners in and for the County of Washington, Minnesota, that Washington County Hazardous Waste Management Ordinance No. 78 is hereby amended in accordance with the attachments hereto, which are made a part hereof, and the same to become effective upon the publication of the minutes of these proceedings in the official newspaper of the County.

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

Washington County, Minnesota Ordinance No. 119

Amendment to Hazardous Waste Management Ordinance No. 78

An Ordinance establishing standards to protect the health, safety and general welfare of the people of Washington County relating to hazardous waste management: Amends Washington County Hazardous Waste Management Ordinance #78 adopted on September 27, 1989.

The Washington County Hazardous Waste Management Ordinance is being revised in accordance with Minnesota Statute 473.811, subd. 5b, which specifies that each metropolitan county shall by ordinance establish and revise rules, regulations, and standards relating to (1) the identification of Hazardous waste, (2) the labeling and classification of hazardous waste, (3) the collection, storage transportation, processing, and disposal of hazardous waste, and (4) other collection, storage transportation, processing, and disposal of hazardous waste, and (4) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, processing, and disposal of hazardous waste and shall require registration with a county office. County hazardous waste ordinances may not be inconsistent with, and must be at least as stringent as the agency hazardous waste rules.

This ordinance shall be in full force and effect from and after its passage and publication according to law. (The full text of the ordinance is on file at the offices of the Auditor-Treasurer, Administrator of Washington County and the Washington County Department of Health, Environment and Land Management.)

Passed by the Board of County Commissioners of Washington County, Minnesota, this 7th day of November, 1995.

Wally Abrahamson, Chairman
Board of Commissioners

Attest:
James R. Schug, County Administrator

Approved as to form:
George Kuprian, Assistant County Attorney

Washington County Hazardous Waste Management Ordinance No. 119

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"The County Board of Washington County ordains:"

1.00 Purpose and Authority

1.01 Purpose:

It is the purpose and intent of this Ordinance to establish rules, regulations, and standards for hazardous waste management in Washington County, Minnesota for: the identification, labeling, and classification of hazardous wastes; the handling, collection, transportation, and storage of hazardous waste; the treatment, processing, and/or disposal of hazardous waste; requiring the licensing of hazardous waste generators and hazardous waste facilities; payment of license fees; penalties for failure to comply with the provisions of this ordinance; issuing, denying, modifying, imposing conditions upon, suspending, or revoking licenses, and other matters as determined to be necessary for the health, welfare, and safety of the public. Further, this ordinance shall be liberally construed so as to protect the natural environment from preventable hazardous waste contamination.

1.02 Authority:

This ordinance is adopted pursuant to Minnesota Statutes, Chapters 145A and 473.

2.00 General Provisions

2.01 Administrative Procedures:

All of the provisions of the Washington County Administrative Ordinance shall apply as if fully set forth herein.

2.02 Administration:

This ordinance shall be administered by the Washington County Health, Environment and Land Management Department. The term "Department," where used in this ordinance and the Washington County Administrative Ordinance, shall mean the Washington County Health, Environment and Land Management Department.

2.03 Definitions:

The following words and phrases when used in this ordinance, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

A.) Agency

shall mean the Minnesota Pollution Control Agency (MPCA).

B.) County Board

shall mean the Washington County Board of Commissioners.

C.) Embargo

shall mean an order by the Department prohibiting the movement, removal, transport, use, treatment, or disposal of a material which is, or is suspected to be, a hazardous waste and which is being mismanaged or which the Department has reason to suspect is being, or will be managed in violation of this Ordinance.

D.) Hazardous Waste

shall mean any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

E.) Person

shall mean 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.

2.04 Compliance:

No person shall cause or permit the generation, transportation, disposal, or processing of hazardous waste, or the construction or operation of hazardous waste facilities, except in full compliance with the provisions of this ordinance, including but not limited to all provisions requiring full disclosure of information regarding such generation, transportation, disposal, or processing.

2.05 Conditions:

Violation of any condition imposed by the County on a license, permit, or variance shall be deemed a violation of this ordinance, and subject to the penalty provisions set forth in this ordinance.

2.06 False Information:

Omission of any information or submission of false information may be deemed a violation of this ordinance, or may be deemed a violation of Minnesota Statutes.

2.07 Listing, Delisting, and Waste Classification:

In the event the Agency modifies the lists of wastes by listing or delisting, or classifies a waste as hazardous, the County Board may, by resolution, amend the lists of wastes set forth in this ordinance, or classify certain wastes as hazardous, to incorporate said Agency action.

2.08 Right of Entry:

Whenever necessary to perform an inspection, to enforce any of the provisions of this ordinance, or whenever the Department has reasonable cause to believe that hazardous waste exists in any building or upon any premises, the Department or its authorized agent may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Department by this ordinance, provided that if such building or premises be occupied, the authorized agent shall first present proper credentials and demand entry; and if such building or premises be unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry including administrative search warrants.

3.00 Standards for Health, Safety and Environmental Preservation

3.01 Standards Adopted:

Minn. Rules Ch. 7045, except for Minn. Rules pts. 7045.1000 through 7045.1030, relating to hazardous waste, which were in effect on December 1, 1995 are hereby adopted by reference and made a part of this ordinance.

3.02 Standards Amended:

The above adopted rules are hereby amended as follows:

A.) Wherever the term "Minnesota Pollution Control Agency", or "agency", appears in these adopted rules, it shall mean the "Department", except in Minn. Rules pts.: 7045.0020, subp. 4 and 9C; 7045.0070; 7045.0075; 7045.0080; 7045.0129; 7045.0133; 7045.0135, subp. 1, paragraph 3; 7045.0139; 7045.0218; 7045.0230 subp. 1, item E(6); 7045.0243, subp. 3, item D; 7045.0248, subp. 1, item E (6); 7045.0261, subp. 5, item B and subp. 6; 7045.0275 subp. 2; 7045.0302; 7045.0361; 7045.0395; 7045.0397; 7045.0450, subp. 1; 7045.0452, subp. 2; 7045.0468, subp. 2; 7045.0498 through 7045.0524; 7045.0552, subp. 3, item A; 7045.0554; 7045.0556, subp. 2; 7045.0574, subp. 2; 7045.0608 through 7045.0624; 7045.0655, subp. 1; and where used with "Environmental Protection Agency", or "federal or state agency", where they shall remain unchanged.

B.) Wherever the term "commissioner" appears in these adopted rules, it shall mean "Department" except in Minn. Rules pts.: 7045.0020, subp. 6a, item B, subp. 9c, 43b; 7045.0075; 7045.0080; 7045.0129; 7045.131, subps. 1 and 7; 7045.0218; 7045.0261, subp. 9; 7045.0265; 7045.294, subp. 1a, item B; 7045.0302; 7045.0310, subp. 3, items B and C, subp. 5, item C; and subp. 6, item D (second occurrence only); 7045.0320, subps. 9 and 10; 7045.0395, subp. 5, item A; 7045.0454, subp. 2; 7045.0474; 7045.0476, subp. 3, item A; 7045.0498 through 7045.0524; 7045.0528, subp. 4, item D(4); and subp. 8, item (1); 7045.0558, subp. 2; 7045.0580; 7045.0582, subp. 3, item A; 7045.0608 through 7045.0624; 7045.0628, subp. 4, item D(4); and subp. 8, item D(1); and 7045.0652, subp. 2, item B.; 7045.0686; 7045.1309; 7045.1315, subp. 2, item G; and 7045.1360, where it shall remain unchanged.

C.) Wherever the term "permit", "permittee", "permitting" or "permitted" appears in these adopted rules, it shall mean "license", "licensee", "licensing" or "licensed" except in Minn. Rules pts.: 7045.0020, subp. 10b, subp. 15, item A(4), subp. 23a; and subp. 58a; 7045.0121, subp. 2, item D; 7045.0210; 7045.0230, subp. 1, item E; 7045.0248, subp. 1, item E; 7045.0261, subps. 2, 5 and 6; 7045.0310, subp. 6, item D; subp. 3D; subp. 6D; 7045.0320, subp. 9, item C; 7045.0397; 7045.0450, subp. 1; 7045.0498 through 7045.0524; 7045.0552, subp. 2; 7045.0554, subp. 1; 7045.0608 through 7045.0624; 7045.1380, subp. 1, item A, and where used with "National Pollutant Discharge Elimination System Permit", "NPDES Permit", "permit-by-rule", "State Disposal System Permit", "Emission Facility Operating Permit", or "air quality permit", where they shall remain unchanged.

D.) The terms "Minnesota" or "State of Minnesota" shall mean "County of Washington" in Minn. Rules pts.: 7045.0210; 7045.0212; 7045.0214; 7045.0240; 7045.0261, subp. 5 and 6 (except the phrases "Specific Minnesota" and "in Minnesota" which shall remain unchanged); 7045.0302, subp. 1; 7045.0351, subp. 1; 7045.0355 and 7045.0361.

E.) Minn. Rules pt. 7045.0020, subp. 66, is deleted in its entirety.

F.) Minn. Rules pt. 7045.0060 is amended to read as follows:

"No variance may be granted if granting the variance would result in noncompliance with EPA (Environmental Protection Agency) regulations and MPCA (Minnesota Pollution Control Agency) rules for the generation, storage, processing, treatment, transportation, or disposal of hazardous waste or the operation of hazardous waste facilities."

G.) Minn. Rules pt. 7045.0225, subp. 1 is amended by deleting the last two sentences in their entirety.

H.) The first paragraph section of Minn. Rules pt. 7045.0230 subp. 1 is amended to read as follows:
"Information required. An application must be on a form provided by the Department and must include the following information:".

I.) Minn. Rules pt. 7045.0230, subp. 1a is deleted in its entirety.

J.) Minn. Rules pt. 7045.0240 is amended by the deletion of the second paragraph in subp. 3.

K.) Minn. Rules pt. 7045.0243 is amended by the deletion of subp. 1 and subp. 3, item C.

L.) The first paragraph of Minn. Rules pt. 7045.0248, subp. 1 is amended to read as follows:

"A licensed generator must submit a license renewal application to the Department on forms provided by the Department. A generator must submit the application and report by the January 31 preceding the expiration of the generator license. The application must contain the following information for each hazardous waste produced during the preceding calendar year:".

M.) Minn. Rules pt. 7045.0248, subp. 2 is deleted in its entirety.

N.) Minn. Rules pt. 7045.0250 is deleted in its entirety.

O.) Minn. Rules pt. 7045.0261, subp. 5 is amended to read as follows:

"Subp. 5 Permitted facilities. The facilities shall be licensed or permitted by:

A.) the agency if the hazardous waste facility is located in Minnesota; or

B.) the state agency with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271 (1983); or

C.) the Environmental Protection Agency; or

D.) having interim status."

P.) In Minn. Rules pt. 7045.0292 Subp. 1, 5, 6 and 8, the phrase "without a permit" is amended to read "without a facility permit". The word "permit" in these references remains unchanged.

Q.) The first paragraph of Minn. Rules pt. 7045.0302, subp. 2 is amended to read as follows:

"Subp. 2. Notification. When shipping hazardous waste outside the state of Minnesota to a foreign country, the primary exporter must notify the Commissioner, the Department and the EPA of an intended export before the waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the primary exporter and include the following information:"

R.) Minn. Rules pt. 7045.0460, subp. 1, item A is amended to read as follows:

"A.) Procedures are in effect which will cause the waste to be removed safely before flood waters can reach the facility to a location where the wastes will not be vulnerable to floodwaters. The location to which wastes are moved must be a facility which is either licensed by this Department, or permitted by the Environmental Protection Agency, or by a state with a hazardous waste management program authorized by the Environmental Protection Agency, or which has interim status."

S.) The term "in Chapter 7001" is deleted wherever it appears.

T.) The phrase "under Chapter 7046" is deleted wherever it appears.

4.00 Licensing

4.01 License Required:

Unless otherwise provided by this ordinance, no person shall, within the County, make or allow property under their control to be used for any activity which generates hazardous waste except at an individual generation site for which a hazardous waste generator license has been granted by the Department. Unless otherwise provided by this ordinance, no person shall, within the County, store, deposit, keep, accumulate, process, treat, reclaim, dispose of, or otherwise handle, process or cause to be transported hazardous waste except at a site or facility for which a license has been granted by the Department.

4.02 Licensing Not Exclusive:

The obtaining of a hazardous waste license shall not be deemed to exclude the necessity of obtaining other appropriate licenses or permits except as expressly provided herein. Compliance with the provisions of this Ordinance shall not relieve any person of the need to comply with any and all other applicable rules, regulations, and laws.

4.03 Fees:

A. The County Board shall, by resolution, establish fees, including fees for the initial license, initial application and plan review, and renewal of licenses.

B. The County Board may, by resolution, establish such other fees as may be necessary for the administration of this ordinance.

C. Fees for new licenses are due thirty (30) days after the billing date. Fees for renewal of licenses are due thirty (30) days prior to the expiration of the current license. As used herein, fees include license fees, MPCA statewide and program fees, application fees, and late penalty fees.

D. Fees for license renewal shall be based on the past year's rate of generation. If the license is for new waste generation, the fee shall be based on an estimated rate of generation which is acceptable to the Department.

4.04 License Term:

Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall be nontransferable and shall be for a period of not more than one year, except that initial license may be issued for a period of up to 15 months, unless earlier suspended or revoked. The license year for hazardous waste facilities shall be from July 1 through June 30. The license year for hazardous waste generators shall be from May 1 through April 30. Hazardous waste generator licenses in force at the time of adoption of this ordinance shall be extended from March 31 to April 30 of the current license year.

4.05 License Applications:

A. Applications for license or license renewal shall be submitted to the Department on forms provided by the Department. Applicants shall provide such information as may be needed for the administration of this ordinance. Such information shall include, but not necessarily be limited to, the information specified in Minn. Rules pts. 7045.0230 or 7045.0248, as applicable. Applicants for a facility license shall submit to the Department, on request, all of the documents and supporting information required by the agency in its permitting procedures.

B. Applications for a generator license received more than seventy-five (75) days after commencement of operation, or applications for license renewal received after January 31, shall be considered late and subject to a late application penalty. Applications for license modification shall be deemed late, and subject to a late application penalty, if received later than as set forth in Minn. Rules pts. 7045.0243, subp. 3, item G.

C. Unless interim operating approval has been granted under Section 4.10, item D, Applicants for a facility license shall not commence any construction or operation until the license application has been approved by the Department, nor shall they commence any operation until a license is issued. A facility license shall not be issued until the facility construction has been completed in compliance with this ordinance and the approved plans, and has been approved by the Department.

4.06 Incomplete or Nonconforming Application:

A. Generator.

If an application for a generator license or license renewal is not complete or otherwise does not conform with the requirements set forth in this ordinance, the Department shall advise the applicant within sixty (60) days of application receipt, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify or otherwise alter the application. The applicant shall comply with such requests within the time specified by the Department.

B. Facility.

If an application for a facility license or license renewal is not complete or otherwise does not conform with the requirements set forth in this ordinance, the Department shall advise the applicant within one hundred twenty (120) days of application receipt, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify or otherwise alter the application. The applicant shall comply with such requests within the time specified by the Department.

4.07 Renewal:

A. Generator.

Generator applications for license renewal shall be received by the Department no later than January 31. Applications for license renewal must be accompanied by a statement of any change in information submitted in the last approved license or in the license renewal application. If there are no changes, it shall be so stated in the license renewal application. If the Department does not act on a generator license renewal application, which is complete and submitted on time, the current license shall continue in force until action is taken.

B. Facility.

Facility applications for license renewal shall be received by the Department no later than February 28. Applications for license renewal must be accompanied by a statement of any change in information submitted in the last approved license or in the license renewal application. If there are no changes, it shall be so stated in the license renewal application. If the Department does not act on a facility license renewal application, which is complete and submitted on time, the current license shall continue in force until action is taken.

4.08 Denial:

A. Generator.

Failure by the Department to act on an initial generator license application within sixty (60) days from the date of receipt of a completed application shall constitute grounds for the applicant to request a hearing. Failure to act shall be construed as denial without prejudice.

B. Facility.

Failure by the Department to act on an initial facility license application within one hundred twenty (120) days from the date of receipt of a completed application shall constitute grounds for the applicant to request a hearing. Failure to act shall be construed as denial without prejudice.

4.09 Waste Management:

A. On-site Treatment.

For licensing purposes, the Department may consider on-site treatment by the generator of on-site generated hazardous waste as part of the generator's licensure and may exempt such on-site treatment from facility licensing requirements. Such exemption shall be limited to the following types of treatment: elementary neutralization for pH adjustment; pretreatment prior to sewerage; recovery of reusable solvents by distillation; combustion with fuel for energy recovery of D001 wastes; and/or thermal treatment of aqueous wastes to reduce volume. The treatment must be described in the generator license application and approved by the Department. The Department may require generators of sewerage who are subject to Minn. Rules pt. 7045.0305 to comply with the requirements of Minn. Rules pts. 7045.0558; 7045.0562; 7045.0562, subs. 1 and 2; and 7045.0566 through 7045.0576 or may impose such license conditions as may be deemed necessary to monitor the treatment operation and ensure public health and safety.

B. Sewered Wastes.

Generators utilizing any sewer system for the disposal of hazardous wastes shall comply with all of the requirements of this ordinance. They shall maintain, on site, a copy of any permits or

reports required by the Metropolitan Council Wastewater Services (MCWS) or other Publicly Owned Treatment Works (POTW), or as a condition of a National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) Permit, concerning the character, concentration and quantity of thesewered hazardous waste for inspection by the Department. These reports shall be maintained for a period of three (3) years from the report date. Generators shall obtain written authorization from the Department before treating or discharging hazardous waste to Class V injection wells as defined by 40CFR 144.6.

4.10 Transfer, Storage, Resource Recovery, Disposal, Treatment and Other Handling or Processing Sites and Facilities:

A. Bonds.

Unless otherwise provided by the County Board, issuance of a hazardous waste transfer, storage, resource recovery, recycling, disposal, treatment or other handling or processing site or facility license, pursuant to the provisions of this ordinance, shall be contingent upon the applicant furnishing to the County a bond or letter of credit in an amount to be set by resolution of the County Board and naming the County of Washington as the obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this ordinance or the license in the operation of the site or facility, or if, for any reason, the applicant ceases to operate or abandons the site or facility, and the County is required to expend monies or expend any labor or material to restore the site or facility to the condition and requirements as provided by the ordinance or license, the principal and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with the terms of the ordinance or license, and that the principal 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 principal under the terms of their license to operate and the ordinance of the County. In lieu of the above, for facilities permitted or granted interim status by the agency, the license applicant shall submit, in a form acceptable to the County Board, satisfactory evidence of compliance with the agency's financial assurance requirements.

B. Insurance.

Unless otherwise provided by the County Board, issuance of a hazardous waste transfer, storage, resource recovery, disposal, treatment, or other handling or processing site or facility license, pursuant to the provisions of this ordinance, shall be contingent upon the applicant furnishing to the Department satisfactory evidence of compliance with Minn. Rules pts. 7045.0518 and 7045.0620. The Department shall be notified thirty (30) days prior to the effective date of a cancellation or change of insurance.

C. Change in Facility Operation.

No change shall be made in the operation of a hazardous waste facility unless such change is first approved by the County.

5.00 Termination of Operation

Any person, who for any reason, terminates operations at a site must remove all hazardous waste and materials contaminated with hazardous waste prior to termination of operations. Termination of operations may include the sale of an operation to a new entity, the simple shut down of a site or business which is then not operated or the relinquishing of lease or rental rights to a property. This removal from the site must be accomplished in full compliance with this Ordinance and Minn. Rules Ch. 7045. Materials remaining on the site of a terminated operation shall be considered waste materials. The continued storage of hazardous waste on the site of a terminated operation shall be done in compliance with the hazardous waste storage facility rules in Minn. Rules Chs. 7045, and 7001 and this ordinance.

6.00 Violations and Penalties

6.01 Misdemeanor:

Any person who fails to comply with the provisions of this ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

6.02 Injunctive Relief:

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

6.03 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.

6.04 Late Application and Payment Penalties:

In lieu of Section V A3 of Washington County's Administrative Procedures Ordinance, the penalty for late initial license application, late license renewal application, and late license fee payment shall be as follows:

- A. One (1) to fourteen (14) calendar days late, a fifteen percent (15%) or twenty five dollar (\$25.00) penalty, whichever is higher.
- B. Fifteen (15) to thirty (30) calendar days late, a twenty-five percent (25%) or fifty dollar (\$50.00) penalty, whichever is higher.
- C. Thirty-one (31) calendar days late or more, a fifty percent (50%) or one hundred dollar (\$100.00) penalty, whichever is higher.

The penalty shall be a percentage of the license fee for the forthcoming license year. These penalties shall be assessed in addition to the license fee and to any other penalties which may be incurred. A renewal application form received after expiration of the current license year shall be considered an initial license application, and shall be assessed initial application fees, fifty percent (50%) or one hundred dollar (\$100.00) late application

penalty, whichever is higher, and the license fee.

The minimum penalty fee is twenty-five dollars (\$25.00).

6.05 Citations:

Citations may be issued by the Department pursuant to Section IV. of the Administrative Ordinance.

6.06 Embargo:

The Department may embargo and forbid the removal, transport, disposal, treatment, or use of any material which is or is suspected to be a hazardous waste and which is being mismanaged or which the Department has reason to suspect is being or will be managed in violation of this ordinance. The Department shall place a tag to indicate the embargo on the suspect material. No person shall remove the tag or remove, transport, dispose, treat or use such embargoed material except as authorized by the Department. Such action by the Department shall not be considered to impute ownership or management responsibility upon the County.

7.00 Modification of Requirements

7.01 Waivers or Modifications:

The County Board 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, or by imposing additional requirements necessary to reduce risk of harm to persons, property or the environment.

7.02 Agency Approval:

No modification or waiver may be granted if it would result in noncompliance with Minn. Rules Ch. 7045 unless such modification or waiver has been approved or granted by the Agency.

7.03 Closure/Post-Closure:

For facilities permitted or granted interim status by the Agency, amendments to the facility closure/post-closure plans and extensions to the closure/post-closure period shall be granted by the Department only where said amendment has been approved by the Agency.

8.00 Repeal of Washington County Hazardous Waste Management Ordinance

8.01 Ordinance Repealed:

The Washington County Hazardous Waste Management Ordinance #78 as adopted on September 26, 1989, is repealed and superseded by this ordinance.

9.0 Effective Date

9.01 Effective Date:

This ordinance shall become effective immediately upon passage by the County Board and publication according to law.

Passed by the Board of County Commissioners of Washington County, Minnesota, this 7th day of November, 1995.

Wally Abrahamson, Chairman
Board of County Commissioners

Attest:
James R. Schug, County Administrator

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

Recommended by:
Mary McGlothlin, Director
Department of Health, Environment and Land Management

Ordinance prepared by:
Washington County
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