

# Washington County, Minnesota Ordinances

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## Ordinance No. 202

### Washington County Solid Waste Management Ordinance No. 202.

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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 protect, support and promote the health, welfare and safety of the public pursuant to Minnesota Statutes, Chapter 115A, 145A, 375, 400, and 473.

### **1.1 Policy**

The policy of the State of Minnesota is that counties shall provide for the management of Solid Waste in a manner that protects the health, welfare, and safety of the public, prevents the spread of disease, creation of nuisances, and conserves natural resources.

### **1.2 Certain Terms**

For the purpose of this Ordinance, the words “shall” and “must” are interpreted as mandatory and the words “should” and “may” are permissive.

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## **2.0 Definitions**

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. For the purpose of this section, the terms used herein shall have the following meaning:

### **2.1 Acceptable Household Quantities**

Acceptable Household Quantities means waste which is otherwise Unacceptable Waste, but which is contained in garbage, refuse, and municipal Solid Waste from household activities. For the purpose of this definition, “household” includes any residential dwelling unit or place of transient residence.

### **2.2 Acceptable Non-Household Waste**

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.

### **2.3 Acceptable Waste**

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.

**2.4 Air Contaminant**

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.

**2.5 Air Pollution**

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 unreasonably interfere with the enjoyment of life or property.

**2.6 Backyard Compost Site**

Backyard Compost Site means a Site used to Compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and pruning's from a residential property, multi-unit dwelling, or a commercial office, by an Owner, occupant, or lessee of the property.

**2.7 Base County**

Base County means the metropolitan county in which a MMSW Hauler's office, records, and vehicles are primarily located. If different parts of a Hauler's business are located in more than one metropolitan county, the Base County shall be the metropolitan county in which a majority of the Hauler's vehicles are stored, or 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.

**2.8 Base License**

Base License means the license obtained by the Hauler from the Base County and is a precondition to obtaining an Operating License from other Counties.

**2.9 Certificate of Rejection**

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 Non-Processible waste.

**2.10 Clean Fill**

Clean Fill means uncontaminated natural earthen materials such as soils, sand and gravel, or similar Inert Materials approved by the Department in writing.

**2.11 Compost**

Compost means the product resulting from the controlled biological decomposition of organic material that has been sanitized through the generation of heat and stabilized to the point that it is beneficial to plant growth and can be used as a soil amendment without further Processing.

**2.12 Compost Facility**

Compost Facility means a Site used to Compost acceptable materials, including all structures or Processing equipment used to control drainage, collect and treat Leachate, and storage areas for the incoming materials, the final product, and residuals resulting from the composting process.

**2.13 Compostable Bag**

Compostable Bag means a bag made of kraft paper or a compostable material that meets ASTM D6400 standards.

**2.14 Construction and Demolition Debris (C&D)**

Construction and Demolition Debris (C&D) means waste building materials, or rubble resulting from construction, remodeling, repair, or demolition of buildings and roads.

**2.15 Containment**

Containment means isolating, controlling, and monitoring waste in a Waste Facility that prevents a release of waste from the Facility.

**2.16 Counties**

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**

County means Washington County.

**2.18 County Board**

County Board means the Washington County Board of Commissioners.

**2.19 Department**

Department means the Washington County Department of Public Health and Environment.

**2.20 Designation**

Designation means the requirement contained in Section 18 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.

**2.21 Designated Facility**

Designated Facility means the Ramsey/Washington County Recycling & Energy Center (R&E Center) located on 100 Red Rock Road in Newport, Minnesota 55055 to which Acceptable Waste is required to be delivered.

**2.22 Designation Area**

Designation Area means the Counties of Washington and Ramsey, Minnesota.

**2.23 Designation Plan**

Designation Plan means that document entitled “Joint Waste Designation Plan” which details the Ramsey and Washington Counties’ proposal for the Designation of waste, and which was approved by the Commissioner of the MPCA on November 22, 2016, pursuant to the statutory Designation procedures contained in Minn. Stat. § 115A.80, et. seq. and subsequent plans.

**2.24 Disposal or Dispose**

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**

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 Facility**

Facility means all contiguous land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, storing, or Disposing of Solid Waste, Leachate or residuals from Solid Waste Processing.

**2.27 Financial Assurance**

Financial Assurance means monetary mechanisms which can be called upon and used to assure proper closure, post closure care, and contingency action at a Site or Facility.

**2.28 Generate**

Generate means the act or process of producing waste, including the production or aggregation of waste occurring at intermediate, transfer, Processing or disposal Facilities.

**2.29 Generator**

Generator means any Person who Generates, compostable, recyclable, or Solid Waste material(s).

**2.30 Hauler**

Hauler means any Person, firm, corporation, association, partnership, or other entity, that collects or transports MMSW that is Generated in the Counties. Hauler does not mean a Person hauling his or her own residential household waste.

**2.31 Hazardous Waste**

Hazardous Waste shall have the meaning as defined in the Washington County Hazardous Waste Management Ordinance #195.

**2.32 Incineration**

Incineration means the process by which materials are burned for the purpose of volume and/or weight reduction in Facilities designed for such use.

**2.33 Industrial Solid Waste**

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, municipal solid waste combustor ash, or household refuse.

**2.34 Inert Material**

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

**2.35 Infectious Waste**

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

**2.36 Intermediate Disposal**

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**

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 soil, waters of the state, create Air Contaminants or cause Air Pollution.

**2.38 Landspreading/Land Application**

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**

Land Spreading/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**

Leachate means liquid that has percolated through Solid Waste and has extracted, dissolved, or suspended materials from it.

**2.41 Licensee**

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 Major Appliances**

Major Appliances means, but is not limited to, clothes washers and dryers, dishwashers, water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.

**2.43 Market**

Market means any Person which accepts and recycles Recyclable Materials.

**2.44 Marketed**

Marketed means delivery of Recyclable Materials to and accepted by a Market.

**2.45 Medical Waste**

Medical Waste includes Infectious Waste 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.

**2.46 Mixed Municipal Solid Waste**

Mixed Municipal Solid Waste (MMSW) means garbage, refuse, and other Solid Waste from residential, commercial, industrial, and community activities that the Generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, Construction Debris, mining waste, Sludges, tree and

agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and Disposed of as separate waste streams.

**2.47 MPCA**

MPCA means the Minnesota Pollution Control Agency.

**2.48 Open Dump**

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.

**2.49 Operating County**

Operating County includes only those Counties in which the Hauler collects or transports MMSW.

**2.50 Operating License**

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

**2.51 Operator**

Operator means the Person or Persons responsible for the operation of a Solid Waste Facility.

**2.52 Ordinance**

Ordinance means Ordinance No. 202, the Washington County Solid Waste Management Ordinance.

**2.53 Owner or Solid Waste Facility Owner**

Owner or Solid Waste Facility Owner means the Person or Persons who owns a part or all of a Solid Waste Facility.

**2.54 Person**

Person means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity and with respect to acts prohibited or required herein, shall include employees or Licensees.

**2.55 Processing**

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.

**2.56 Processing Facility**

Processing Facility means a Solid Waste Facility used for the Processing of Solid Waste.

**2.57 Prohibited Materials**

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.

**2.58 R&E Board**

R&E Board means the Ramsey/Washington Recycling & Energy Board, a joint powers board comprised of the Ramsey and Washington Counties.

**2.59 Recovered Materials**

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.

**2.60 Recyclable Materials**

Recyclable Material means materials that are separated from MMSW for the purpose of Recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, and sole source food waste streams that are managed through biodegradative processes. Refuse-derived fuel or other material that is destroyed by Incineration is not a recyclable material.

**2.61 Recycling**

Recycling means the process of collecting and preparing Recyclable Materials for the purpose of 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.

**2.62 Recycling Facility**

Recycling Facility means a Facility where Recyclable Materials are received and prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use. The Recyclable Materials must:

- a. Fit the definition of MMSW prior to separation for Recycling;
- b. Not include items which have been prohibited by state law from Disposal or placement in MMSW, unless approved by the Agency;
- c. Have been separated from other MMSW by the Generator prior to collection; and
- d. Not be hazardous as defined in Chapter 7045, except for household Hazardous Waste. Recyclable Materials that are defined as household Hazardous Waste in part [7045.0131](#), subpart 1, and Minnesota Statutes, section [115A.96](#), subdivision 1, paragraphs (a) and (b), may be accepted at the Facility for Recycling if they are managed in accordance with part [7045.0310](#).

**2.63 Regional Hauler Licensing Board**

Regional Hauler Licensing Board means the joint powers board established by agreement of the Counties for the coordination of Solid Waste Management issues in the metropolitan area.

**2.64 Regional Hauler Licensing Program**

Regional Hauler Licensing Program means the Hauler licensing program established by joint powers agreement, among Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.

**2.65 Rejected Waste**

Rejected Waste means Unacceptable Waste which is rejected at the Designated Facility.

**2.66 Resource Recovery**

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

**2.67 Resource Recovery Facility**

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.

**2.68 Salvaging**

Salvaging means the controlled and authorized removal of waste materials from a licensed Solid Waste Facility.

**2.69 Satellite Vehicle**

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.

**2.70 Scavenging**

Scavenging means the removal of waste materials from a licensed Solid Waste Facility, which has not been authorized by the Department.

**2.71 Self-Hauler**

Self-Hauler means a Person who transports their own waste for Processing or Disposal.

**2.72 Shoreland**

Shoreland means land located within the following distances from the ordinary high water elevation of public waters: (a) land within 1,000 feet from the normal high watermark of a lake, pond, 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.

**2.73 Shrub**

Shrub means a perennial woody plant of relatively low stature, typically with several stems arising from or near the ground and less than four inches in diameter.

**2.74 Site**

Site means the spatial location of a proposed or actual Solid Waste Management activity or Facility.

**2.75 Sludge**

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.

**2.76 Solid Waste**

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.

**2.77 Solid Waste Collection**

Solid Waste Collection means the gathering of Solid Waste from public or private places.

**2.78 Solid Waste Facility**

Solid Waste Facility means all property, real or personal, including easements and water and air rights, which is or may be used for the Processing or Disposal of Solid Waste. A license is required under the provisions of this Ordinance for all Solid Waste Facilities, except property used for the collection of the Solid Waste at the generation Site and property used primarily for the manufacture of scrap metal or paper. A Solid Waste Facility includes but is not limited to Transfer Stations, Solid Waste Facilities related to Processing, and Disposal Facilities.

**2.79 Solid Waste Hauler**

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.

**2.80 Solid Waste Management**

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.

**2.81 Solid Waste Storage**

Solid Waste Storage means the holding of Solid Waste in quantities equal to or greater than ten cubic yards for more than 48 hours.

**2.82 Solid Waste Transportation**

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.

**2.83 Source Separation**

Source Separation means the separation of Recyclable Materials from waste by the Generator prior to collection for Recycling.

**2.84 Tipping Fee**

Tipping Fee means the fee charged to Haulers and citizens for waste delivered to the Designated Facility.

**2.85 Transfer Station**

Transfer Station means an intermediate Solid Waste Facility in which Solid Waste collected from any source is temporarily deposited to await transportation to another Solid Waste Facility.

**2.86 Tree**

Tree means a perennial woody plant, generally with a single stem (trunk) greater than 4 inches in diameter.

**2.87 Unacceptable Waste**

Unacceptable Waste means Solid Waste that 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; commercial, industrial, and community Hazardous Waste, as regulated by federal, state and local law; 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 waste; 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 identifies; or that MPCA or any other governmental unit having appropriate jurisdiction shall determine, is harmful or of a toxic or dangerous nature.

**2.88 Waste Facility**

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 Facilities includes but is not limited to Transfer Stations, Processing Facilities, and Disposal Facilities.

**2.89 Wetland**

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/OBS-79/31), 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.

**2.90 Yard Waste**

Yard Waste means garden wastes, leaves, lawn cuttings, weeds, Shrub and brush waste.

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**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.

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**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 mean the “Department.”

**4.2**

Wherever the “Commissioner” appears in these adopted rules, it shall 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 mean “Washington County.”

**4.5**

Wherever the term “Minnesota Waste Management Board,” or “Board” appears in these adopted rules, it shall mean the “Department.”

**4.6**

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

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**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 Inspection**

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 inspection 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 License Review**

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 License Issuance**

The Department shall have the right and duty to issue or deny Solid Waste licenses and when deemed necessary to impose Solid Waste Management activity, Site, or Facility specific conditions on such licenses.

**5.4 Conditions.**

- a. The Department may impose conditions on any License, permit, approval, or variance as deemed necessary to monitor the operation and ensure the protection of public health, safety and the environment.
- b. Violation of any condition imposed by the Department on a Licensee, permit, approval, or variance, shall be deemed a violation of this Ordinance and subject to the penalty provisions set forth in the Washington County Administrative Ordinance.

- c. Where requirements imposed by the provisions of this Ordinance differ from comparable conditions imposed by any other applicable law, Ordinance, rule or regulation, the provision that establishes the higher standards for the protection of the public health, safety and the environment shall apply.

### **5.5 Complaints**

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

### **5.6 Enforcement**

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.

### **5.7 Investigations**

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.

### **5.8 Communication**

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.

### **5.9 Negotiation**

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.

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## **6.0 Licensee Responsibilities:**

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

### **6.1 Compliance**

- a. Any and all Licensees shall be responsible for compliance with all of the provisions of this Ordinance.
- b. No Person shall cause or permit the collection, storage, transportation, Disposal, Or Processing of Solid Waste, or the construction or operation of a Solid Waste Facility(ies) and Site(s) 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, storage, transportation, Disposal or Processing.
- c. Compliance with the conditions of this Ordinance does not preclude nor relieve compliance with any other applicable Federal, State, or local rule, regulation, or requirement. Whenever two regulatory standards appear to conflict, the more restrictive shall apply. The standards, rules, and regulations of the MPCA shall apply to all Solid Waste Management activities within the County, except as provided in this Ordinance.

### **6.2 Inspection**

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 Records**

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 License Requirements**

No Licensee shall operate or allow any Solid Waste Management activity or Facility, 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 or allows 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 False Information.**

Omission of any information or submission of false information required by a provision of this Ordinance is unlawful and may be punished as provided by law.

### **6.6 Environmental Monitoring**

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.

### **6.7 Indemnify**

The Licensee agrees to indemnify and hold 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.

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## **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 for an operation or activity and location 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.

### **7.2 Licensee**

Solid Waste Management activities or Facility licenses shall be issued to the landowner, Facility Owner, or Facility Operator.

### **7.3 License on Premises**

A Solid Waste Facility or Site shall post the License, required by section 7.1 of this Ordinance, in a public area of the business. Additionally, all other required licenses, permits and waste operation approvals, shall be posted in a public area of the business. If there is not a public location at the Facility or Site available to post said Licenses and/or permits, they shall be maintained On-Site and presented for viewing on request.

### **7.4 Licensing Not Exclusive**

Obtaining a Solid Waste Facility, Site, or Hauler License does not relieve any Person of the need to comply with any and all other applicable rules, regulations and laws.

### **7.5 Other Solid Waste Facility or Site**

Any Solid Waste Facility or Site to be used for any method of Solid Waste Management not otherwise provided for in this Ordinance must be Licensed by the Department before operation may commence. The License application shall include requirements set forth in this Ordinance.

### **7.6 License Term**

Each license granted pursuant to the provisions of this Ordinance shall be in any year from July 1<sup>st</sup> to June 30<sup>th</sup> of the following year, unless otherwise specified, suspended or revoked.

### **7.7 Application and Fees**

An applicant for a license or license renewal to construct or operate a Solid Waste Facility or engage in a Solid Waste Management activity shall comply with the following:

- a. Submit to the Department a completed application on the approved form provided by the Department.
- b. Applications are not considered complete until the Department receives all applicable fees, materials, and requested information.
- c. Solid Waste Management activities or Facilities shall not commence any operation or engage in any activity until the license application has been approved and license issued by the Department.
- d. No license shall be issued until construction has been completed in compliance with this Ordinance. Applications for a Facility or Site License shall be submitted in accordance with Department procedures. Applications for License renewal must be accompanied by a statement of any change in information submitted in the last approved License renewal application. Applications for renewal of licenses received after due date shall be considered late and subject to a late application fee. The date of receipt is the postmark date if mailed or the Department date of receipt if hand delivered.

### **7.8 Fees**

- a. The County Board shall establish fees for Solid Waste activities, Facilities and operations, including fees for the application, Licenses and plan review.
- b. The County Board may establish such other fees as may be necessary for the administration of this Ordinance.
- c. All fees are due thirty (30) days from the billing date, unless otherwise specified.

### **7.9 Application Review**

Within 60 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 60 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.

**7.10 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 and the environment.

**7.11 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.

**7.12 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.

**7.13 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.

**7.14 Financial Assurance/ Insurance**

**a. Financial Assurance**

1. Solid Waste Activities or Facility licenses shall be contingent upon the Licensee providing the Department proof of Financial Assurance in the amount and form to be established by the Department.
2. Financial Assurance shall be calculated using the following factors: estimated cost for an independent third party contractor to Dispose of the maximum inventory of Solid Wastes that may be on the Facility Site at any one time and to perform any other activities necessary to ensure that the Facility does not pose a threat to public health or the environment, plus an additional thirty (30) percent to cover unanticipated and/or administrative costs that the Department might incur. The condition of such bond, insurance, or letter of credit shall be that if the licensee fails to obey any of the requirements or perform any of the acts required by this Ordinance, an order or notice issued by the Department, or conditions of the License in the operation of the Site or Facility, or if, for any reason, ceases to operate or abandons the Site or Facility, the principle and the sureties on its bond, insurer, or obligor on its letter of credit shall pay for any and all expenses required to remedy the failure of the principal to comply with the terms of the Ordinance, orders or notices of the Department, or conditions of the License.
3. The Licensee will defend, indemnify and hold the County harmless from all losses, costs and charges that may occur to the County because of any default of the principle under the terms of its License.

- b. **Insurance.** An applicant or Licensee shall furnish to the Department Certificates of Insurance issued by insurers duly licensed within the State of Minnesota in types and amounts to be established by the Department. The Licensee shall provide 30 days written notice to the Department should any insurance policy be canceled before the expiration date of said policy.
  - 1. The above paragraphs establish minimum insurance requirements, and it is the sole responsibility of the Licensee to purchase and maintain additional insurance that may be necessary in connection with this its operation of the Facility or Site.
  - 2. The Licensee shall not operate the Site of Facility until it has obtained the required insurance and filed an acceptable Certificate of Insurance with the County. Copies of insurance policies shall be submitted to the County upon request.

#### **7.15 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 on the application on or before the expiration date of the license.

#### **7.16 Termination of Licensed Operation and Abandonment**

- a. **Termination of Operation.** Any Person who, for any reason, terminates or ceases operations at a Solid Waste Facility or Site must remove all Solid Waste and accumulated materials, to include Recyclables, prior to termination of operations. Termination of Operations may include the sale of an operation to a new entity; a business which dissolves or otherwise ceases to operate; the relinquishing of a lease or rental rights to a property; or a change in operation such that Solid Waste is no longer managed. Removal of the waste from the Site must be accomplished in full compliance with this Ordinance and Minnesota Rules Chapter 7035. Materials remaining on the Site of terminated operation shall be considered waste materials. The continued storage of Solid Waste on the Site of a terminated operation shall be done in compliance with Solid Waste Storage Facility rules in Minnesota Rules Chapters 7001 and 7035 and this Ordinance.
- b. **Abandonment.** Any Person who owns property on which Solid Waste or other accumulated materials, including Recyclables, which have been abandoned must remove these materials, within a timeframe established by the Department. Storage of abandoned materials on the property is prohibited and shall be considered a violation of this Ordinance.

#### **7.17 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.

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## 8.0 Solid Waste Facility Design, Construction and Operational Requirements

### 8.1 State Rule Adopted

The general Solid Waste Management Facility and Site Requirements shall be in accordance with MPCA Solid Waste Management Rules 7035.2535-7035.2655 which is hereby incorporated by reference as a part of this Ordinance.

### 8.2 General Design and Construction Requirements

The following items shall be established, constructed, or provided for at all Solid Waste Facilities, unless specifically exempted by the Department:

- a. Litter control devices such as portable fences.
- b. Firefighting facilities on Site adequate to insure the safety of employees.
- c. Adequate vehicle queuing space to prevent disruption of normal traffic flow on public streets.
- d. Adequate communication facilities for emergency purposes.
- e. Controlled access to the site or facility.
- f. An all-weather road and operational surfaces throughout the Facility.

### 8.3 General Operating Procedures

Any Person who has been granted a license by the Department to operate a Solid Waste Facility or Site shall comply with the following general operating procedures:

- a. **Open Burning.** Open burning of Solid Waste is prohibited.
- b. **Special Wastes.** No Facility shall knowingly accept radioactive, infectious, hazardous or other material determined by the Department to pose an unreasonable risk to public health and the environment. When identified these materials shall be managed in accordance with applicable state regulations.
- c. **Wind-Blown Material.** Unloading of Solid Waste shall be confined to as small an area as practicable and surrounded with appropriate materials to confine possible wind-blown material within the area. At the conclusion of each day of operation, all wind-blow material resulting from the operation shall be collected and returned to the area by the Licensee or Operator.
- d. **Public Nuisance Control.** Control of vectors, such as rodents and flies, odors, dust, wind-blown material and other potential public nuisances shall be sufficient to prevent or eliminate any public nuisance. Should the Department so prescribe, an exterminator or pest control agent, at the Licensee's expense, shall be engaged to inspect the Facility or Site. The Licensee shall send a copy of each exterminator inspection report to the Department immediately upon its receipt.
- e. **Reports.** The Owner or Operator of a Solid Waste Facility or Site shall prepare and submit the following reports to the Department on forms provided by the Department and in a manner as instructed by the Department.
  1. **Reports.** A report of the Facility's or Site's operation shall be submitted to the Department at the required interval. This report shall include, but not be limited to, the amount of each type of Solid Waste delivered to the Facility or Site by County of origin, final deposition of each type of Waste by County of origin and Recycling operation information.
  2. **Other Reports.** The Department may require the Licensee to submit other reports and information as necessary to determine that the Facility or Site has managed all Solid Waste operated in accordance with all applicable laws, statutes, rules, regulations and Ordinances.
  3. **Record Retention Times.** Operating records must be kept On-Site for a minimum of three (3) years unless required under state or federal rules or laws to be held for a longer period of time.
- f. **Supervisor/Operator.** A Facility or Site supervisor must be On-Site at all times that the Facility or Site is open for business and conducting operational activities.

#### 8.4 Additional License Requirements

It is a violation of this ordinance for any Person to establish, operate, or maintain a Solid Waste Facility without first being licensed to do so by the Department. The Department may, at its discretion, issue a license for the operation of a Solid Waste Facility when the following information prepared by a Minnesota licensed professional engineer are submitted as part of the application.

- a. **Land Use and Zoning Map.** A current map or aerial photograph of the area showing the land use and zoning within in one-quarter (1/4) mile of the property described in the application. A location inset map shall be included.
- b. **Site Plan.** The Site Plan shall have a scale of one (1) inch equal to no greater than fifty (50) feet and have a vertical contour interval of no greater than five (5) feet. The Site Plan shall include all land within 1,000 feet of the property described in the application. The following shall be included in the Site Plan as a minimum:
  1. Name and address of the Facility, property Owner, and the Facility Operator.
  2. City and/or township boundaries.
  3. North arrow, section line, and section number.
  4. Waters of the state, flood plains, and floodways.
  5. Land use and zoning within a 1,000 foot radius of the boundaries of the property.
  6. Adjacent residences and property ownership.
  7. Roads and railroads.
  8. Easements and utilities.
  9. Location, size and Ownership of the land upon which the Solid Waste Facility will operate.
- c. **Non-conforming Zoning and/or Land Use.** If operating the Solid Waste Facility is against zoning codes, a written conditional use approval must be submitted to the Department.
- d. **Engineering Plans.** The Engineering Plans for the Solid Waste Facility shall include the following as a minimum:
  1. Roads, screening, fencing, gates, dimensions of the building(s), dimensions of the storage area(s), loading and unloading zones, and location of existing and proposed utilities.
  2. Dikes, berms, walls, and dividers.
  3. Landscape and grading plans.
  4. The Department may request a report of the subsurface condition at the proposed Facility. The Department may request data that is adequate to indicate suitable soils, geological, and ground water information at the Facility. The above data will be detailed on cross sections, the location of which will be indicated on the Site Plan.
- e. **Operational Plan.** An Operational Plan, a Contingency Action Plan, and a Closure Plan must be kept up to date, and easily accessible at the time of inspection. An Industrial Waste Plan is required if the Facility will accept industrial waste. The Plan shall include the following as a minimum:
  1. Complete Site plans and specifications, proposed operating procedures for the Facility, place of final disposal, and equipment to be used.
  2. A contingency action plan describing the procedures and action that would be taken in the case of a fire, chemical release, physical injury or other emergencies.
  3. A description of the Solid Waste proposed to be collected, stored, processed, or transferred at the Facility.
  4. A description of the overall operation and a functional description of all the equipment to be used, including design and anticipated performance. The operations plan shall describe the flow of Solid Waste through the Facility.

5. The procedures for the Facility start-up, and the scheduled and unscheduled shut down operations.
6. A description of the potential safety hazards and methods of control including but not limited to: fire and smoke detection, air monitoring, fire control devices, odor, ventilation, and exhaust control systems.
7. A description of worker protection, training, and safety equipment to be employed On-Site.
8. A description of cleaning procedures to be employed at the Facility.
- f. A description of the methods of weighing or measuring the Solid Waste accepted and transferred at the Facility.
- g. Site access control methods.
- h. Other information. Any other information required by the Department.

### **8.5 Operational Requirements**

- a. The following shall be established and maintained at the Solid Waste Facility:
  1. A sign shall be posted, subject to approval of the Department, at all entrances to the Facility. The sign shall include the Facility name, Facility address, and the schedule of days and hours the Facility is open.
  2. The Facility shall be situated, equipped, operated, and maintained as to minimize interference with other activities in the area.
  3. Facility operational records shall be maintained that include the types and amounts of waste delivered to accept by the Facility, as directed by the Department.
- b. A Facility Licensee shall comply with the following operational requirements.
  1. The premises, entrance and exits shall be maintained in a clean, neat and orderly manner at all times.
  2. All incoming and outgoing traffic shall be controlled by the Licensee in such a manner as to provide orderly and safe ingress and egress.
  3. All operations shall be conducted in such a manner as to minimize nuisances odor, litter, rodents and vermin and dust.

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## **9.0 Collection and Transportation of Solid Waste**

This section shall apply to all Persons seeking a license to collect and transport Mixed Municipal Solid Waste (MMSW), as that term 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.

### **9.1 State Rule Adopted**

The collection and transportation of Solid Waste shall be performed in accordance with Solid Waste Rules 7035.0800 which is hereby adopted by reference as part of this Ordinance.

### **9.2 License Required**

No Hauler shall collect or transport MMSW Generated in Washington County unless the Hauler has a valid Base License from the Base County and a valid Washington County Operating License. On the expiration date of the current license, any activity for which the license is required shall cease.

- a. **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.

1. **Incomplete or Non-Conforming Application.** If an application for a Base License or Operating License with Washington County 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.
  2. **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 Regional Hauler Licensing Board. No license fee shall be prorated for a portion of a license term and no license fee shall be refunded.
  3. **Late Fees.** Complete application submitted after the due dates specified in Section 9.2 (a)(5) shall be subject to the following late fees:
    - i. One to seven days late - twenty five percent (25%) late fee;
    - ii. Eight to thirty days late fifty percent (50%) late fee;
    - iii. Thirty-one or more days late one hundred percent (100%) late fee.
  4. **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.
  5. **Application Due.** Hauler license renewal applications must be submitted to the Base County by April 30 of each license term. A Hauler license renewal application received after April 30 shall be subject to a late fee.
  6. **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 9.2 (a) (3). 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.
  7. **License.** The License period shall be the period of July 1 of the issuing year through June 30 of the second year, or as otherwise established by the Regional Hauler Licensing Program Board.
  8. **License Transfer.** Licenses are non-transferable.
- b. **Base License.** If Washington County is the Hauler's Base County, the 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 MMSW. Application for the Operating License would be made to the Department.
1. **Vehicles Licensed.** The Hauler's Base License shall identify all vehicles used by the Hauler for the collection or transportation of MMSW Generated within the Counties.
  2. **Decalomania.** The Hauler shall be issued a license decal for the current license term for each vehicle used by a Hauler for the collection or transportation of MMSW 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 term, the Hauler shall submit the required information for this vehicle to the Base County and shall not use the vehicle collect or transport MMSW within the Counties until a decal has been issued and affixed to the new vehicle.

3. **Insurance.** The Hauler shall obtain and submit, with the application, 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.
  - i. Commercial General Liability/Professional Liability with contractual liability coverage in the amount of the Counties' tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time. The County, its agents, officers, and employees shall be listed as an additional insured as it relates to these liabilities; and
  - ii. Automobile liability coverage in the amount of the Counties' tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time;
  - iii. Workers Compensation insurance in statutory amount(s).

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 Regional Hauler Licensing 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.

- c. **Operating License.** Any Hauler that collects or transports MMSW in the County must obtain and maintain an Operating License from the Department.
  1. **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.
  2. **License Suspension or Revocation.** The Department may suspend or revoke any Hauler's Operating License issued by the County for violation of any of the requirements set forth in section 7.00 of this Ordinance or violation of any Operating License conditions. Suspension or revocation of a Hauler's Base License by the Base County shall constitute sufficient basis for the summary suspension or revocation of the Hauler's Operating License issued by the County.
  3. **Route Description.** The Department may require that the applicant submit a detailed description of daily route(s) to be followed by each of the applicant's vehicles during the collection or transportation of Solid Waste. Route information received by the Department pursuant to this section is nonpublic data as defined in Minnesota Statutes Sections 13.37 and 13.02, Subdivision 9.
  4. **Additional Data.** The applicant shall submit additional data requested by the Department regarding the applicant, the business and/or the license application.
- d. **Specific Licensing Requirements.** In addition to the applicable requirements of section 7.0, an applicant shall submit the following information:

1. 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, and state issued registration number.
2. 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;
3. A description of the company's Recycling and other waste abatement activities.
4. Certificate of insurance pursuant to Section 7.14 of this ordinance.
5. Additional information pertaining to Solid Waste Management requested by the Department.

### 9.3 Equipment and Operation Requirements

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.

- a. **Identification.** 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 as used by the Hauler to store, collect, or transport waste Generated within the County.
- b. **Maintenance.** All MMSW Collection and Transportation vehicles shall be maintained in a safe and sanitary manner. Brooms, shovels, and spill absorbent material shall be provided on each vehicle for the purpose of cleaning spilled material. All safety equipment including but not limited to horns, lights, and reflectors shall be operable. All decals, labeling and license plates shall be maintained so that they remain readily visible and legible at all times.
- c. **Inspection.** 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.
- d. **Storage in Vehicles.** 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.
- e. **Protecting Private Property.** The Hauler shall take reasonable care to protect the property of customers being served. The Hauler shall be responsible for any damage or spillage of MMSW as a result of operational activity.
- f. **Smoking, Smoldering or Burning Solid Waste.** The Hauler shall not collect and transport MMSW materials that are smoking, smoldering or burning.
- g. **Dumping in an Emergency.** 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.
- h. **Discharge of Liquid Waste.** The Hauler shall not discharge nor allow the discharge of liquid waste from MMSW collection and transportation vehicles or containers at any location, except at the Facility or other designated Solid Waste Facility as part of a load.
- i. **Volume or Weight Based Rates and Charges.** The Licensee shall charge residential and commercial customers rates for the collection of MMSW 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.

- j. **Charges for Recycling.** The Licensee shall not impose a greater charge on residents who recycle than on residents who do not recycle.
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## 10.0 Solid Waste Processing Facilities

### 10.1 State Rules Adopted

The design, construction, and operation of Solid Waste Processing Facilities shall be in accordance with MPCA Solid Waste Management Rules Parts 7035.2525-7035.2655, 7035.2845, and 7035.2875 which are hereby adopted by reference as part of this Ordinance.

### 10.2 Special Wastes

If the Solid Waste Processing Facility processes Infectious or Medical Wastes, it shall also be subject to the provisions of MPCA Solid Waste Management Rules Parts 7035.9100 – 7035.9150 which are hereby incorporated by reference as a part of this Ordinance.

### 10.3 Requirements for Solid Waste Processing Facilities

The licensing requirements and standards for a Solid Waste Processing Facility shall be in accordance with Section 7 of the County's Solid Waste Management Ordinance. In addition to the Solid Waste Facility establishment and operation requirements as described in Section 8 Solid Waste Processing Facilities shall comply with the following:

- a. **Loading and Unloading.** All unloading and loading of Solid Waste shall be done inside an enclosed building on a non-permeable surface. Facilities currently operating outside of an enclosed structure shall provide the Department with plans, within 120 days of adoption of this ordinance by the County Board, to enclose the structure within two years.
- b. **Waste Removal and Clean Up.** The Licensee shall clean and maintain the Solid Waste Processing Facility and either remove or properly store all Solid Waste at the end of each day.
- c. **Traffic Control.** An adequate vehicle queuing area shall be provided on the Facility property and maintained off-street to avoid traffic flow interruption. If the queuing area is to be off Site, written approval shall be obtained from property Owners or the local authorities for the on-street queuing. This approval shall contain the approved area and any restrictions on the number or type of vehicles and time of the day that queuing is authorized.
- d. No Solid Waste may be delivered to or transported from a Solid Waste Processing Facility unless the Owner or Operator has reasonable belief that the Hauler transporting the Solid Waste or the Facility receiving the Solid Waste may lawfully do so under applicable federal, state, or local rules. Reasonable belief means that the Owner or Operator has verified that the Hauler transporting the Solid Waste or Facility receiving the Solid Waste holds a valid License, permit, or other approval, or that no such approval is required. The only exception would be for a private citizen disposing of their own waste.
- e. **Reports.** The Owner or Operator of the Solid Waste Processing Facility shall prepare and either submit the following reports to the Department or have them available and readily accessible for review on Site by the Department as determined by the Department.
  - 1. the source, quantity and characteristics of the Solid Waste being processed;
  - 2. the source, quantity and characteristics of any other material added to the Solid Waste, such as bulking, catalyst, or nutrient agents;

3. a description of the process to reduce pathogens, if required, and the corresponding test results;
  4. records of daily temperature readings, pressure readings, chemical additions, retention times, or other information as may be required by the Department;
  5. records of the quantity and classification of the processed Solid Waste;
  6. records of the quantity and type of by-products removed from the Solid Waste; and
  7. A description of the end-product distribution and Disposal system.
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## **11.0 Solid Waste Transfer Stations**

### **11.1 State Rule Adopted**

This section applies to all Solid Waste Transfer Stations designed, constructed, established, maintained and operated in accordance with the following provisions, regardless of size or category. Transfer Stations must be licensed by the Department and be in compliance with MPCA Solid Waste Management Rules Part 7035.2870.

### **11.2 Licensing Requirements for Transfer Station**

In addition to the licensing requirements and standards as described in Section 7 of this Ordinance Transfer Station Facilities shall also abide by the following specific conditions.

- a. The rates and charges for the use of the Transfer Station, if the Transfer Station is authorized for use by the public, shall be posted.
- b. A statement of the basis of the rates and charges for use of the Transfer Station, if the Transfer Station is authorized for use by the public, shall be posted.

### **11.3 Transfer Station Throughput**

The throughput of a Transfer Station is the amount of Solid Waste the Transfer Station can effectively accept and transfer in an operating day without creating a public nuisance or conditions that may affect the public's health, safety and welfare, or the environment. This throughput shall be determined by mathematical calculation by the applicant and stated in cubic yards or tons per day (TPD) on the facility license application.

### **11.4 Annual Transfer Station Capacity**

The total amount of Solid Waste transferred at a Transfer Station during any license year shall not exceed the Transfer Station's annual capacity as set forth in the Transfer Station's MPCA permit, unless so authorized by the MPCA, the municipality in which the Transfer Station is located, and the Department. The Department may set a lower annual capacity limit than that set by the MPCA if the throughput analysis required in 11.3 of this section shows that the Transfer Station cannot effectively handle the established MPCA permit capacity. Failure to comply with annual Transfer Station capacity limits shall be a violation of the Ordinance.

### **11.5 Operational Requirements**

Transfer Station Facilities shall be operated in accordance with Minn. Rule 7035.2870 and section 8 of this Ordinance. In addition, the following operating requirements apply:

- a. **Waste Removal and Clean up.** The Licensee shall clean and maintain the Transfer Station and either remove from the Site or properly store all Solid Waste at the end of each operating day.

- b. **Delivery of Solid Waste.** No Solid Waste may be delivered to or transported from a Transfer Station unless the Owner or Operator has reasonable belief that the Hauler transporting the Solid Waste or the Facility receiving the Solid Waste may lawfully do so under applicable federal, state, or local rules. Reasonable belief means that the Owner or Operator has verified that the Hauler transporting the Solid Waste or Facility receiving the Solid Waste holds a valid License, permit, or other approval, or that no such approval is required. The only exception would be for a private citizen disposing of their own waste.
  - c. **Unloading.** All unloading and loading of Solid Waste shall be done inside an enclosed structure on a non-permeable surface. Facilities currently operating outside of an enclosed structure shall provide the Department with plans, within 120 days of adoption of this ordinance by the County Board, to enclose the structure within two years.
  - d. **Inventory.** The Operator of the Facility shall implement an inventory system and segregation procedure sufficient to enable identification of the sources of all containers in storage at any time.
  - e. **Reports.** As a condition of maintaining its License, the Owner or Operator of the Solid Waste Transfer Station shall prepare and submit the following reports on a schedule and in a manner established by the Department.
    - 1. **Monthly Reports.** This report shall include, but not be limited to, the amount of each type of Solid Waste delivered to the Transfer Station by County of origin, final deposition of each type of waste by County of origin, and material Recycling information.
    - 2. **Other Reports.** The Department may require the Licensee to submit other reports and information as necessary to determine that the Transfer Station or Site has managed all Solid Waste and operated in accordance with all applicable laws, statutes, rules, regulations and ordinances.
    - 3. **Record Retention Times.** Operating records must be kept On-Site for a minimum of three (3) years
  - f. A Transfer Station supervisor or designated Operator must be On-Site at all times that the Transfer Station is open for business and conducting operational activities.
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## 12.0 Composting Facilities

### 12.1 Rules Adopted

This section applies to all Compost Facilities designed, constructed, established, maintained and operated. All Compost Facilities must be licensed by the Department and be in compliance with MPCA Solid Waste Management Rules Part 7035.2836, sections 7 and 8 of this Ordinance.

### 12.2 Solid Waste Composting Facilities

In addition to the requirements established above Solid Waste Composting Facilities waste shall comply with the following design and operational requirements.

- a. **Engineering Plans.** All Compost Facilities that accept more 10,000 cubic yards of material, annually, shall submit engineered plans along with the facility license application that describe the following elements:
  - 1. Landscaping and grading plans that delineate the Composting Facility surface water and Leachate drainage characteristics; and shall be designed, at a minimum, to manage a 24-hour 10 year storm event, prevent ponding within the Compost piles or windrows, and divert surface water drainage from Off-Site away from the Compost Facility.

2. Engineering controls to be used for surface water and Leachate drainage management that may include ditches, dikes, berms, walls, dividers, culverts, energy breaks, sedimentation ponds, treatment ponds, rain gardens, vegetative filter strips and erosion measures.
3. Other Site-specific plans as required by the Department.
- b. **Operational Plan.** Prior to receiving a license Solid Waste Compost Facilities shall submit an Operational Plan, to be approved by the Department. This plan must be updated no less than annually or as operations change, and be easily accessible at the time of inspection. The plan shall include the following as a minimum:
  1. A description of the handling, storage, and Disposal methods to be used for unmarketable Compost and residuals, including time On-Site and removal schedule, not less than monthly.
  2. Total capacity of the Compost Facility including proposed storage and Processing capacity for the incoming waste, residuals, Compost in progress, curing Compost, and finished Compost.
  3. Methods of controlling the types of waste received at the Facility. The plan shall specify inspection procedures, number and location of spotters, rejection criteria, and procedures to be followed if prohibited wastes are discovered.
  4. Waste Processing methods and procedures, including the equipment to be used, the composting method to be employed (for example; in vessel, static pile, windrow, anaerobic, etc.), turning frequency, and total time of the composting process from initiation to completion and distribution.
  5. Special precautions or procedures for operation during wind, heavy rains, snow, and freezing conditions.
  6. Procedures to measure, detect and address odors, dust, ground or surface water runoff, litter and other nuisance conditions.
  7. Proposed monitoring, sampling protocol, and chemical analyses to be performed on the composting and composted waste.
  8. The proposed end markets and quality of the finished Compost, wood mulch, or chips produced at the Facility.
- c. **Operational Requirements.** Solid Waste Compost Facilities shall operate in accordance with the following.
  1. The following shall be established and maintained at the Compost Facility:
  2. Records as approved and requested by the Department shall be maintained for three (3) years and shall be accessible to the Department. These records shall include the following:
    - i. The total quantity in cubic yards of organics accepted.
    - ii. Type(s) of organics accepted, transferred, or rejected.
    - iii. Origin(s) of organics accepted or rejected by the Compost Facility
    - iv. Time and date of delivery.
  3. The Operator of the Compost Facility shall implement an inventory system and procedure adequate to enable identification of the type(s), origin(s), and destination(s) of organics in storage at any time.
- d. A Compost Facility Licensee shall comply with the following requirements:
  1. Adequate storage shall be provided for organics delivered to the Facility and for Unacceptable Waste, residuals, Compost and other products that are produced, with limitations to be set by the Department as a part of the license conditions.
  2. Residuals, screenings, rejected or Prohibited Materials shall be deposited into appropriate containers, not directly on the ground, and shipped Off-Site at least weekly.
  3. Surface water and Leachate drainage shall be managed in compliance with the Licensee's approved engineering plans pursuant to Section 12.1 (a).

4. All surface water run-off and Leachate shall be collected for re-use, On-Site treatment, or transported Off-Site for treatment or proper Disposal.
  5. Such other requirements or conditions as may be established by the Department in the license in order to protect the health, safety, and welfare of the public and environment.
  6. Within one (1) month after the Compost Facility closure, all non-impervious surfaces on which organics, Compost, residuals, or finished product were staged, shall be seeded with native grasses or other suitable vegetation. If operation cease between October 1 and April 1, the Site shall be seeded by May 1.
- e. All Solid Waste Composting Facilities shall be required to maintain a minimum of a 200 foot separation between the boundaries of the portion of the property used for the deposit and storage of materials and the property line of the property described in the application.
  - f. The Compost Facility Operator shall provide a detailed description, including appropriate chemical and physical analysis, as determined by the Department, of the source(s), quality, and quantities of the Solid Waste(s) to be composted or used as bulking agents.
  - g. The Waste storage areas and the waste Processing, composting, curing, and Compost storage areas shall be constructed of a water impermeable surfaces such as concrete or asphalt, and designed to control Leachate and surface water run-off.
  - h. The Compost Facility design and operation shall be done in a manner that prevents nuisance odors from leaving the property.
  - i. The Compost Facility Operator shall initiate the Processing of all Solid Waste within forty-eight (48) hours of delivery to the Facility.
  - j. Compost Facilities that Compost Solid Waste possessing a pathogen concern shall meet the MPCA approved criteria for a process to further reduce pathogens (PFRP) and provide a description of temperature monitoring protocol and procedures.
  - k. Daily operational records shall be maintained for the Facility that includes temperature monitoring data, and operational data such as quantity and types of waste processed.
  - l. Periodic analysis of the Compost, as determined by the Department, shall be completed for the following parameters: percentage of total solids; volatile solids as a percentage of total solids; pH; Kjeldahl, ammonia and nitrate nitrogen; total phosphorus; cadmium; chromium; chromium; copper; lead; nickel; zinc; mercury; and polychlorinated biphenyls (PCBs) and other parameters specified in Minn. R. 7035.2836, Subp. 6 as amended. All analyses shall be reported on a dry weight basis. The sampling and analysis program shall be established in the Facility licensed based on the Facility design, intended end use distribution of the Compost, waste composted, and Facility operations.
  - m. Each quarter, the Licensee shall submit an operating report to the Department on a form prescribed by the Department. Quarterly reports shall be due on the 15<sup>th</sup> day of April, July, October and January and include the following information for each of the three preceding months: all information and analyses specified in the license application , including copies of the laboratory reports; the origin, types, and quantities of Solid Waste and bulking agents composted at the Facility; the quantity of Compost and residuals produced; sampling and monitoring locations and protocol used to obtain representative conditions and samples; operational information including temperature monitoring data and Facility operational problems; and a description of the ultimate use and distribution of the finished Compost.

### **12.3 Additional Requirements for Yard Waste and Tree Waste Composting Facilities**

Yard Waste composting Facilities are subject to the following operational requirements, in addition to those contained in 7035.2836 Subp. 3, except that Site plans required by section 8 and operations plans required by section 8 may alternately be prepared by the Owner or Operator of the Facility.

- a. **Yard Waste.** Only Yard Waste, or similar vegetative waste, in Compostable Bags or in bulk may be accepted at a Yard Waste Compost Facility.
- b. The Compost Facility Operator or Owner shall take steps to prevent the incoming material from undergoing anaerobic decomposition.

#### **12.4 Backyard Compost Sites**

A Backyard Compost Site shall be considered exempt from the requirements of Sections 7, 8, 12.1, 12.2, 12.3, 12.4 and 12.5 and may be allowed on a land parcel without a license under this Ordinance. Backyard Compost Sites must comply with the following requirements:

- a. Size of the Compost pile shall not exceed ten (10) cubic yards in size; and
- b. Operation of the site shall not create a public nuisance or any conditions adversely affecting the environment or public health.

### **13.0 Recycling Facilities**

#### **13.1 State Rules Adopted**

The design, construction, and operation of Recycling Facilities shall be in accordance with MPCA Solid Waste Management Rules Part 7035.2845 which are hereby adopted by reference as part of this Ordinance.

#### **13.2 Reporting**

The Owner of a Recycling Facility shall also submit the MPCA annual report for that Facility to the Department within 30 calendar days of submittal to the MPCA.

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### **14.0 Construction and Demolition Waste (C&D) Land Disposal Facilities**

#### **14.1 State Rule Adopted**

The design, construction, and operation of a construction and demolition waste land disposal Facility shall be in accordance with MPCA Solid Waste Management Rules 7035.2825 subparts 7-14 shall apply to all construction and demolition waste land disposal Facilities and is hereby adopted by reference as part of this Ordinance.

#### **14.2 Additional License Requirements for C&D Land Disposal Facilities**

Additional requirements for a construction and demolition waste land disposal Facility license. The following information and materials prepared by a professional engineer registered in the State of Minnesota shall be submitted to the Department in addition to requirements set forth in Section 7 and 8 of this ordinance.

- a. All Land Disposal Facilities must employ a liner system that complies with MN Rules 7035.2815, Subpart 7, subsection A-N.
- b. A plan for inspecting incoming waste for the presence of non- C&D or hazardous materials and how to manage loads that contain these materials.
- c. Procedures for removal and management of any non-C&D or hazardous materials found in waste already deposited at the Site.
- d. Land Use Plan. An ultimate land use plan, including intermediate stages, identifying the total area and post closure development land use. The scale of the land use plan shall not be greater than 50

feet per inch.

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## **15.0 Waste Tire Collection Sites and Processing Facilities**

### **15.1 State Rule Adopted**

The design, construction and operation of Solid Waste Processing Facilities shall be accordance with MPCA Solid Waste Management Rules Parts 7035.2525-7035.2655 which are hereby adopted by reference as part of this Ordinance.

### **15.2 License Required Except**

A License shall not be required for the following waste tire collection Sites and Processing Facilities:

- a. A retail tire seller for the retail-selling Site if no more than 500 waste tires are kept on the business premises.
- b. An Owner or Operator of a tire retreading business for the business Site if no more than 3,000 waste tires are kept on the business premises.
- c. An Owner or Operator of a business who, in the ordinary course of business, removes tires from motor vehicles if no more than 500 waste tires are kept on the premises.
- d. A licensed and permitted land Disposal Facility Operator with less than 10,000 waste tires stored above ground On-Site.
- e. A Person using waste tires for agricultural purposes if the waste tires are kept on the Site of use.

### **15.3 General Design and Construction Requirements**

The following general design and construction requirements shall be in accordance with Section 8 of this Ordinance and the MPCA Rules Parts 7035.2525-7035.2655:

- a. The Licensee shall maintain a minimum separating distance of fifty (5) feet between the Waste Tire Collection Site or Processing Facility operations and the adjacent property line.
  - b. The Licensee shall divert surface water drainage around and away from the collection area.
  - c. The Licensee shall provide adequate visual screening to reduce visibility of above-grade operations from housing or public right-of-ways by use of natural objects, trees, plants, seeded soil berms, fences, or other means deemed suitable by the Department.
  - d. The Waste Tire Collection Site/and/or Processing Facility shall be as situated, equipped, operated, and maintained as to minimize interference with other activities in the area.
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## **16.0 Land Application of Wastes**

### **16.1 License Required**

It is a violation of this Ordinance for any Person or company to land apply Solid Waste(s) (e.g., water treatment lime, petroleum contaminated soils, and industrial by-products from food and beverage Processing or ethanol production) without prior approval from the Department and in accordance with Department procedures. Sewage Sludge and solid or dissolved materials in domestic sewage are excluded from the definition of Solid Waste and are regulated by state rule (Minn. R. Ch. 7041), Minn. Stat., Chapter 115, Washington County Ordinance No. 196, and by Federal Rule (40 CFR Chapter 1, Subchapter O, part 503).

### **16.2 Notification Requirements**

Application for Land Application of Solid Waste shall be on forms provided by the Department, not less than thirty (30) days prior to initiation of proposed Land Application activities.

### **16.3 Reporting**

All approved applicants shall submit, annually, documentation of the amount, location(s) and type(s) of waste land applied, and other information as required by the Department in accordance with Department Procedures.

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## **17.0 Illegal Dumping**

### **17.1 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.

### **17.2 Unlicensed Open Dumps**

It shall be a violation of this Ordinance for any Person to operate an Open Dump. Waste placed in Open Dumps or illegally Disposed of shall be collected and transported to a licensed Waste Facility for proper Disposal by the property Owner or other Person(s) determined by the Department to be responsible for the illegal activity. The responsible party shall submit a closure plan for Department review and shall close the dump in accordance with the following provisions.

- a. The responsible party shall notify the Department at least 10 days 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.
    1. 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.
    2. Surface water must be diverted around and away from the Open Dump.
    3. 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.
    4. Establish and maintain final grade between 2% and 25% to promote surface water run-off without excessive erosion.
    5. Establish vegetative cover consisting of shallow rooted perennials or other suitable vegetation.
    6. 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.
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## **18.0 Designation**

### **18.1 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 Facility except as provided in subsections 18.4, 18.7, 18.9, and 18.10, herein. The County may from time to time designate additional Solid Waste Facilities. This provision is binding on all Persons in the County, including without limitation, political subdivisions, Solid Waste Disposal Facilities, Generators, Haulers, and Self-Haulers.

### **18.2 Delivery to Transfer Stations Permitted**

Haulers that enter into a waste delivery agreement with the R&E Board may comply with Designation by delivering Acceptable Waste to a Transfer Station that has entered into a transload agreement with the R&E Board, provided such an agreement allows delivery to such a Transfer Station.

### **18.3 Waste Delivered Pursuant to a Waste Delivery Agreement**

Waste subject to Designation, but that is delivered to the Designated Facility pursuant to waste delivery agreements between Haulers or authorized Self-Haulers and the R&E Board, is exempted from the requirement of Section 18.1, for the term of such agreements.

### **18.4 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 outlined in Section 18.7 herein. Notwithstanding the foregoing, all deliveries to the Designated Facility shall be in accordance with the terms and conditions of this Ordinance and in compliance with delivery instructions and procedures set forth by the R&E Board.

### **18.5 Delivery of Unacceptable Waste**

- a. **Rejection of Unacceptable Waste.** No Person may deposit Unacceptable Waste at the Designated Facility. The Operator of the Designated Facility may reject by refusing to accept any load for which there is a reasonable basis to believe the load contains Unacceptable Waste. At the time of such rejection, the Operator of the Designated Facility will provide the Satellite Vehicle Operator with a Certificate of Rejection stating the reason or reasons therefor.
- b. **Mixing of Waste Prohibited.** No Person shall mix Acceptable Waste with Unacceptable Waste.
- b. **Disposal of Rejected Waste.** Rejected waste 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 Facility used for Rejected Waste. No Solid Waste Facility may permit Solid Waste subject to Designation to be deposited at such a Solid Waste Facility unless the Person, Hauler, or Self-Hauler seeking deposit presents a Certificate of Rejection from the Designated Facility. Any Person, Hauler, or Self-Hauler who deposits Unacceptable Waste at the Designated Facility must recover all such Unacceptable Waste immediately upon demand of the Operator of the Designated Facility. 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.

### **18.6 Interruption of Designation Requirement.**

The Director of the Department or the Director's designee may choose to interrupt the Designation requirement of Section 18.1. If the Director of the Department or the Director's designee interrupts the Designation requirement of Section 18.1, no Person may deliver any Solid Waste to the Designated Facility until such time as the Designation requirement has been reinstated. During such interruption, any Solid Waste that would otherwise be subject to Designation may be delivered to an alternate, permitted Solid Waste Facility. This provision does not relieve any Person of any obligation to comply with all other applicable federal, state or local laws or ordinances. The Department will provide reasonable notice of any

interruption and subsequent reinstatement of the Designation requirement to Haulers, municipalities, Self-Haulers, and Solid Waste Disposal Facility Operators in the County.

### 18.7 Tipping Fees

- a. **Payment.** All Persons must pay a Tipping Fee to the R&E Board for Solid Waste accepted at the Designated Facility.
- b. **Procedure.** The R&E Board is delegated the authority to establish or amend the Tipping Fee by resolution. Any resolution establishing or amending the Tipping Fee shall state the effective date of the Tipping Fee, which shall be at least 90 days after the date of the resolution. All Persons subject to Designation shall be notified of an amendment to the Tipping Fee at least 90 days prior to the effective date of the amended Tipping Fee.
- c. **Principles.** The R&E Board shall set the Tipping Fee and any amendments thereto at a reasonable amount, taking into account any of the following factors:
  1. The cost to the R&E Board of Solid Waste Management services including those included in the R&E Board's Designated Facility budget and enterprise funds;
  2. the cost and savings to Haulers and Self-Haulers of delivering waste to the Designated Facility;
  3. the Tipping Fees charged at other Solid Waste Facilities in the area;
  4. any economic incentive the County or R&E Board may provide;
  5. the county of origin of waste processed or transferred by the Designated Facility; and
  6. any other factors which the R&E Board may determine to have an impact on the reasonableness of the Tipping Fee at the Designated Facility.

### 18.8 Exemptions

Designation shall not apply to the following:

- a. Materials that are separated from MMSW by the Generator and recovered for reuse in their original form or for use in manufacturing processes (for the purposes of this Section, "manufacturing processes" does not include the treatment of waste after collection for the purpose of composting).
- b. Materials that are processed at a Resource Recovery Facility at the capacity in operation at the time that the Designation Plan was approved.
- c. Materials that are separated at a Transfer Station that has a license and is located within the County for the purposes 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 Designated Facility at the time the Transfer Station began separation of the materials. This exemption shall only apply if the materials that are separated at the Transfer Station are actually recycled.
- d. Recyclable materials that are being recycled and residuals from Recycling if there is at least an 85 percent volume reduction in the Solid Waste processed at the Recycling Facility and the residuals are managed as separate waste streams.

### 18.9 Exclusions

- a. Materials excluded pursuant to Minn. Stat. § 115A.84, Subd. 4.
- b. Subject to approval by the Commissioner of the MPCA, Recyclable Materials that the County determines will be separated for Recycling at a Transfer Station located outside of the County if:
  1. The residual materials left after separation of the Recyclable Materials are delivered to the Designated Facility; and

2. Each Hauler and Self-Hauler that would otherwise be subject to Designation and that delivers waste to the Transfer Station or other Solid Waste Facility has not been found in violation of the Designation provision in the six months prior to filing for an exclusion; and
  3. The Recyclable Materials separated at the Transfer Station are delivered to a recycler and are actually recycled; and
  4. The Owner or Operator of the Transfer Station or other Solid Waste Facility agrees to report and actually reports to the R&E Board the quantities of materials, by categories to be specified by the R&E Board, that are recycled by the Transfer Station or other Solid Waste Facility that otherwise would have been subject to the Designation provision.
  5. In order to qualify for an exclusion under this Section, the Owner of a Transfer Station or other Solid Waste Facility shall file with the County a written description of the Transfer Station or other Solid Waste Facility, its operation, location, and waste supply sources, the quantity of waste delivered to the Transfer Station or other Solid Waste Facility by the Owner of the Transfer Station or other Solid Waste Facility, the Market for the Recyclable Materials separated for Recycling, where the Recyclable Materials are delivered for Recycling, and other information the County may reasonably require, as well as a filing review fee. Information received by the Department is nonpublic data as defined in Minn. Stat. § 13.02, Subd. 9. Within 10 business days following receipt of the filing the County, in consultation with the R&E Board, shall determine whether the application is complete, and indicate to the applicant in writing the information needed to make the application complete if the application is incomplete. In the event the application is incomplete, the applicant must resubmit a complete application in order to be considered. At its option, the County may convene an informal hearing with the applicant to gather additional information and to consider the application. The County shall act upon the request with 60 days of receipt of the completed application. Notice of the County's decision shall be made in writing, and shall be delivered by certified mail to the applicant.
  6. The exclusion shall not be effective until the County has received written notice from the Commissioner of the MPCA that it has approved the exclusion, and the County has issued written notice to proceed with the exclusion.
  7. The County may revoke an exclusion granted under this Section if:
    - i. Any of the conditions of this Subsection 18.9 (b) are not being met;
    - ii. Recyclable Materials that are being recycled and the residuals from Recycling do not have at least an 85 percent volume reduction in the Solid Waste processed at a Recycling Facility; or
    - iii. Residuals are not being managed as separate waste streams.
- c. **Petition for Exclusion**
1. Any Person proposing to own or operate a Processing Facility using Solid Waste materials subject to Designation, may petition the County for exclusion of the materials from Designation. In order to qualify for the exclusion of materials under this Section, the petitioner shall submit with the petition a written description of the proposed Processing Facility, its intended location, its Solid Waste supply sources, purchasers of its products, its design capacity, and other information that the County may reasonably require. The petitioners shall pay a petition review fee to the County.
  2. The County, after appropriate notice and hearing, shall issue a written decision with findings of fact and conclusions on all material issues. The County shall grant the petition if it determines that:
    - i. the materials will be processed at another Resource Recovery Facility, and

- ii. the exclusion can be implemented without impairing the financial viability of the Designated Facility or impairing the contractual obligations or preventing the performance of contracts by the R&E Board, the County or users of the Designated Facility.
- d. Any Person aggrieved by the decision of the County may appeal to the Commissioner of the MPCA. The review is confined to the record. The decision of the Commissioner of the MPCA must be based on the standards stated in this Section.
- e. If the Commissioner of the MPCA approves the petition, the Designation provisions must be amended in conformance with the decision of the Commissioner of the MPCA. The petition may be amended during the proceedings by agreement between the petitioner and the County.

### **18.10 Recordkeeping; Inspection**

All Self-Haulers, Haulers, and Owners or Operators of Solid Waste Facilities must comply with the recordkeeping and inspection requirements of Minn. Stat. § 115A.882, as amended.

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## **19.0 Solid Waste Disposal Prohibition**

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.

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## **20.0 Enforcement**

### **20.1 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 #149, or any or all of the remedies available under this Ordinance.

### **20.2 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.

- a. **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.
- b. **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.

- c. **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.
- d. **Citation.** The Department may issue citations for violations of this Ordinance.

### **20.3 Penalties**

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

### **20.4 Enforcement**

The County may enforce Sections 18 and 19 of this Ordinance pursuant to Minn. Stat. § 115A.86, Subd. 6. The civil penalties imposed by the County under this Subsection 20.4 may be up to \$10,000 per day of violation plus attorney fees and court costs incurred by the County.

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## **21.0 Additional Requirements and Provisions**

### **21.1 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.

### **21.2 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 Minnesota Pollution Control Agency.

### **21.3 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.

### **21.4 Construction.**

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.

### **21.5 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.

**21.6 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.

**21.7 Repeal and Enactment.**

The enactment of this Ordinance repeals and replaces Washington County Solid Waste Management Ordinance No. 200 adopted September 12, 2017.

**21.8 Effective Date.**

This Ordinance shall be effective immediately after passage by the County Board and publication according to law, provided however, that Section 18 was effective on January 1, 2018.