

**APPENDIX C**

**ORDINANCE NO. I-92**

**THE SOLID WASTE MANAGEMENT ORDINANCE**

**FOR**

**MOWER COUNTY, MINNESOTA**

**PREPARED BY**

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Ordinance No. 1-92

The Solid Waste Management Ordinance  
for

Mower County, Minnesota

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## **Division 1: PURPOSE**

### **Section 6-1 Statement of Purpose**

This Ordinance regulates the storage, transportation, and disposal of solid waste materials in Mower County. If a local requirement is more restrictive than the requirement found in this Ordinance, the local requirement will supersede the County requirement. This document has been adopted by the Mower County Board of Commissioners to protect the public's health and prevent nuisance; to protect air and ground water resources; to minimize reliance upon land disposal capacity by promoting waste abatement such as recycling and composting; and to supplement and support Mower County and State of Minnesota controls over solid waste management activities.

## **Division 2: DEFINITIONS**

### **Section 6-2 Definition of Terms**

Agency - means the Minnesota Pollution Control Agency (MPCA), its agent, or representative.

Appliance - has the same meaning as "major appliance".

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

Canister System - means a facility, usually to serve the public, where solid waste is deposited in mechanically serviced containers as an intermediate step of congregating municipal solid waste from several properties for periodic removal of the accumulated waste by a Commercial Hauler.

Closure - means action to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the solid waste for which it operated or was permitted, including the removal of contaminated equipment, the removal of liners, applying final cover, grading and seeding final cover, installation of monitoring devices, construction of ground and surface water diversion structures, and gas control systems as necessary.

Commercial Hauler - means any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste and/or source separated materials from residential, commercial, or industrial properties.

Compost Facility - means a site used to compost or co-compost solid waste including all structures or processing equipment used to control drainage, collect and treat leachate,

and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.

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

County - means the County of Mower, Minnesota, or any department or representative of the County of Mower who is authorized by this ordinance or otherwise by the County Board to represent the County of Mower in the administration or enforcement of this ordinance.

County Board - means the elected officers composing the Mower County Board of Commissioners.

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

Cover Material - means material approved by the Agency and the Department of Environmental Health that is used to cover compacted solid waste in a land disposal site.

Demolition Land Disposal Facility - means an area of land used for the disposal of Demolition Waste.

Demolition Waste - means solid waste resulting from the demolition of buildings, roads, and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos wastes.

Disposal - has the meaning given it in Minnesota Statutes Section 115A.03, Subdivision 10.

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

Facility - means all contiguous land, structures, monitoring devices, and other improvements on the land used for monitoring, processing, storing, or disposing of solid waste, leachate, or residuals from solid waste processing.

Farm - means a parcel of land located in an Agricultural Zoning District as defined by the Mower County Zoning Ordinance that is at least 35 acres in size used for the production, keeping and maintenance, for sale, lease or personal use, of plants and animals useful to humans.

Fire Marshall - means the State Fire Marshall or the Chief of the Fire Department in a municipality that has adopted the Uniform Fire Code of the State of Minnesota.

Floodplain - is as defined in Minnesota Statutes, Chapter 104.

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

Ground Water - has the meaning given for "underground water" in Minnesota Rules.

Hauler - means a person transporting solid waste and/or source separated materials.

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

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

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

Leachate - means liquid that has percolated through solid waste and may have extracted dissolved or suspended materials from it.

License - means express written permission as granted by the County Board to engage in solid waste management activities.

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

Major Appliance - means clothes washers and dryers, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.

Mixed Municipal Solid Waste - means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator 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.

Mixed Municipal Solid Waste Land Disposal Facility - means a sanitary landfill used for the disposal of mixed municipal solid waste in or on the land.

Municipal Solid Waste (MSW) - has the same meaning as "mixed municipal solid waste."

Municipal Solid Waste (MSW) Land Disposal Facility - has the same meaning as "mixed municipal solid waste land disposal facility."

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

Nuisance - a use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

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

Operator - means the person responsible for the overall operation of a facility.

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.

Personnel or Facility Personnel - means all persons who work at or oversee the operation of a solid waste facility, and whose actions or failure to act may result in noncompliance with the requirements of this ordinance.

Post-Closure and Post-Closure Care - means actions taken for the care, maintenance, and monitoring of a facility after Closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.

Putrescible Material - means solid waste which is capable of being rotten, or which may reach a foul state of decay or decomposition.

Recycling Facility - means a site used to separate, process, modify, convert, or otherwise prepare solid waste so that component materials or substances may be beneficially used or reused as raw materials.

Refuse - means putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

Residence - means any building or portion thereof used as a dwelling or sleeping area for people.

Rubbish - means non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

Salvage Yard - is an open area where waste, stored or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber, tires, and bottles. A salvage yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

Sanitary Landfill - means a land disposal facility employing any engineering method of disposing of solid waste on land in a manner that minimized environmental hazards by spreading the solid waste in thin layers, compacting the solid waste into the smallest practical volume, and applying cover material at the end of each operating day, or at intervals as may be required by the Agency.

Sewage Sludge - has the meaning given it in Minnesota Statutes, Section 115A.03, Subdivision 29.

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

Solid Waste - means garbage, refuse, demolition waste, 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. It does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solids, or dissolved material in domestic sewage or dissolved materials in irrigation return flows or other common pollutants in water resources, such as silt. It does not include dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Waste Pollution Control Act, as amended. It also does not include source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended.

Solid Waste Advisory Committee - means the advisory committee which makes recommendations to the County Board on solid waste issues. The members of the committee are appointed by the County Board.

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

Solid 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. It includes but is not limited to the storage, collection, transportation, processing and reuse, conversion, or disposal of solid waste in a safe environmentally sound manner.

Solid Waste Management - means activities which provides for or control the collection, transportation, processing, and disposal of waste.

Solid Waste Management Plan - means the Solid Waste Management Plan for Mower County, Minnesota.

Solid Waste Storage - means the holding of solid waste near the point of generation.

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

Source Separated Materials - means materials that are separated from Solid Waste by the generator and recovered for reuse in their original form or for use in manufacturing processes.

State - means the State of Minnesota.

Tire - means a pneumatic tire or solid tire for motor vehicles as defined in Minnesota Statutes 169.01.

Tire Processing - means producing or manufacturing usable materials, including fuel, from waste tires including necessary incidental temporary storage activity.

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

Waste Combustor - means .

Waste Tire - shall have the meaning assigned by Minnesota Statutes 115A.90.

Waste Tire Storage Facility - means a facility permitted by the Agency to store up to 500,000 waste passenger tires or the equivalent weight of other waste tires.

Waste Tire Transfer Facility - means a facility permitted by the Agency to store up to 10,000 waste passenger tires or the equivalent weight of other waste tires.

Waste Tire Processing Facility - means a licensed waste facility used for the shredding, slicing, or producing or manufacturing usable materials from waste tires, and may include temporary storage activity at the facility. Processing does not include the retreading of waste tires.

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

### **Division 3: RESPONSIBILITIES**

#### **Section 6-3 Inspection/Compliance**

It will be the responsibility of the Mower County Department of Environmental Health (DEH) to inspect solid waste storage, transportation, and disposal activities, equipment and facilities in the County to ensure that the requirements established in this ordinance are being met. DEH staff will perform the necessary enforcement activities if these requirements are not being met.

#### **Section 6-4 Complaints/Enforcement**

It will be the responsibility of DEH staff to receive complaints from County residents regarding solid waste issues. DEH staff will investigate these complaints and perform the necessary enforcement activities.

#### **Section 6-5 Planning/Licensing of Solid Waste Facilities and Commercial Haulers**

It will be the responsibility of Department of Solid Waste (DSW) staff to perform or oversee solid waste planning activities. This planning will involve all aspects of waste management which takes place within the County.

It will be the responsibility of DSW staff to perform or oversee work to license Commercial Haulers under this ordinance.

It will be the responsibility of DEH staff to perform or oversee work to meet Agency requirements to license municipal solid waste (MSW) facilities.

**Section 6-6 Program Administration**

It will be the responsibility of DSW staff to administer the County solid waste programs. These programs encompass the following activities: recycling, yard waste composting, landfill arrangements, household hazardous waste management, waste education, and Commercial Hauler licensing.

**Section 6-7 Recommendation to County Board**

It will be the responsibility of DEH staff, DSW staff and the Solid Waste Advisory Committee to provide recommendations to the Board regarding the following: planning issues, facility development, solid waste program development, budgeting allocation, licensing, and vendor selection.

**Division 4: SERVICE FEES**

**Section 6-8 Purpose and Authority**

State law requires that all greater Minnesota counties recycle at least 25 percent of their solid waste streams by the end of 1993 and 30 percent of their solid waste streams by June 1996. Mower County imposes a service charge on all property owners in the County to raise funds for programs which will help Mower County meet these State mandated goals. Mower County has the authority to establish and collect this service under Chapter 400.08 of the Minnesota Statutes. The opportunity to recycle and/or participate in other waste abatement activities is provided to all residents in Mower County.

**Section 6-9 Rates and Charges**

Owners of real and personal (mobile home) property shall pay a fee for waste management services to be provided by the County or by persons under contract with the County.

The County Board shall set charges by resolution.

**Section 6-10 Revision and Collection**

The County Board may by resolution revise the rates and charges, when deemed advisable. Charges/fees must be certified by the County Board to the County Auditor during the tax year prior to the tax year in which those charges/fees are adopted and collected.

### Section 6-11 Unpaid Charges

- a) On or before October 15 in each year, the County Board shall certify to the County Auditor all unpaid outstanding charges for services hereunder, and a statement of the description of the lands which were serviced and against which the charges arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments with interest upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15 the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be subject to enforcement and collection of real property taxes in accordance with the provisions of the law of the state. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the state.
- b) Unpaid charges assessed against tax exempt property may be collected in Small Claims Court or through such other means as may be approved by the County Attorney.

### Section 6-12 Appeals

Any property owner who believes that the service charge imposed upon his property is incorrect may appeal that charge. To do so the property owner must obtain a complaint from the Executive Secretary to the Mower County Board of Commissioners and return it to the Executive Secretary within thirty (30) calendar days of the date of mailing of notice to the service charge. Upon receipt of the completed complaint, the Solid Waste Committee of the board shall have thirty (30) calendar days to review the complaint and following review shall notify the complaining property owner by mail of the decision to either adjust the service charge in response to the complaint or to deny the complaint.

## **Division 5: SOLID WASTE STORAGE**

### Section 6-13 Solid Waste Accumulation

Except as otherwise allowed by this ordinance, owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulations. This includes removal of: animal feces, animal carcasses, brush piles, inoperable machines, appliances, fixtures, and equipment of damaged, deteriorated or obsolete condition as to have no substantial value; lumber piles and building materials unless being actively used by a business or construction requiring the use of such materials; tin cans, broken glass, broken furniture, boxes, crates, and other debris; any other form of mixed municipal solid waste. Nothing in this section is designed to restrict the commonly accepted activities of farms and salvage yard operations.

#### Section 6-14 Storage Containers

- a) Every property will be supplied with adequate municipal solid waste (MSW) storage containers. These containers will be provided by the owner of the property or by contract with a Commercial Hauler. The owner of the property will use such containers for MSW storage. If the property owner does not occupy the property, he will cause the occupant or tenant to use such containers for MSW storage.
- b) All MSW storage containers shall be of sound construction resistant to insect or animal entry. Containers will be constructed with rust and impact resistant materials and will be equipped with tight-fitting covers. The property owner is responsible for maintaining containers in a neat, clean, sanitary, and leak-resistant condition; if the container is supplied by a Commercial Hauler, the Commercial Hauler has this maintenance responsibility.
- c) The owner of a property will cause the contents of all MSW containers to be removed for disposal no less frequently than once every two weeks. Non-putrescible source-separated recyclable waste materials may be stored without collection for greater than two weeks.

#### Section 6-15 Container Set-Out Location and Duration

- a) If the location of storage is different than the location of set-out for collection, containers may not be set out for collection for more than 24 hours.
- b) In rural areas, set-out containers must be placed on the shoulder of the access road. These containers must be placed on the edge of the shoulder furthest from the roadway.

#### Section 6-16 Reporting Responsibilities

- a) Any Commercial Hauler finding or observing a solid waste container or containers not in compliance with requirements as established in this ordinance must report the violation to the Mower County Department of Environmental Health (DEH).

### **Division 6: DISPOSAL REQUIREMENTS**

#### Section 6-17 General Disposal Requirements

- a) No person shall use, cause, or allow land or property under his ownership and/or control to be used for solid waste disposal purposes except at operation for which a license for disposal has been granted by the County Board. This requirement does not apply for disposal of waste characterized as municipal solid waste on

farms, provided that 1) the waste is generated on the farm where disposal takes place, 2) the disposal practices are consistent with Minnesota Statutes 17.135, and 3) that the farm does not have regularly scheduled collection service reasonably available as determined by the Department of Environmental Health.

- b) All disposal of solid waste must be in accordance with applicable Agency Rules. No person may dispose of a waste in an area or at a facility which is not licensed for accepting that waste.

Consistent with Minnesota Statutes 115A.99, subdivision 1, a person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways, or waters is subject to a civil penalty of not less than twice nor more than five times the amount of cost incurred by a state agency or political subdivision to remove, process, and dispose of the waste. A state agency or political subdivision that incurs cost as described in this section may bring an action to recover the civil penalty, related legal, administrative, and court costs, and damages for injury to or pollution of the lands, shorelands, roadways, or waters where the waste was placed if owned or managed by the entity bringing the action. Civil penalties collected under this subsection must be deposited in the general fund of the jurisdiction enforcing the penalties.

A private person may join an action by the State or a political subdivision to recover a civil penalty to allow the person to recover damages for waste unlawfully placed on the person's property.

- c) Yard waste cannot be disposed of in land disposal or MSW processing (except composting) facilities. Yard waste can not be deposited at a transfer station unless there is a licensed compost area at the facility or the material will be transferred to a licensed yard waste composting facility.
- d) Lead acid batteries may not be disposed of in the MSW stream. Used lead acid batteries must be accepted by retailers who sell new lead acid batteries (see Section 6-43).
- e) Dry cell batteries containing mercuric oxide, silver oxide, or nickel cadmium are recyclable and may not be disposed of in the MSW stream.
- f) Used motor oil may not be disposed of at any MSW processing or land disposal facility.
- g) Major appliances may not be disposed of at land disposal facilities.

## **Division 7: HAULING OF SOLID WASTE AND RECYCLABLE MATERIALS**

### **Section 6-18 General Operating and equipment standards**

- a) All solid waste which is hauled must be secured in covered, leak-proof vehicles or containers such that loads will not blow free or discharge liquids from the hauling vehicle. Where spillage does occur, the material will be picked up immediately by the hauler or solid waste transporter. Spillage that cannot be immediately and completely cleaned up must be reported to the Mower County Department of Environmental Health (DEH).
- b) All vehicles or containers which are used to haul solid waste on a regular basis must be kept clean and free of residues of the waste material so as to minimize problems associated with odors, animals, and insects.
- c) No one shall collect or transport solid waste that is smoking, smoldering, or burning, except in a container designed and approved by the Fire Marshall and the DEH for that purpose.
- d) Solid waste may not be stored in any type of collection or transportation vehicle for a period of more than 24 hours. Non-Putrescible source-separated recyclable materials may be stored in collection or transportation vehicles for more than 24 hours.

### **Section 6-19 Licensing Requirements for Collection/Hauling of Solid Waste**

- a) No person shall provide solid waste collection and transportation service without being licensed by the Mower County Board of Commissioners. The following are exempt from this requirement: 1) any person hauling solid waste but not charging a fee for that service, and; 2) any person hauling solid waste generated outside Mower County to a facility outside of Mower County
- b) All relevant Minnesota Department of Transportation (MnDOT) and Minnesota Department of Health (MDH) requirements regarding equipment, operations, and inspections must be met.
- c) The Mower County operating license for solid waste collection and hauling will expire on June 30 of every year. Application for such a license will be on a form provided by the County Board and submitted to the Mower County Department of Solid Waste (DSW). The application must be accompanied by a bond in the amount set annually by the County Board and payable to the County conditioned upon the faithful performance of collection contracts and compliance with the provisions of

this division. The application must also be accompanied by a certificate of bodily injury insurance and liability insurance in such amounts as are annually set by the County Board.

- d) Issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant paying the annual renewal fee for that license in the amount set by the County Board by resolution.
- e) Any license granted by the County Board under the provisions of this Ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this Ordinance or applicable state laws or rules, or upon written notification to the licensee and the County Board by the DEH or the Agency that the continued use of the operation endangers the health, welfare or safety of the public or that the continued use pollutes or impairs the environment.

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

#### Section 6-20 Collection and Transportation Fees

- a) A Commercial Hauler must submit proposed fees for County Board approval at the time of his license issuance or annual re-issuance. Rates and charges may take into account the character, kind, and quality of the service, the method of disposal, the number of people served at each place of collection, and all other factors that enter into the cost of the service. All rates and charges shall be reasonable and shall be uniform in their application to use and service of the same character and quality.

Municipalities which desire to review and approve haulers' fees within municipal boundaries have the authority to do so. The County Board may choose not to review hauler's fees for services to be provided entirely within the boundaries of municipalities which choose to review and approve fees.

- b) Commercial Haulers must offer volume based rates to all customers including residential customers. These rates must accurately reflect volume or weight based cost differentials to haulers for their disposal tip fee costs.
- c) Commercial Haulers must not impose greater charges on residents who recycle than on those who do not recycle.



## **Division 8: LICENSING OF SOLID WASTE FACILITIES**

### **Section 6-21 Facilities Covered**

No one may operate one or more of the following types of facilities except as licensed by Mower County:

- Land Disposal Facilities
  - i) Municipal Solid Waste (MSW)
  - ii) Demolition Waste
  - iii) Industrial Solid Waste
  
- MSW Processing Facilities
  - i) waste combustors
  - ii) compost facilities
  - iii) refuse derived fuel facilities
  
- Transfer Stations and Canister Systems
  
- Recycling Facilities
  
- Household Hazardous Waste Temporary Storage Facilities
  
- Salvage Yard Operations
  
- Waste Tire Transfer and Storage Facilities
  
- Waste Tire Processing Facilities
  
- Yard Waste Composting Sites (for which a fee is charged)

### **Section 6-22 Facilities Exempted from Licensing Requirements**

The County Board may, by resolution, waive any of the license requirements established in this ordinance for publicly owned facilities. Facilities meeting the following requirements are exempted from the licensing requirements of this ordinance:

- a) Any facility that does not charge a fee for its services or that provides service at no cost to the generator of the waste.
  
- b) A demolition debris land disposal facility designed for less than 15,000 cubic yards total capacity and operating less than a total of twelve (12) consecutive months,

not located adjacent to another demolition debris land disposal permit-by-rule facility, and in compliance with Mn Rules parts 7035.2525 to 7035.2655, 7035.2825, and 7035.2855.

- c) Disposal of solid waste in or on a farm property does not require Mower County licensing provided that 1) the solid waste is generated on the farm where the disposal takes place, 2) that the disposal practices are consistent with Minnesota Statutes 17.135, and 3) that the farm does not have regularly scheduled collection service reasonably available as determined by the Department of Environmental Health.
- d) Waste combustors with a rated heat input of less than  $2.25 \times 10^{-6}$  Btu/hr.

#### Section 6-23 General Licensing Requirements/Procedures

- a) All Agency permit requirements must be met before any waste management facility referenced in Section 6-21 may be licensed by Mower County. All technical design and operating standards established in Agency rules will apply for Mower County licensing review and approval except where requirements as established in this ordinance are more restrictive than those in the Agency rules. Proposers of municipal solid waste facility projects must secure Mower County and/or local zoning approval before submitting permit applications to the Agency.
- b) Issuance or renewal of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board. This bond shall name Mower County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that, if the licensee fails to comply with any requirements or fails to perform any of the acts required of an operation or ceases to operate any monies or expend any labor or material to restore the operation or facility to a condition in compliance with this Ordinance, the bond holder and the sureties on its bond shall reimburse the County for any and all expenses incurred by the County to remedy failure of the licensee to comply with the terms of this Ordinance, and the bond holder and its sureties shall indemnify and save the County harmless from all losses, costs, and charges that may occur to the bond holder or its sureties because of any default of the licensee under the terms of the bond terms to operate in compliance with the terms of the ordinances of the County.
- c) Issuance or renewal of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant securing insurance, and furnishing to the County a copy of a certificate therefor, the following types of insurance issued to the licensee by insurers duly licensed within the State of Minnesota and in amounts to be set by the County Board; general liability including, but not limited to, bodily

injury, property damage, motor vehicle, or other insurance such as Workers Compensation, required by State or County Law.

- d) Issuance or renewal of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant paying the annual renewal fee for that license in the amount set by the County Board by resolution.
- e) Renewal of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant submitting any information required in the license application that has changed since the previous submittal or such additional information as may be required by the DEH.
- f) Any license granted by the County Board under the provisions of this Ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this Ordinance or applicable state laws or rules, or upon written notification to the licensee and the County Board by the Department of Environmental Health (DEH) or the Agency that the continued use of the operation endangers the health, welfare or safety of the public or that the continued use pollutes or impairs the environment.

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

A MSW facility license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning the operation shall have the right to be heard. The date of the hearing for license revocation shall be set by the County Board and shall not be held earlier than thirty (30) days after notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of the provisions of the license, this ordinance, State laws or State rules, the County Board may revoke the license or continue such suspension until the licensee has demonstrated that full compliance with the rules has been attained and that such compliance will be continued in the foreseeable future.

- g) Routine inspection and evaluation of an operation shall be made by the DEH at such frequency as to ensure consistent compliance by the operation with the

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

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

#### Section 6-24 Preliminary Application

- a) Any person wishing to submit an application for license of an MSW facility in Mower County must first submit the following information as a preliminary application:

- Name and address of the project proposer, and site selected for the proposed project.
- Geographic area and population to be served by the proposed project.
- A description of the process and expected life of the facility.
- The anticipated type, quantity, and source of materials to be handled in the proposed facility.
- A description of the residues or waste discharges from the proposed facility and the environmental safeguards which will be incorporated into the project.
- The anticipated hours of operation of the proposed facility and the resulting truck traffic.
- A description of the adequacy of existing roadways to support the proposed facility.
- A description of the availability (or lack thereof) of similar facilities in the County or region and how the

proposed facility will be compatible with the County Solid Waste Management Plan.

- Such additional information as may be required by the DEH.

- b) After receipt of a preliminary application, the County Board shall refer the application to the DEH who will review the information and give their non-binding recommendation to the County Board concerning whether a final application should be made.

If a negative determination is made, the applicant shall be notified in writing of the reasons by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the applicant's right to file a further preliminary application after revisions are made to satisfy objections specified as reasons for the denial.

#### Section 6-25 Final Application; General Requirements

- a) Once a proposed project has received approval through the preliminary application process described in Section 6-24, an applicant for licensure of a solid waste facility must submit three (3) copies of the solid waste facility permit application documents prepared for the Agency permit or permit-by-rule process to the DEH.

Along with the Agency permit application, the proposer must submit the following items to the DEH:

- An operating schedule.
- A schedule of fees to be charged at the facility.
- A notarized affidavit, signed by the proposer, stating that the applicable local governments have been given at least thirty (30) days notice of the application for the facility license.
- A certificate from the County Zoning or relevant City Administrator that the proposed facility land use is in accordance with the established County or City Zoning Ordinance.
- Sufficient documentation to enable the County Board to determine whether the applicant is financially and operationally capable to properly process the projected waste types and amounts in the proposed facility.
- Such additional information as may be required by the DEH.

- b) After receipt of a final application, the DEH shall review the information and give their non-binding recommendation to the County Board concerning whether a license should be issued.
- c) A public hearing before the County Board is required prior to the issuance of a license for an solid waste facility unless a hearing has been conducted for the proposed facility as a requirement stated elsewhere in Mower County Code. Evidence may be adduced in manner consistent with rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. All books, records, files and correspondence of the County Board and DEH pertaining to the application shall be made available for public inspection.

Notice of the time, place and proposed project shall be given by publication in the official newspaper if the County at least ten (10) day before the hearing. Written notice shall be sent to property owners of record within one-quarter mile of the project site, or to the ten properties nearest to the project site, whichever would provide notice to the greatest number of property owners. Written notice shall also be given to the board of town supervisors where the site is located, and the municipal council of any municipality and/or town of supervisors of another township within two miles of the proposed project site.

- d) The County Board shall refuse to issue a license for any facility which does not comply with County ordinance, state laws and rules, and the County's Solid Waste Management Plan as provided for in Minnesota Statutes. If a negative determination is made by the County Board, the applicant shall be notified in writing of the reasons for such a determination. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the applicant's right to file a further final application after revisions are made to satisfy objections specified as reasons for the denial.

#### Section 6-26 Specific License Requirements for Land Disposal Facilities

All Agency design and operating requirements as established in the applicable Minnesota Rules must be met for Mower County licensing approval.

#### Section 6-27 Specific License Requirements for Waste Combustors

All Agency design and operating requirements as established in the applicable Minnesota Rules must be met for Mower County licensing approval.

**Section 6-28 Specific License Requirements for MSW Compost Facilities**

All Agency design and operating requirements as established in the applicable Minnesota Rules must be met for Mower County licensing approval.

**Section 6-29 Specific License Requirements for Refuse Derived Fuel (RDF) Facilities**

All Agency design and operating requirements as established in the applicable Minnesota Rules must be met for Mower County licensing approval.

**Section 6-30 Specific License Requirements for Transfer Stations and Canister Systems**

- a) The following information must be part of the documents submitted with the final application for a transfer station facility:
- Facility design and layout, including equipment configuration.
  - Storage capacity of the facility.
  - Final disposal point of waste managed at the facility.
  - On-site traffic patterns.
  - Operating plan.
  - Recycling and composting areas and operations, if any.
- b) Transfer station and Canister Systems design and operations must comply with Agency requirements as established in Minnesota Rules 7035.2865.

**Section 6-31 Specific Licensing Requirements for Recycling Facilities**

All Agency design and operating requirements as established in Minnesota Rules 7035.2845 must be met for Mower County licensing approval.

- b) It will be a Mower County license requirement that the owner of a recycling facility submit an annual report on a continuing basis which will document tonnages processed and marketed, and revenues received for these materials.

**Section 6-32 Specific License Requirements for Household Hazardous Waste Temporary Storage Facilities**

- a) All household hazardous waste collection, storage, and management activities must be in accordance with applicable Agency rule requirements.

**Section 6-33 Specific License Requirements For Waste Tire Transfer and Storage Facilities**

- a) All applicable design and operating requirements as established in Minnesota Rules 9220.0440 through 9220.0510 for waste tire transfer and storage facilities must be met for County licensing approval and renewal.
- b) Proposers of waste tire transfer and storage facilities must submit documentation which indicates the ultimate disposal point (s) intended for the accumulated tires.

**Section 6-34 Specific License Requirements for Waste Tire Processing Facilities**

- a) All applicable design and operating requirements as established in Minnesota Rules 9220.0440 through 9220.0510 for waste tire processing facilities must be met for County licensing approval and renewal.
- b) Proposers of waste tire processing facilities must submit documentation which indicates how the facility process product will be marketed and/or utilized.

**Section 6-35 Specific License Requirements for Yard Waste Composting Facilities**

- a) The following information must be part of the documents submitted with the final application for a yard waste composting facility:
  - Site location map indicating surrounding land use and contours.
  - Site layout, including compost areas, traffic patterns, storage areas, and drainage.
  - Operations plan.
  - Compost product marketing plan.
  - Operating hours and anticipated fees.
- b) All Agency design and operating requirements as established in Minnesota Rules 7035.2835 must be met for Mower County Licensing approval. Additional Mower County requirements are as follows:
  - The compost site must have controlled access which will be closed during non-operating hours.



- From May 1 through October 15 the composting material must be turned no less often than once per month so as to minimize odor problems. During the remaining months the composting material must be turned no less frequently than once every two months.

## **Division 9: SPECIAL WASTES**

### **Section 6-36 Yard Wastes**

- a) Yard waste may not be disposed of at municipal solid waste (MSW) disposal or processing facilities unless those facilities have designated yard waste compost areas which have been licensed by Mower County.
- b) License and operating requirements for yard waste composting sites are established in Section 6-23 through Section 6-25 and Section 6-35.
- c) Yard waste composting sites at which a fee is not charged do not have to be licensed by the County. However, the following requirements must be met:
  - Compost sites must be maintained in an orderly and nuisance-free manner.
  - Compost piles must be turned in a regular manner so as to avoid odor problems.
  - A compost pile may not be located less than five feet from a property line of the property upon which the compost pile is operated. A compost pile may not be located closer to the primary residential structure a neighboring property than to the primary residential structure of the Property upon which the compost pile is operated.

### **Section 6-37 Demolition Wastes**

- a) Licensing, design, and operating requirements for Demolition Land Disposal Facilities are established in Section 6-23 through 6-25, and Section 6-26.

### **Section 6-38 Waste Tires**

- a) All storage, transportation, and processing of waste tires in the County must comply with Agency requirements. License requirements for waste tire transfer and storage facilities are found in Section 6-23 through Section 6-25 and Section 6-33. License requirements for tire processing facilities are found in Section 6-23 through Section 6-25 and Section 6-34.

- b) Tires may not be disposed of in land disposal facilities.
- c) Retailers generating more than 100 waste tires per year must keep logs of amounts of tires generated and method used to dispose of those tires. Logs must be periodically submitted to the Agency for review.
- d) All properties being used to store more than ten used passenger tires (or the equivalent weight of other used tires) must be permitted by the Agency with the following exemptions:
  - Tire retail business which store no more than 500 waste tires on the business premises.
  - Retreading businesses which store no more than 3,000 waste tires on the business premises.
  - Businesses which routinely remove tires which store no more than 500 tires on the business premises.
  - Agency-permitted sanitary land disposal or transfer stations at which no more than 10,000 waste tires are stored.
  - A person using waste tires on an agricultural site for legitimate agricultural purposes. Any tires stored as part of an agricultural operation must be sliced to prevent collecting of water or be stored in an enclosed structure.
- e) Any person who transports waste tires for hire is required to have an Agency Waste Tire Identification Number which authorizes him to perform this service. Such a transporter must submit quarterly reports to the Agency documenting quantity, source, and disposal point of all tire loads. The following are exempt from the requirement to have an Agency Identification Number and submit quarterly reports:
  - An MSW and/or recyclable material hauler transporting incidental quantities of waste tires.
  - A person transporting ten or fewer waste tires.
  - A person transporting tire-derived products to a market.
  - A person transporting waste tires for agricultural purposes.
  - A business that generates and transports its own waste tires.

- f) No more than ten waste tires may be stored on a non-farm residential lot. These tires must be stored in an enclosed structure.
- g) A business not directly related to tire sales or tires retreading may not store more than 100 waste tires on the business premises.
- h) The owner of a property which is in violation of the terms of this section must bring the property into compliance within one year of the effective date of this ordinance.

Section 6-39 Household Hazardous Wastes

- a) License requirements for household hazardous waste temporary storage facilities are found in Section 6-23 through Section 6-25 and Section 6-32.
- b) In accordance with Minnesota Statutes 1988, section 116.07, subdivision 4k, the owner of an MSW disposal or processing facility must generate a management plan for the separation of household hazardous waste from MSW prior to disposal or processing and for the proper disposal of the waste. The Agency will not grant or renew a permit for a facility which has not submitted a household hazardous waste management plan as of June 30, 1992. This plan must include:
  - Participation in public education activities on household hazardous waste entering the facility.
  - A strategy for reduction of household hazardous waste entering the facility.
  - A plan for the storage and disposal of separated household hazardous waste.

Section 6-40 Major Appliances

- a) All handling, management and processing of major appliances must be in accordance with Agency rules and other provisions of this Ordinance.
- b) A person may not place major appliances in mixed municipal waste or dispose of them in a MSW processing or disposal facility.
- c) Processors of scrap refrigerators, central air conditioning units, and freezers are required to remove and recycle, destroy, or properly dispose of Chloroflourocarbons (CFC's). Servicers of these types of appliances must remove and properly dispose of or recycle CFC's as of July 1, 1992.

- d) A person who removes, stores, or transports capacitors is considered a PCB generator and must obtain an EPA hazardous waste Generator Identification Number.
- e) A person processing major appliances must be either 1) a salvage yard operator licensed under County Zoning Ordinance provisions or 2) a major appliance retailer and/or wholesaler.

#### Section 6-41 Infectious Wastes

- a) All storage and handling of infectious waste materials must be in accordance with State requirements as established in MN Statutes 116.75 - 116.83 and MN Rules 7035.9100 - 7035.9150.
- b) Infectious waste generators must separate infectious waste from the rest of the waste stream and ensure that this infectious waste is properly containerized. Infectious waste generators must prepare infectious waste management plans to be submitted to the Minnesota Department of Health(MDH).
- c) Commercial Haulers of infectious wastes must be licensed with MnDOT and the MDH. Commercial Haulers of infectious waste must prepare infectious waste management plans to be submitted to the MDH.

#### Section 6-42 Industrial Wastes

- a) As is required in Minnesota Rules 7001.3300, all MSW processing, disposal, and transfer facilities must have Industrial Waste Management Plans.

#### Section 6-43 Batteries

- a) All storage, handling, and disposal of batteries must be in accordance with Minnesota Rules and Statutes.
- b) Lead acid batteries may not be disposed of in municipal solid waste. Violation is a misdemeanor. Dry cell batteries containing mercuric oxide, silver oxide, or nickel cadmium are recyclable and may not be disposed of in municipal solid waste.
- c) A retail establishment which sells lead acid batteries must accept used lead acid batteries from consumers at no charge. Consumers may not deliver more than five lead acid batteries to such an establishment at one time.
- d) A consumer purchasing a lead acid battery without a used lead acid battery to return at the point of sale must pay a surcharge of five dollars as part of the

purchase. This surcharge will be refunded to the consumer should the consumer return a used lead acid battery within thirty (30) days of the initial purchase.

- e) A lead acid batteries retailer must recycle batteries collected from consumers. Any such outlet failing to recycle these batteries is guilty of a misdemeanor.

#### **Division 10: ENFORCEMENT**

##### **Section 6-44 Enforcement Authority**

Provisions of this ordinance shall be enforced by the Mower County Department of Environmental Health (DEH).

##### **Section 6-45 Misdemeanor**

Any person within the County who violates this ordinance, or permits a violation to exist on property under his control, or fails to take action to abate the existence of the violation as ordered or notified by the County shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law. A separate offense shall be deemed committed each day, during or one, which a violation occurs or continues.

##### **Section 6-46 Equitable Relief**

In the event a violation exists or there is a threat of violation of this ordinance, the DEH may take appropriate action to enforce this ordinance. Such action may include application for injunction relief, action to compel performance, including revocation of license or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

##### **Section 6-47 Citation**

When a violation in this ordinance is discovered by a representative of the DEH, he or she shall forward a report to the appropriate prosecution authority.

##### **Section 6-48 County Inspection**

All property affected by this ordinance shall be subject to inspection by the County in accordance with Minnesota Statutes. After presentation of credentials, the County may collect samples for evidence or laboratory examination as deemed necessary for enforcement of this ordinance. No person shall refuse to permit the County's officers to inspect any premises. No person shall molest or resist the County's officers in their discharge of duty.