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LAC QUI PARLE SOLID WASTE ORDINANCE

An ordinance establishing standards for and regulating the operation of solid waste disposal facilities in Lac qui Parle County, Minnesota; requiring a license for establishing and operating a solid waste disposal facility; establishing requirements for certain facilities on a disposal site, for control of special solid wastes and for fire protection; providing for an enforcement agency, requirement of a performance bond and penalties for lack of compliance with these provisions; and requiring a license for persons who provide a service of collecting and transporting mixed municipal solid waste; in order to promote the health, welfare and safety of the public pursuant to Laws of Minnesota 1984, Chapters 473.811 Subdivision 5a; 115A.919; 115A.90 and 145.

Section 1. Definitions. The following words and phrases, when used in this ordinance, unless the context clearly indicated otherwise, shall have the meaning ascribed to them in this Section.

Subsection 1. "County Board" is defined as the Lac qui Parle County Board of Commissioners.

Subsection 2. "Cover Material" is soil that can be compacted to provide the tight seal, does not crack when dry and is free of putrescible material.

Subsection 3. "Demolition Waste" is defined as solid waste which consists of concrete, blacktop, bricks, blocks, structural metal, wood from demolished structures, trees and tree trimmings and other inert waste materials as may be approved by the Office.

Subsection 4. "Demolition Waste Landfill" is defined as an area of land used for the disposal of demolition waste without creating nuisances or hazards to the environment, public health and safety and is operated in compliance with the provisions of this Ordinance

Subsection 5. "Garbage" is defined as discarded material resulting from the handling, processing, storage, preparation, serving, and consuming of food.

Subsection 6. "Gate Yard" is defined as a cubic yard of solid waste as received at the entrance of a waste facility. Waste facilities weighing and reporting tons of solid waste received at the entrance shall use the conversion factor of six hundred pounds per cubic yard (600 lb/yd<sup>3</sup>) of solid waste received at the entrance when required or authorized by this Ordinance.

Subsection 7. "Incineration" is defined as the process by

which solid wastes are burned for the purposes of volume and weight reduction in facilities designed for such use.

Subsection 8. "Licensee" is defined as the person who has been given authority by the County Board to establish, operate and maintain a solid waste disposal site or facility.

Subsection 9. "Mixed Municipal Solid Waste" is defined as garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash construction debris, mining waste, sludges, tree and agricultural wastes, tires, and other materials collected, processed and disposed of as separate waste streams.

Subsection 10. "Office" is defined as the Lac qui Parle County Solid Waste Office.

Subsection 11. "Person" is defined as any entity, individual, partnership, corporation, or organization of a private or public nature and any representative thereof.

Subsection 12. "Putrescible Material" is defined as solid waste which is capable of becoming rotten and which may reach a foul state of decay or decomposition.

Subsection 13. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subsection 14. "Refuse" is defined as putrescible and nonputrescible solid wastes (except body wastes), and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and market and industrial solid wastes.

Subsection 15. "Refuse Hauler/Recyclable Collector" means any person who provided a service (except nonprofit organizations) for the collection and transportation of mixed municipal solid waste and/or those recyclable waste materials designated by Lac qui Parle County as required recyclable materials.

Subsection 16. "Sanitary Landfill" is defined as an area of land which is used for the disposal of solid waste without creating nuisances or hazards to public health or safety by utilizing the principals of engineering to confine the solid waste to the smallest practical volume and to cover it with at least six inches (6") of cover material at the conclusion of each day's operation, or at more frequent intervals as may be necessary.

Subsection 17. "Shoreland" is defined as land located

within the following distances from the ordinary high water mark of public waters:

a) land within 1,000 feet from the normal high water mark of a lake, pond, reservoir, impoundment, or flowage; and

b) land within 300 feet of a river or stream or the landward side of flood plain delineated by ordinance on such a river or stream, whichever is greater.

Subsection 18. "Site or Facility" is defined as all real or personal property which is or may be used for the utilization, processing or final disposal of solid waste and which requires a licence for disposal therein under the provisions of this Ordinance.

Subsection 19. "Sludge Waste" is defined as inorganic waste in a semiliquid state, excluding toxic and hazardous waste, but including waste from automobile wash racks and steam cleaning products, ceramic, pottery and glass wastes, muddied water from laundries and similar nontoxic materials.

Subsection 20. "Solid Waste" is defined as garbage, refuse, demolition waste, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded solid waste materials, and sludges, in solid, semisolid, liquid, or contained gaseous form, but does not include hazardous waste, animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solids or dissolved material in domestic sewage or other 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.

Subsection 21. "Source Separation" means the separation, by the generator, of any material for the purpose of preventing its introduction into the mixed solid waste stream.

Subsection 22. "Toxic and Hazardous Wastes" shall have the definition ascribed to Hazardous Waste in the Pollution Control Agency Solid Waste Management Rules.

Subsection 23. "Transfer Station" is defined as an intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site for facility.

Subsection 24. "Waste Tire" is defined as solid waste which consists of the rubber other resilient material product which is used on a vehicle or other equipment wheel to provide tread which

is discarded or which cannot be used for its original intended purpose because it is used, damaged or defective.

Section 2. General Provisions.

Subsection 1. No person shall dispose of solid waste, nor allow his land or property under his control to be used for intermediate or final disposal of any solid waste, except at a site or facility for which a license has been granted by the County Board, unless otherwise provided by this Ordinance. No person shall provide a service for the collection and transportation of mixed municipal solid waste or designated recyclable materials within Lac qui Parle County unless licensed as a Refuse Hauler/Recyclable Collector by Lac qui Parle County.

Subsection 2. Any site of facility to be used for any method of solid waste disposal, not otherwise provided for in this Ordinance, must be licensed by the County Board before operation may commence. The license application shall include two (2) sets of complete plans, specifications, design data, ultimate land use plan and proposed operating procedures prepared by a registered engineer of Minnesota

Subsection 3. After receiving an application for the operation of a site or facility, the County Board shall have ninety (90) days to either grant or deny the license. After receiving an application for a Refuse Hauler/Recyclable Collector's license, the County Board shall have 30 days to either grant or deny the license. If an applicant is not granted a license, he shall be notified in writing the reasons therefor by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or for filing a further application after revisions are made to meet objections specified as reasons for denial.

Subsection 4. Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board and naming the County as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this Ordinance in the operation of the solid waste disposal site or facility, or if, for any reason, ceases to operate or abandons the solid waste disposal site or facility, and the County is required to expend any monies or expend any labor or material to restore the site to the condition and requirements as provided by the Ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with terms of the Ordinance, and that the obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the

County because of any default of the obligor under the terms of his license to operate and the Ordinance of the County. In addition to the bond to be furnished, the licensee shall furnish to the County, certificates of insurance in amounts and types to be set by the County Board

Subsection 5. Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this Ordinance shall expire on December 31 of each year unless sooner revoked. Application for license renewal shall be made in writing to the County Board by November 1 each year. Application for license renewal shall contain a written statement of any changes in the information submitted in the last approved license application. Failure to submit such information shall result in grounds for revocation or for not granting renewal of the license by the County Board. If there are no changes it shall be so stated in the renewal of the license by the County Board. If there are no changes, it shall be so stated in the renewal application.

Subsection 6. Any license granted under the provisions of this Ordinance may be suspended at any time for any failure to pay the license fee, for noncompliance with the provisions of this Ordinance, or whenever in the written and documented opinion of the County Board the continuance of the site or facility would endanger the health, welfare or safety of the public. The notice of suspension may be served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof. A license may be revoked only after the County Board has held a public hearing at which the licensee and other person interested in the site or facility shall have the right to be heard. The date of the hearing shall be set by the County Board and shall not be held earlier than fifteen (15) calendar days after notice of said hearing was received by the licensee. At the hearing, any person interested in said site or facility shall have the right to be heard.

Subsection 7. Routine inspection and evaluation of solid waste disposal facilities if located in Lac qui Parle County shall be made by the Office in such frequency as to insure consistent compliance by the facilities with the provisions of the Ordinance. The licensee shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. The licensee shall be required to allow free access to the Office, County Board, or to the proper representative of any other governmental agency at any time 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.

Subsection 8. The Office shall be responsible for the administration of this Ordinance. Its duties shall include, but not be limited to, the following:

A. Review and consider all license applications submitted to the County Board for operation of solid waste disposal facilities within the County, and after consideration, to recommend in writing with documentation to the County Board that a license be granted or denied.

B. Inspect solid waste disposal facilities as herein provided and to investigate complaints of violations of this ordinance.

C. Recommend, when necessary, to the County Attorney's Office that legal proceedings be initiated against a certain site or facility to compel compliance with the provisions of this Ordinance or to abate the operation of the same.

D. Encourage and conduct studies, investigations and research relating to aspects of solid waste disposal such as methodology, chemical and physical considerations and engineering.

E. Advise, consult and cooperate with other governmental agencies and the various offices of Lac qui Parle County.

F. Employ qualified personnel to assist County staff in the supervision, administration and enforcement of this Ordinance.

Section 3. Solid Waste Disposal by Sanitary or Demolition Waste Landfill. A sanitary or demolition waste landfill shall comply with the following provisions:

Subsection 1. No person shall establish, operate and maintain a sanitary or demolition waste landfill without first being licensed to do so by the County Board. The County Board may, at its discretion, issue a license for the operation of a sanitary or demolition waste landfill. An application fee, in an amount set by resolution of the County Board, shall accompany the application. The following information must be prepared by a registered engineer of Minnesota and submitted as a part of the application:

A. A current map or aerial photograph of the area showing land use and zoning within one-fourth (1/4) mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, building, lakes, pond, water courses, wetlands, dry runs, rock croppings, roads and other applicable problems. Wells shall be identified on the map or aerial photograph, U.S.G.S. date shall be indicated and a north arrow drawn. A location insert map shall be included.

B. A plot plan including legal description of the site

and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including, but not limited to roads, fencing and cover stockpiles. The plan of development including any excavation, trenching and fill. The scale of the plot plan should not be greater than two hundred feet per inch.

C. An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than two hundred feet per inch.

D. A report shall accompany the plans indicating:

1. Pollution and areas expected to be served by proposed site.
2. Anticipated type, quantity and source of material to be disposed of at the site.
3. Geological formations and ground water elevations to a depth of at least ten feet (10') below proposed excavation and lowest elevation of site, including the high water table. Such data shall be obtained by soil borings or other appropriate means.
4. Source and characteristics of cover material and method of protecting cover material for winter operation.
5. Area of site in acres.
6. Owner of site.
7. Persons responsible for actual operation and maintenance of the site and intended operating procedures.

E. Written proof that the local applicable municipal or township government has considered the establishment of the site and the results of that consideration.

Subsection 2. The annual license fee shall be set by resolution of the County Board.

Subsection 3. The fill and trench areas of sanitary landfill sites are prohibited within shoreland.

Subsection 4. The following shall be established, constructed or provided for at the sanitary landfill site:

A. Sanitary facilities and shelter shall be available for site personnel.

- B. Litter control devices such as portable fences.
- C. Electrical service for operations and repairs.
- D. Fire fighting facilities on site adequate to insure the safety of employees.
- E. Emergency first aid equipment to provide adequate treatment for accidents including those resulting from hazardous and toxic wastes.
- F. A potable water supply for site personnel.
- G. Shelter for maintenance and storage of site equipment.
- H. Adequate facilities to insure that no vehicle desiring entry into the site may have to wait outside the perimeter of the sanitary landfill site.
- I. Adequate communication facilities shall be provided for emergency purposes.
- J. The site shall be fenced and a gate shall be provided at the entrance to the site and kept locked when an attendant is not on duty.
- K. An all weather haul road to the unloading area.
- L. Equipment sufficient for spreading, compacting and covering operations to include sufficient reserve equipment or arrangements to immediately provide for equipment during periods of breakdown.
- M. At each entrance to the site the licensee shall erect and maintain a sign stating the name of the facility, the schedule of day and hours the facility is open to the public, prices for use of the facility and Minnesota Pollution Control Agency permit number and penalty for nonconforming dumping. The sign and its placement shall be subject to approval by the Office.
- N. At the County Board's discretion, a ground and surface water monitoring system may be required, at the licensee's expense.
- O. Visual screening of the sanitary landfill site, as approved by the Office, shall be provided by use of natural objects, trees, plants, seeded soil, berms, fences, or other suitable means.
- P. Suitable disposal facilities shall be provided for individuals who wish to transport and dispose of their own



solid waste.

Subsection 5. Landfill Operating Procedures. Any person who has been granted a license by the County Board to operate a sanitary landfill shall comply with the following regulations:

A. Open burning of solid waste is prohibited. No scavenging shall be allowed. Salvaging shall be allowed only upon conditions approved in writing by the County Board. Animal feeding within the site is prohibited.

B. Putrescible wastes shall not be deposited within five feet (5') above the highest known water table at the landfill site.

C. A minimum separating distance of twenty feet (20') shall be maintained between the disposal operation and the adjacent property line.

D. Unloading of solid waste shall be confined to as small an area as practicable and surrounded with appropriate facilities to confine possible wind-blown material within the area. At the conclusion of each day of operation, all wind-blown material resulting from the operation shall be collected and returned to the area by the owner or operator.

E. Solid waste shall be compacted as densely as practicable and covered after each day of operation with a compacted layer of least six inches (6") of suitable cover material.

F. Surface water drainage shall be diverted around the landfill operating area.

G. Putrescible materials which have reached a foul state of decay or decomposition, such as spoiled food and animal carcasses, shall be immediately covered and compacted.

H. Disposal of truck and automobile tires and other special wastes shall be managed in accordance with the provisions of Section 13 of this ordinance.

I. Control of vectors, such as rodents and flies, and of odors, dust, wind blown material and other potential public nuisances shall be the responsibility of the licensee. Should the Office so prescribe, the licensee shall, at his own expense, engage an exterminator or pest control agent to inspect the landfill on at least a monthly basis. A copy of each inspection report shall be sent to the Office immediately upon its receipt by the licensee.

J. An attendant shall be on duty at the site at all times while it is open for public use. Unloading of refuse

shall be continuously supervised at the working face of the landfill.

K. The depth of any layers of compacted solid waste in the landfill shall not exceed eight feet (8') without being covered.

L. Within one month after final termination of a site, or a major part thereof, the area shall be covered according to PCA rules. No holes or depressions which might result in collection of surface water shall remain or exist after such covering.

M. The finish surface of the filled area shall be covered with adequate topsoil and seeded with native grasses or other suitable vegetation immediately upon completion or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.

N. Prior to termination of operation of the site, the Minnesota Pollution Control Agency and the Office shall be notified in order that site investigation may be conducted before personnel and equipment are removed from the property. The final condition of the landfill must be approved by the Office and the Minnesota Pollution Control Agency before such removal may occur.

O. The licensee shall accept all solid waste offered for disposal during the posted hours of operation which may legally and reasonably be disposed of at the site. Vehicles, such as automobiles and trucks, are not considered reasonable items for disposal, but when accepted must be crushed prior to disposal.

P. Accurate daily records of site operations shall be maintained. These records shall contain information pertinent to site operation. Intake of solid waste in tons or cubic yards shall be recorded daily in a manner acceptable to the Office. General areas in which a particular type of solid waste disposal takes place within the landfill shall be filed. Disposal of hazardous waste is prohibited. All hazardous wastes generated by the facility operation, or delivered to the facility by other persons, must be managed in accordance with Lac qui Parle County's Hazardous Waste Management Ordinance No. 12, Minnesota Pollution Control Agency Rules and special waste management plans approved as part of any license or permit issued by either Lac qui Parle County or the State of Minnesota.

Subsection 6. Disposal of bulky wastes in a sanitary landfill is conditioned upon the following requirements:

A. Yard wastes consisting of garden wastes, leaves,

lawn cuttings, weeds, trees, branches, and prunings may not be acceptable for disposal at a landfill after January 1, 1990.

Subsection 7. The licensee of the sanitary landfill is responsible for adequate fire protection on the site. Adequate fire fighting equipment shall be available at all times on the site or the licensee shall furnish the Office with proof of a fire fighting agreement between the licensee and the local fire protection agency to immediately acquire its services when needed.

Subsection 8. A detailed description and a plat of the completed sanitary landfill site shall be recorded with the Lac qui Parle County Recorder within one month after approval of the final condition of the landfill. This description shall include the general type and location of deposited solid waste, the type and number of lifts, original and final terrain description and other pertinent characteristics of the completed sanitary landfill site.

Subsection 9. A demolition waste landfill shall comply with the provisions of Subsection 3 through 8 above and with other applicable provisions of this Ordinance, except for those provisions specifically waived by the Office, and shall pay the appropriate fees.

Subsection 10. Household hazardous waste, pesticide, herbicide or fertilizer containers or any hazardous waste as defined by PCA must be collected and transferred in accordance with Minnesota Statutes, PCA Rules and licensed by the County.

Section 4. Incineration. This section applies only to existing and new incinerator having a capacity greater than six thousand (6,000) pounds per hour. All incinerators shall be designed and operated in a manner to conform to emission limitations of State and local air pollution control regulations.

Subsection 1. It is unlawful for any person to construct, establish, maintain or operate an incinerator without first acquiring a license from the County Board. It shall not be necessary to have more than one license per incinerator for purposes of this Ordinance. An application fee in an amount set by resolution of the County Board shall accompany the application. The annual license fee shall be set by resolution of the County Board. The following information shall be submitted as a part of the application:

A. A minimum of two (2) sets of plans and specifications, prepared by a registered engineer of Minnesota, clearly indicating the construction which will be undertaken. These details shall include a plot plan showing land use, zoning and the location, type and height of all

buildings within five hundred feet (500') of the proposed installation.

B. An engineering report including furnace design criteria and expected performance data, the present and future population and area to be served by the incinerator, and the characteristics, quantities and sources of the solid waste to be incinerated.

C. Plans for the disposal of incinerator residue and emergency disposal of solid waste in the event of major incinerator plant breakdown.

D. Owner of the site and/or plant.

E. Persons responsible for actual operation and maintenance of the plant and intended operating procedures.

F. Such additional clarifying data as may be requested by the office.

G. Written proof that the local applicable municipal or township government has considered the establishment of the incinerator and the results of that consideration.

Subsection 2. The incinerator operation for each proposed installation shall be considered for approval on its own merits, and shall be in compliance with the following criteria and in accordance with accepted engineering practices.

A. The incinerator plant shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area.

B. Shelter and sanitary facilities shall be available for plant personnel.

C. A permanent sign shall be posted at the site entrance identifying the operation and showing the Minnesota Pollution Control Agency permit number of the plant, and indicating the hours and days when the plant is open for public use. Access to the plant shall be limited to those times when authorized personnel are on duty.

D. All incoming solid waste to be incinerated at the plant shall be confined to the unloading area. Adequate holding bin capacity shall be provided.

E. Facilities shall be designed to provide for dust control in the unloading and charging areas.

F. The incinerator plant shall have weighing facilities available. Permanent records shall be maintained indicating the total weight of material incinerated, the