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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/yd³) 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

total quantity or resulting residue and total hours of plant operation. These records shall be immediately available for inspection upon request by the Office.

G. Fire fighting equipment, meeting the standards of Underwriters Laboratory, Inc., or other approved nationally recognized safety standards, shall be available in the storage and charging areas and elsewhere as needed.

H. Arrangements shall be made with the local fire protection agency to provide fire fighting forces in an emergency.

I. Adequate communication facilities shall be provided for emergency purposes.

J. Equipment shall be provided in the storage and charging areas and elsewhere as needed to allow cleaning after each day of operation or as may be required in order to maintain the plant in a sanitary condition.

K. The charging openings as well as all equipment throughout the plant shall be provided with safety equipment.

L. During normal operation, the temperature in the combustion chambers shall conform to the Air Pollution Control Regulations of the Minnesota Pollution Control Agency now or hereafter adopted, to produce a satisfactory residue and to result in an odor-free operation.

M. A continuously recording pyrometer shall be provided in order to maintain continuous records of temperature in the combustion chambers. A copy of such records shall be available to the Office upon request.

N. All residue removed from the incinerator plant shall be promptly disposed of in a manner that will prevent nuisances, pollution and public health hazards. Residue containing combustible material shall be disposed of in a sanitary landfill.

O. Upon completion of the plant and prior to initial operation, the Office shall be notified to allow personnel of the Office to inspect the plant both prior to and during the performance tests.

P. Performance tests of the plant may be required by the County Board. A report covering the results of the performance test in such cases shall be prepared by the design engineer of the project and submitted to the County Board with the copy of all supporting data.

Q. Yard wastes consisting of garden wastes, leaves,

lawn cuttings, weeds, trees, branches of trees, and prunings may not be accepted for incineration at any solid waste incinerator, whether licensed under this ordinance or not, after January 1, 1990.

Section 5. Transfer Stations. Any transfer station shall be constructed, established, maintained and operated in accordance with the following provisions.

Subsection 1. A license shall first be obtained from the County Board to construct, establish, maintain or operate a transfer station. The application and license fee, which shall accompany the license application, shall be set by resolution of the County Board. The application for a license shall contain the following information:

A. Location, size and ownership of the land upon which the station will operate.

B. General description of property use in the immediate vicinity of the transfer station.

C. Complete plans and specifications and proposed operating procedures for the transfer station.

Subsection 2. The following shall be established and maintained at the transfer station site:

A. A sign, subject to the approval of the Office shall be posted on the premises indicating the station name, the schedule of days and hours it is open to the public and prices for use.

B. Roads on the premises shall be all-weather surfaced. The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance.

C. Adequate sanitary facilities and shelter for personnel shall be provided on the premises.

D. Records approved by the Office shall be maintained indicating the type and quantity of solid waste passing through the transfer station.

E. The transfer station shall be so equipped, situated, operated and maintained as to minimize interference with other activities to the area.

Subsection 3. A transfer station licensee shall comply with the following regulations:

A. When stated in and as part of the license, the licensee shall take away all solid waste, and wash, clean

and disinfect the station at the end of each day of use.

B. The premises, entrances and exists shall be maintained in a clean, neat and orderly manner at all times.

C. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.

D. All unloading of solid wastes from contributing vehicle shall be conducted in such a manner as to eliminate odor and litter outside the station.

Section 6. Refuse Hauler/Recyclable Collector. All Refuse Haulers/Recyclable Collectors providing service to residential, commercial or industrial customers in Lac qui Parle County must be licensed by Lac qui Parle County (except nonprofit organizations who can provide satisfactory verification of their Minnesota nonprofit tax exempt status), display a decal provided or approved by Lac qui Parle County on each vehicle (on driver's door in upper right quarter) and container used for refuse collection and transportation of refuse from Lac qui Parle County customers, and comply with the following procedures:

Subsection 1. A license shall first be obtained from the County Board to provide the service of collection of solid waste within the County. The annual license fee shall be set by resolution of the County Board. The application for a license shall contain the following information:

A. The name and current business address of the Refuse Hauler/Recyclable Collector.

B. The type, number and capacity of refuse hauling vehicles, and other containers or collection equipment used in Lac qui Parle County for solid waste or recyclables.

C. A brief description of how the Refuse Hauler/Recyclable Collector will comply with the provisions in Subsection 3 A-D of this Section.

D. Information about the location and method of storage of collected recyclable materials along with evidence of compliance with applicable local zoning codes.

E. A general description of the service area. This need not include information about specific customers.

Subsection 2. The Refuse Hauler/Recyclable Collector must provide a service (either directly or through written subcontract with a person or company approved by Lac qui Parle County as a condition to the license) to collect recyclables (and after January 1, 1990 yard waste in accordance with Section 13 Subsection 2) from all single family residential, commercial and

industrial customers in Lac qui Parle County. Designated recyclables include aluminum and bimetal beverage containers, color separated glass food and beverage containers, and newspaper for single and multiple family residential customers, and for commercial customers: office paper and corrugated if requested by the customer. Additional recyclable materials may be added to this by Resolution of the County Board after the effective date of this Section. All licensed Refuse Haulers/Recyclable Collectors shall be given 120 days advance notice in writing of the proposed additional recyclable material(s) and shall be notified in writing 15 calendar days in advance of the time and date of the County Board meeting at which time a decision will be rendered. Notice shall be deemed given by mail via general delivery, to the address identified on the most recent license application or renewal form on file in the Office.

A. The Refuse Hauler/Recyclable Collector may specify the type of container their customer must place the recyclables in. The containers must be provided by the Refuse Hauler/Recyclable Collector or already available to a customer at the time this Ordinance becomes effective.

B. The Refuse Hauler/Recyclable Collector must specify the time and day of collection that their customers are to place their recyclables out on their property for pickup. The Refuse Hauler/Recyclable Collector must collect the recyclables within 12 hours of the designated time. The collection location must be on the customer's property in a location at or near the regular solid waste collection site or such other location mutually agreeable to the hauler and the customer.

C. The Refuse Hauler/Recyclable Collector may specify how a customer is to place their recyclables out for collection and how the recyclable are to be prepared. The County Solid Waste Officer reserves the right to review and modify the amount of preparation required by the Refuse Hauler/Recyclable Collector in consideration of local recyclable market requirements.

D. The Refuse Hauler/Recyclable Collector must collect recyclables from each customer at least once a month unless normal solid waste collection service is provided less frequently than monthly, in which case the frequency of recyclable collection shall be the same as refuse collection.

E. The Refuse Hauler/Recyclable Collector is assumed to own the recyclables they have collected and may market them as they see fit. However, a Refuse Hauler/Recyclable Collector may not dispose of any recyclables in or on the land, nor through incineration unless given prior written approval to do so by the Environmental Health Manager.

F. The Refuse Hauler/Recyclable Collector must submit an annual report to the Office, on or before January 31 of each year for the previous calendar year, identifying the weight in tons of all recyclables and all other disposal solid wastes (if tonnage is unavailable for disposal solid waste, cubic yard shall be reported) collected from Lac qui Parle County customers. The report must identify the weight of each type of recyclable collected.

G. The Refuse Hauler/Recyclable Collector must demonstrate to the Office at the time of license application and at time of annual license renewal how they will provide both an incentive to their customers to reduce the amount of waste generated and an incentive to recycle the materials designated by the County Board. Examples of compliance with this provision include, but are not limited to, volume based collection fees and/or credit equal to the reduction in tip fee realized through removal of the amount a customer is recycling.

H. Municipalities or Townships within Lac qui Parle County that contract with Refuse Hauler/Recyclable Collectors must contract only with a Refuse Hauler/Recyclable Collector who is licensed by Lac qui Parle County. Contract must also be consistent with the provisions in this Subsection.

Section 7. Performance Enhancement Recycling Cost Share.

A. The County shall provide to a licensed Refuse Hauler/Recyclable Collector an amount of money (Performance Enhancement Recycling Cost Share or PERCS) to be set by resolution of the County Board for each ton of designated recyclable material collected in Lac qui Parle County by the Refuse Hauler/Recyclable Collector or their contractor. Payment of said PERCS shall be made monthly, providing the Hauler/Recyclable Collector submits to the Office the following information:

- 1) Receipts from the recyclable market or broker or verifiable scale weight slips identifying the quantity by weight of each designated recyclable material collected from Lac qui Parle County; and
- 2) Information on the customers participating with the recycling program including names and addresses.

B. Information regarding the names and addresses of customers provided by the haulers under Section 7.A.2. above shall not be released by the County to any person, (other than the waste hauler providing the information) for any purpose, and shall be considered confidential or nonpublic

data in accordance with the provisions in Minnesota Chapter 13.37 and 13.41 relating to Government Data Practices.

Section 8. Anti-Scavenging Provision.

A. Ownership of the separated recyclable materials set out by a customer for collection by the Refuse Hauler/Recyclable Collector shall be vested in the Refuse Hauler/Recyclable Collector servicing the Person who is recycling. It shall be unlawful and an offense against this Ordinance (except as noted in Subsection B below) for any person other than the owner, leasee, or occupant of a residential dwelling or commercial/industrial business, to pick up said separated recyclable materials for any purpose.

B. Persons or organizations other than a licensed Refuse Hauler/Recyclable Collector may not collect recyclables (except at a drop off or redemption site) unless they obtain written permission from the Office. Permission will be granted to any organization to collect recyclables at curb side providing the following conditions are met and evidence thereof is provide to the office.

- 1) For single and multi-family residential customers, written permission must be granted by the Refuse Hauler/Recyclable Collector servicing the accounts to be collected from.

Section 9. Variances. Upon written application by the applicant or operator, the County Board may grant variances from the requirements of the regulations and standards prescribed by the Ordinance in order to promote the effective and reasonable application and enforcement of the provisions of the Ordinance. Disposal facilities in existence at the time of the enactment of the Ordinance, and operation of such facilities, shall conform to the provisions of this Ordinance no later than one hundred eighty (180) days after the adoption of the Ordinance, or terminate operations no later than that date unless granted a variance for good cause shown this Section in writing to continue operations by the County Board. A request for such variance shall be accompanied with a plan and time schedule for compliance with the provisions of this Ordinance.

Section 10. Penalty. Any person who fails to comply with the provisions of this Ordinance may be charged with a misdemeanor and upon conviction thereof shall be punished thereof as provided by law. The County Board is responsible for the enforcement of this Ordinance, and any person who violates, omits, neglects, or refuses to comply with the provisions or the enforcement of this Ordinance, shall be guilty of a misdemeanor.

Section 11. Additional Requirements. For purposes of protecting and providing for public health, safety and welfare, the County Board may impose additional requirements consistent with the

intent of this Ordinance for the operation of solid waste sites or facilities.

Section 12. Fee on Operators of Disposal Facilities.

Subsection 1. Fee on Operators of Disposal Facilities. There is imposed a fee on operators of facilities which accept and dispose of mixed municipal solid waste in the County of Lac qui Parle. All vehicles transporting solid waste shall be registered at the entrance of the waste facility.

Subsection 2. Amount of Fee. The fee shall be two dollars (\$2.00) per gate yard of solid waste accepted and disposed of at a facility for mixed municipal solid waste located in Lac qui Parle County. A facility that weighs the waste accepted and disposed of may pay a fee of two dollars (\$2.00) per gate yard based on equivalent gate yards of waste computed as follows: six hundred (600) pounds of waste is equivalent to one (1) gate yard. An operator has the option to vary or alternate the method of determining the amount of waste accepted at the entrance, between weighed and measured volume, however, the fee shall be determined in the same manner as is used to determine the disposal charge. Charges for passenger cars and pickup trucks shall be in accordance with the rules promulgated by the Minnesota Commissioner of Revenue pursuant to the Metropolitan Landfill Abatement Act and shall be prorated in accordance with the ratio between the State fee and the County fee. This is subject to change.

Subsection 3. Partial Exemption from Fee.

A. Waste residue from energy and resource recovery facilities at which solid waste is processed for the purposes of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from one-half the amount of the fee imposed if there is at least an eightyfive percent (85%) volume reduction in the solid waste processed. To qualify for exemption under this clause, waste residue must be brought to the facility separately. Before any fee is reduced, the verification procedures of Section 73, Subdivision 1, Paragraph (c) of Minnesota Laws 1984, Chapter 644 must be followed and submitted to the Office.

B. Exemption for Cover Material and Lining. Materials approved by the Office for use as lining, or daily or final cover shall be exempt from the fee imposed under this Section. The generator of such material must obtain written approval from the Office. The Office may suspend or revoke such approval upon written notification to the landfill and waste generator if the waste is judged by the Office to be unsuitable for lining or cover material or is not used for the intended purpose at the landfill.

Subdivision 4. Returns, Fee payment and Reporting Requirements.

A. Time for Payment of Fee to Count. The fee imposed by this section shall be due and payable by the operator of the facility to the County of Lac qui Parle monthly, on or before the twentieth (20th) day of the month immediately following the month in which the solid waste was received at the facility.

B. Returns. Any operator subject to the fee imposed by this Section shall file a return prescribed by the Office. The return must be signed by the operator or person authorized by the operator to do so. The return shall be filed with the Office on or before the twentieth (20th) day of the month immediately following the month in which the solid waste was received at the facility and must be accompanied by payment of the fee.

C. Extensions. The office may extend for reasonable cause the time for filing returns and remittance of fees for not more than sixty (60) days. The Office may require a tentative return at the time fixed for filing the regularly required return and payment of the fee therewith on the basis of such estimated return.

D. Reporting Requirements. The monthly return required to be filed shall show: (1) the number of gate yards of solid waste accepted and disposed of at the facility; (2) for a facility that weighs waste, the total weight of solid waste accepted and disposed of at the facility converted to equivalent gate yards of solid waste; (3) if a facility has accepted and disposed of solid waste exempted from the fee under Subsection 3, the number of gate yards of solid waste exempt from the fee, together with verification acceptable to the Office that the waste is exempt from the fee; (4) the amount of fee due on the return; and (5) such other information as may be required by the Office and on forms approved by the Office in order to administer this Section.

E. Failure to File Return. If any operator required to file any return shall fail to do so within the time prescribed by this Section or shall make, willfully or otherwise, an incorrect, false or fraudulent return, such operator, upon written notice and demand, shall immediately file such thereof. If such operator shall fail to file such return or corrected return, the Office may make for him a return, or corrected return, from its knowledge and from such information as the Office can obtain through (less any partial payments for the fee covered by such return) shall be immediately paid upon written notice and demand. Any such return or assessment made by the Office shall be prima facie correct and valid and such operator shall have the

burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Nothing in this paragraph shall preclude any other remedy authorized by law or ordinance.

F. Records. Every operator of a facility at which mixed municipal solid waste is accepted and disposed of shall keep adequate and complete records showing the total gate yards of solid waste accepted and disposed of at the facility for each day or, if such waste is weighed, the total weight of such solid waste for each day.

G. Examination of Records. The County or its designated agent shall have the right to examine records and accounts of the operator required to file a return.

Section 13. Special Wastes.

Subsection 1. Applicability. The requirements of this section shall apply to any person who disposes of, transports, stores, processes, or otherwise possesses waste tires within the County of Lac qui Parle.

Subsection 2. Definitions. The terms used in this section shall have meanings as defined in Minn. Stat. 115A.90 and Minn. Rules pts. 9220.0110 and .0210.

Subsection 3. Disposal.

1. Requirement. Any person who possesses waste tires in the County of Lac qui Parle shall:

- a) deliver the waste tires to a person who possesses a valid Waste Tire Transporter Identification Number as required by Minn. Rules pt. 9220.0530;
- b) deliver the waste tires directly to a permitted or exempt waste tire storage, transfer or processing facility; or
- c) obtain a permit from the Minnesota Pollution Control Agency to store or process the waste tires as required by Minn. Rules pts. 9220.0230 and .0240. Such storage or processing shall be in accordance with all conditions of the State permit.

2. Exemptions. A person may store or process waste tires without a State permit if:

- a) such storage or processing is pursuant to an exemption under Minn. Rules pt. 9220.0230, subp. 2;

b) fewer than 50 waste tires are stored at any one time; or

c) fewer than 50 waste tires are processed during any 30 days.

Subsection 4. Transportation.

1. Requirement. Any person who transports waste tires for hire in the County of Lac qui Parle shall first obtain a Waste Tire Transporter Identification Number from the Minnesota Pollution Control Agency as required by Minn. Rules pt. 9220.0530.

2. Exemptions. A person may transport waste tires without a Waste Tire Transporter Identification Number if such transportation is pursuant to an exemption under Minn. Rules pt. 9220.0530, subpt. 2.

3. Conditions. A person who transports waste tires for hire shall:

a) deliver the waste tires to a waste tire processing, storage, or transfer facility that has a State permit or is exempt from the requirement to obtain a State permit; and

b) transport the waste tires in accordance with all conditions of the applicable Waste Tire Transporter Identification Number.

Subsection 5. Penalties.

1. Criminal penalties. Any person who willfully or negligently violates this section shall upon conviction be guilty of a misdemeanor.

2. Civil penalties. Any person who disposes of waste tires on public or private land, shoreland, roadways or water in the County of Lac qui Parle in violation of this section shall be subject to the civil penalties of Minn. Stat. ch. 115A.99.

Subsection 6. Yard Wastes. After January 1, 1990, yard wastes including garden wastes, leaves, lawn cuttings, weeds, and prunings shall not be disposed of in mixed municipal solid waste, in a land disposal facility or in a resource recovery facility except for the purposes of composting or co-composting. The County shall provide a co-composting site.

Subsection 7. Other Wastes. The Lac qui Parle County Board may by resolution prohibit the disposal of other wastes in a sanitary landfill when alternatives to disposal are available.

Section 14. Tax Levies; Advance Funding. Pursuant to Minnesota Statutes Section 400.11 the County Board by resolution from time to time may levy taxes for solid waste management purposes upon all taxable property within the county. The county may levy a tax in anticipation of need for solid waste management purposes as specified in the resolution levying the tax appropriating the proceeds of the tax to a special fund to be used only for those purposes and, until used, to be invested in securities authorized in Section 475.66 of Minnesota Statutes.

Section 15. Indemnification and Cost Recovery.

Subsection 1. Indemnification. This ordinance shall not be construed to hold the Office or the County of Lac qui Parle or any officer or employee responsible thereof for any damage to persons or property by reason of the inspection or re-inspection 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 refuse or in connection with any other official duties.

Subsection 2. Civil Action or Cost as Special Tax. If a person fails to comply with the provisions of this Ordinance, the County may recover costs incurred for corrective action abate a threat to public health 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.

Section 16. Other Ordinances and Regulations. Lac qui Parle County does not release any of its Solid Waste Management Powers under Minnesota Statutes and agency regulations to other units of government. If any regulations existing or adopted by other local units of government conflict with this ordinance, this County ordinance and plan shall prevail.

Section 17. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication according to law except SECTIONS 6, 7, 8 and the amendments to SECTION 13 which shall be effective January 1, 1990 or as otherwise specified within those Sections.

Section 18. Effective Date. This ordinance shall be effective upon its passage and publication as provided by law.

Passed by unanimous vote of the Lac qui Parle County Board of Commissioners this 6 day of Aug, 1991.



Morris Benson
Chairman,
Board of County Commissioners
Lac qui Parle County, MN

ATTEST:


County Auditor

Passed this 6 day of Aug, 1991.