

LAC QUI PARLE COUNTY

SOLID WASTE ORDINANCE

Adopted July 14, 1975

Prepared by
County of Lac qui Parle

LAC QUI PARLE COUNTY
SOLID WASTE ORDINANCE

An ordinance authorizing and providing for County Solid Waste Management, establishing powers and duties in connection therewith, establishing standards for and regulating solid waste management operations within the County of Lac qui Parle, requiring a license for the establishment and use of a solid waste management operation; for control of special solid wastes; embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring a performance bond; and imposing penalties for failure to comply with these provisions; in purpose and object to promote the health, welfare and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes 1971, Chapters 115, 116 and 400.

The County Board of Commissioners of the County of Lac qui Parle, hereinafter referred to as the County Board, does ordain:

SECTION I. DEFINITIONS. Unless otherwise specifically defined herein, all words and phrases defined in Minnesota Statutes, Chapters 115, 116 and 400 and in the Regulations of the Minnesota Pollution Control Agency shall have the same meanings when used in this ordinance. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

Subd. 1. County. Means any department, representative, or agent of the county who is authorized by this ordinance or otherwise by the County Board to represent the County of Lac qui Parle, in the enforcement or administration of this ordinance.

Subd. 2. Operation. Means any site, facility, or activity relating to solid waste management.

Subd. 3. Putrescible Material. Means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.

Subd. 4. Agency. The Minnesota Pollution Control Agency.

SECTION II. GENERAL PROVISIONS

Subd. 1. After receiving an application for a license, the County Board shall refer such application to the County Solid Waste Officer who shall give his recommendation to the County Board concerning whether it should issue or deny the license.

If an applicant is denied a license, he shall be notified in writing of the reasons therefor by the County Board. A denial shall not preclude an appearance by the applicant before the County Board or a further application after revisions are made to satisfy objections specified as reasons for the denial.

Subd. 2. All licenses issued pursuant to this ordinance shall be valid for one year. Before renewing any license, the County Board shall request a recommendation from the Solid Waste Officer as to whether the license should be renewed.

Subd. 3. The County Board shall refuse to issue or renew a license for any operation which does not comply with this ordinance, pertinent statutes, Agency regulations and the County's solid waste management plan.

Subd. 4. Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this ordinance shall be con-

tingent upon the applicant furnishing a bond to the Municipal Corporation with which they are contracting in an amount to be set by the Board and naming the Municipal Corporation 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 principal fails to comply with any of the requirements or fails to perform any of the acts required of an operation or ceases to operate or abandons the operation and the Municipal Corporation is required to expend any monies or expend any labor or material to restore the operation to a condition in compliance with this ordinance, the obligor and the sureties on the bond shall reimburse the Municipal Corporation for any and all expenses incurred to remedy failure of the principal to comply with the terms of this ordinance, and the obligor and his sureties will indemnify and save the Municipal Corporation harmless from all losses, costs and charges that may occur to the Municipal Corporation because of any default of the obligor under the terms of his license to operate in compliance to the terms of the ordinances of the County.

Subd. 5. In addition to the bond to be furnished, the licensee shall furnish to the Municipal Corporation with which they are contracting certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, including general liability, automobile liability, loading and unloading, completed operations liability, bodily injury liability in an amount of at least 100,000.00 dollars for injury or death of any one person in any one occurrence and aggregate bodily liability in an amount of at least 300,000.00 dollars for injuries or death arising out of any one occurrence. Property damage liability shall be furnished in an amount of at least 50,000.00 dollars for any one occurrence and in the unencumbered aggregate amount of at least 100,000.00 dollars.

Subd. 5-a. Licensee shall furnish to the County evidence of a Workman's Compensation policy covering employees to be working within County for period of time of the license.

Subd. 6. 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 this ordinance or applicable state laws and regulations, or upon written notification to the County Board by the Solid Waste Officer or by an authorized representative or by the Agency, that the continued use of the operation may endanger the health, welfare or safety of the public or may cause pollution or impairment of the environment. 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 or if there is no person to be found on the premises during normal business hours by leaving the same in a conspicuous place on the premises. A copy thereof shall be provided to the County Board.

A 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 use of 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 ten calendar days after notice of said hearing was mailed to the licensee.

At the hearing the County Board may admit and rely on evidence which possesses probative value commonly accepted by reasonable men. Any person testifying shall be subject to cross examination. Proposed evidence which is incompetent, irrelevant, immaterial, or repetitious may be excluded. The County Board shall give effect to the rules of privilege recognized by law. A record of the hearing shall be made by tape recording or other suitable technique. If

pursuant to the hearing, the County Board shall determine that the operation has been conducted in violation of this ordinance, or that the operation may endanger the health, welfare or safety of the public or may cause pollution or impairment of the environment, the County Board may revoke the license or continue the suspension in effect until the operator has demonstrated that the full compliance with the ordinance has been attained, that such compliance will be continued in the foreseeable future and that the operation will not endanger the health, welfare or safety of the public and will not cause pollution or impairment of the environment.

Subd. 7. Routine inspection and evaluation of all operations shall be made by the Solid Waste Officer at such frequency as to insure compliance by the operation with the provisions of this ordinance. Any licensee so inspected shall be provided with a written inspection report containing a precise description of any deficiencies, recommendations for the correction and the date by which the corrections shall be accomplished. As a condition of all licenses issued under this ordinance, the Solid Waste Officer and other authorized representatives or agents of the County and the Agency may enter upon the licensed premises whenever the Solid Waste Officer shall deem it necessary for the purpose of obtaining information or conducting surveys or investigations necessary for the enforcement of this Ordinance. Authorizations are to be given by the Solid Waste Officer, the County Board or the Agency.

SECTION III. SOLID WASTE OFFICER The County Board by resolution shall appoint the County Solid Waste Officer. The Solid Waste Officer shall have all necessary authority to implement and carry out the provisions of this ordinance, including but not limited to, the following:

Subd. 1. To review and consider all license applications and

supporting materials for operations within the County which are referred to him and to recommend in writing with supporting documentation to the County Board whether a license should be granted or denied.

Subd. 2. To inspect operations to determine compliance with this ordinance and to investigate complaints about violations of this ordinance.

Subd. 3. To recommend to the County Attorney that legal proceedings be initiated against a person to compel compliance with the provisions of this ordinance or to terminate, abate or control an operation not in compliance with this ordinance.

Subd. 4. To encourage and conduct studies, investigations and research relating to aspects of solid waste management, including, but not limited to, methodology, chemical and physical considerations, and engineering.

Subd. 5. To advise, consult, and cooperate with the public and other governmental agencies in furtherance of the purpose of this ordinance.

SECTION IV. SOLID WASTE STORAGE

Subd. 1. The owner, lessee and occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment or industry. No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation and disposal of all solid wastes.

Subd. 2. Putrescible waste, including but not limited to garbage, shall be stored in: (a) durable, rust-resistant, non-

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absorbent, water-tight, rodent-proof, and easily cleanable containers, with close-fitting, fly-tight covers having adequate handles to facilitate handling; or (b) other types of containers acceptable to the solid waste collection service, in compliance with pertinent statutes and Agency Regulations, and approved by the Solid Waste Officer. The size and allowable weight of the containers may be determined by the solid waste collection service as approved by the Solid Waste Officer.

Subd. 3. Solid waste shall be stored in durable containers or as otherwise provided in this ordinance. Where putrescible wastes are stored in combination with nonputrescible wastes, containers for the storage of the mixture shall meet requirements for putrescible waste containers.

Subd. 4. Hazardous wastes shall be stored in durable, leak-proof containers which are labeled with a description of the chemical composition of the substance stored therein. Such wastes shall be stored in a safe location and in compliance with the requirements of pertinent statutes, Agency regulations and this ordinance.

Subd. 5. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition.

Subd. 6. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free, nuisance-free and satisfactory to the Solid Waste Officer.

Subd. 7. Solid wastes shall not be stored on public or private property for more than two (2) weeks without the written approval of the Solid Waste Officer.

Subd. 8. All storage of solid waste shall conform with all pertinent statutes and Agency regulations. Nothing in this section shall be construed to permit noncompliance with those statutes and regulations.

SECTION V. COLLECTION AND TRANSPORTATION OF SOLID WASTES

Subd. 1. Unless otherwise provided in this ordinance, the owner, lessee and occupant of any premises, business establishment or industry, shall collect and remove all solid waste accumulated at the premise, business establishment or industry and transport it to an operation for which a permit has been issued by the Agency and which is included in the county solid waste management plan.

Subd. 1-A. Residents of non-incorporated areas may deposit and dig down their own solid waste on their own property but they shall not permit persons living elsewhere to deposit solid waste on that property.

Subd. 2. The collection and transportation of solid wastes and of hazardous wastes shall be in accordance with all pertinent statutes and Agency regulations.

Subd. 3. No person shall collect and transport solid waste or hazardous waste for hire unless the person has first obtained a license to do so from the County Board.

Subd. 4. Unless the county provides for exclusive service for the collection and transportation of solid waste to be performed either by itself or pursuant to a contract, let by competitive bidding, with a private party, the County Board shall issue licenses

for the collection and transportation of solid waste for hire upon compliance with the following requirements:

- (a) Disposal of all solid waste collected must be at an operation having a permit from the Agency and a license from the county.
- (b) Filing of an application for a solid waste collection and transportation license upon a form provided by the County Board.
- (c) Submission of specifications of all vehicles to be used for solid waste collection and transportation. Such vehicles shall have leak-proof bodies of easily cleanable construction, be completely covered with metal or heavy canvas, and shall be subject to the approval of an periodic inspection by the Solid Waste Officer.
- (d) Submission of a description of the route to be followed by all solid waste collection and transportation vehicles between the area of collection and the solid waste disposal operation: said route shall be subject to approval by the Solid Waste Officer.
- (e) Submission of a schedule of charges for the hauling of solid waste. The schedule shall be subject to the County Board's approval.

SECTION VI. SOLID WASTE DISPOSAL BY SANITARY LANDFILL

Subd. 1. All solid waste generated within the county shall be disposed of at a sanitary landfill having a license from the county and a permit from the Agency.

Subd. 1-A. Residents of non-incorporated areas may deposit and dig down their own solid waste on their own property but they shall not permit persons living elsewhere to deposit solid waste on that property.

A sanitary landfill shall comply with the following provisions:

Subd. 2. No person shall establish, operate or maintain a sanitary landfill without first obtaining a permit from the Agency and a license from the County Board. Where the location of the proposed operation is consistent with the county solid waste management plan, the County Board shall issue a license for the operation of a sanitary landfill upon its approval of the construction

plans and specifications describing the sanitary landfill proposed to be constructed. Plans, including reports and drawings shall be prepared by a registered engineer of Minnesota. Three complete sets of the plans shall be submitted to the County Board. The submitted plans shall be the same as those to be submitted to the Agency and shall include everything required by Agency regulations.

Subd. 3. The fill and trench areas of the sanitary landfill shall not be in areas prohibited by pertinent statutes or Agency regulations.

Subd. 4. (a) Any person who maintains or operates a sanitary landfill site or permits the use of property for such, shall maintain and operate the site in conformance with pertinent statutes and Agency regulations.

(b) In addition to other substances forbidden by this ordinance, statutes or Agency regulations to be deposited in sanitary landfill, any substance deemed unacceptable by the Solid Waste Officer shall not be acceptable for deposit in a sanitary landfill.

(c) The licensee shall properly complete and submit monthly to the Solid Waste Officer (1) operational report form and (2) any report form required by the Solid Waste Officer.

(d) Prior to completion of a sanitary landfill site, the Solid Waste Officer shall be notified in order that a site investigation may be conducted by him before earth moving equipment is removed from the property.

Subd. 5. A sanitary landfill shall not be opened or placed into operation until:

(a) All pertinent statutes and Agency regulations have been complied with.

(b) A county license has been issued.

(c) A construction certification has been approved by the Solid Waste Officer.

(d) The site is consistent with the county solid waste management system plan.

SECTION VII. INCINERATION

Subd. 1. All new and existing incinerators having a capacity greater than 6,000 pounds per hour and all incinerators used for the incineration of hazardous wastes shall be designed, operated, and maintained in accordance with this ordinance and Agency regulations.

Subd. 2. It is unlawful for any person to construct, establish, maintain, or operate an incinerator with a capacity over 6,000 pounds or an incinerator disposing of hazardous waste without first obtaining a license from the County Board for it. All information required by statute or regulation to be submitted to the Agency shall be submitted as a part of the application together with such additional information as may be requested by the Solid Waste Officer.

Subd. 3. Incinerators shall be constructed, operated and maintained in accordance with pertinent statutes, Agency regulations and the following requirements:

(a) The incinerator operation shall have weighing facilities available. Permanent records shall be maintained indicating the total weight of material incinerated, the total quantity of resulting residue, the total hours of incinerator operation, and the means employed for disposal of residue. These records shall be submitted monthly to the Solid Waste Officer in a form prescribed by him.

(b) A continuously recording pyrometer shall be provided in order to maintain continuous records of temperature in the combustion chambers. Such records shall be submitted to the Solid Waste Officer on a monthly basis in a form prescribed by him.

(c) All residue removed from the incinerator operation shall be promptly disposed of in a sanitary landfill permitted by the Agency and licensed by the County. Residue containing toxic or hazardous wastes shall be analyzed to determine its chemical compositions, identified to the satisfaction of the Solid Waste Officer and disposed of in a manner acceptable to the Agency and the Solid Waste Officer.

(d) Performance tests of the plant may be required by the Solid Waste Officer. A report covering the results of the performance tests in such cases shall be prepared by the design engineer of the project and submitted to the Solid Waste Officer with a copy of all supporting data.

(e) Upon completion of the plant and prior to initial operation, the Solid Waste Officer shall be notified to allow him to inspect the plant both prior to and during the performance tests.

SECTION VIII. INTERMEDIATE SOLID WASTE DISPOSAL FACILITIES

Subd. 1. No intermediate solid waste disposal operation shall be constructed, established, maintained or operated unless a license therefor shall have been first obtained from the County Board. Where the location of the proposed operation is consistent with the county solid waste management plan, the County Board shall issue a license for the operation upon its approval of the construction plans and specifications describing the operation proposed to be constructed. A minimum of three sets of said plans and specifications shall be prepared and submitted to the Solid Waste Officer by a registered professional engineer of Minnesota and shall include design data, ultimate land use plan and proposed operating procedures. In addition to said plans and specifications, the application for a license shall contain the following information:

(a) Location, size and ownership of land upon which the operation will be situated.

(b) General description of property used in the immediate vicinity of the operation.

(c) Complete construction plans and specifications and proposed operating procedures for the operation.

Subd. 2. An intermediate solid waste disposal facility shall be constructed, operated and maintained in compliance with the following requirements:

(a) A sign shall be posted on the premises indicating the name of the operation, the days and hours during which it is open to the public, and user charges, if any. The sign shall be approved by the Solid Waste Officer.

(b) Roads on the premises shall be bituminous, concrete or other impervious material acceptable to the Solid Waste Officer.

(c) The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance.

(d) Sanitary facilities and shelter adequate for employees shall be provided on the premises.

(e) Records in a form acceptable to the Solid Waste Officer shall be maintained indicating the type and quantity of solid waste processed by the operation.

(f) The operation shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area.

(g) All solid waste shall be removed from the operation at the end of each day's activities and the equipment and floor of the operation disinfected.

(h) The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.

(i) All incoming traffic shall be controlled by licensee in such a manner as to provide orderly and safe ingress ...

(j) All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the facility.

SECTION IX. LICENSE FEES

Approval of an application to the County Board for a license for a solid waste management operation shall be contingent upon the payment to the county of a license fee in the amount specified below. Such license fees are hereby found to be equal to the cost to the county of processing the license applications and administering and enforcing this ordinance with respect to said licenses. The fees prescribed shall be paid by a license applicant with respect to each operation maintained by him. Solid waste collector's fees shall be paid annually as a condition for license renewal. Nonpayment of the annual solid waste collector's fee shall be grounds for denial of license renewal. Fees shall be paid to the County Treasurer prior to issuance of licenses. The schedule of license fees for 1975 shall be as follows:

<u>Type of license</u>	<u>License Fee</u>
Solid waste collection and transportation (annual)	<u>\$25.00</u>
Intermediate solid waste	
disposal facility	<u>\$100.00</u>
Sanitary landfill	<u>\$100.00</u>
Incinerator	<u>\$100.00</u>
Other solid waste management	
facility	<u>\$50.00</u>

Licenses issued for the remainder of 1975 shall be prorated according to the month issued. For subsequent years after 1975, the County Board of Commissioners shall set license fees in December of the preceding year.

SECTION X. RATES AND CHARGES FOR SOLID WASTE MANAGEMENT

Subd. 1. Owners, lessees and occupants of property. Owners, lessees, and occupants of property situated within the county shall pay for solid waste management services to their properties provided by the County or Municipal Corporations or through its contractor, according to the rate schedule set up by the Municipal Corporation entering into the contract.

Subd. 2. Users of facilities. Users of solid waste management facilities provided by the County or Municipal Corporation by and through its contractor who are not owners, lessees, or occupants of property situated within the county shall pay charges for the use of said facilities according to the rate schedule set up by the Municipal Corporation entering into the contract.

Subd. 3. Collection of Charges for Services made available by the County to Owners, Lessees and Occupants of Property. Owners, lessees and occupants of property shall be billed by the Treasurer of the Municipal Corporation entering into the contract for charges and services made available under Subd. 1 of this section on a monthly basis. The Municipal Corporation contracting for the service shall by agreement adopt procedures for collection of such charges.

Subd. 4. Solid Waste Management Fund for Operations Provided by the County. A special account on the official books of the County is hereby created which shall be known as the Solid Waste Management Fund. All receipts from the rates and charges collected pursuant to this ordinance and all receipts from the sale of real or personal property pertaining to solid waste management systems and the proceeds of all gifts, loans, and issuance of bonds for the purpose of the system shall be credited to the Solid Waste Management Fund. All costs of acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, and operation of the solid waste management system and operations which are owned and operated by the County, but not those owned and operated by its contractor, shall be charged to the Solid Waste Management Fund.

SECTION XI. NONCONFORMING SITES AND FACILITIES.

Solid Waste management facilities in existence on the effective date of this ordinance and operation of such facilities shall conform to the provision of this ordinance no later than 60 days after the adoption of the ordinance, or terminate operation no later than that date unless granted a variance by the County Board which does not conflict with any regulation or rules of the Agency or any variance granted thereunder.

SECTION XII. VARIANCES

Subd. 1. Upon written application by the applicant or operator the County Board shall grant variances from the provisions of this ordinance requiring adherence to certain statutes and Agency regulations, if and only if a variance from the provisions of such statutes and Agency regulations has first been granted by the Agency.

Subd. 2. Upon written application by the applicant or operator, and

in accordance with the following provisions, the County Board may grant variances from the other provisions of this ordinance in order to promote the effective and reasonable application and enforcement of the provisions of this ordinance:

The written application shall be under oath and shall contain such information as the County Board may from time to time require.

A variance under this subdivision may be granted by the County Board after a public hearing where the County Board determines that enforcement of this ordinance would cause the applicant undue hardship, or that the ordinance cannot be complied with due to technological impossibility or economic unreasonableness. Such a variance shall not be granted for a period in excess of two years, but may be renewed upon application of the applicant and after a public hearing. After notice to all interested persons, a variance may be revoked by the County Board after a public hearing and prior to expiration of the variance. Prior to any public hearing held by the County Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least thirty (30) days notice of said public hearing. The hearing shall otherwise be conducted in accordance with the procedures for hearings on license revocation in Section II, Subd. 6. of this ordinance.

SECTION XIII. ADDITIONAL REQUIREMENTS.

For the purpose of protecting the 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 management sites or facilities.

SECTION XIV. SEVERABILITY.

It is hereby declared to be the intention of the County Board

that the several provisions of this ordinance be severable in accordance with the following:

If any Court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect the validity of any other provision of this ordinance not specifically included in said judgment.

SECTION XV. PROVISIONS ARE ACCUMULATIVE

The provisions of this ordinance are in addition to all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this ordinance.

SECTION XVI. NO CONSENT.

Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate or maintain any site, facility or operation, or to carry on any activity.

SECTION XVII. VIOLATIONS.

Subd. 1. Any violation of statutes or Agency regulations with which compliance is required by this ordinance is also a violation of this ordinance.

Subd. 2. Any person who shall violate or fails, neglects or refuses to comply with any provision of this ordinance shall upon conviction be sentenced by a court of competent jurisdiction to a fine not to exceed \$300.00 or to imprisonment not to exceed 90 days or both.

A separate offense shall be deemed committed each separate day during or on which a violation occurs or continues.

Subd. 3. This ordinance, in addition to other remedies, may be enforced by injunction, action to compel performance or other appropriate action in District Court to prevent, restrain, correct

or abate violations.

SECTION XVIII. SOLID WASTE DISPOSAL SITE ABANDONMENT

All land disposal including those heretofore abandoned shall be closed in accordance with pertinent statutes and Agency regulations and in accordance with the following additional procedures:

The person or persons having the responsibility for the operation of the site shall:

(1) Designate a substitute site or facility which has been approved by the Solid Waste Officer and the Agency and notify the media and the general public of the closing and of the substitute site.

(2) Properly complete the disposal site closure record and submit it to the County Solid Waste Officer.

SECTION XVIII. OTHER ORDINANCES AND REGULATIONS

Nothing in this ordinance shall preclude any local unit of

government from adopting regulations more stringent than this ordinance.

SECTION XIX. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF *for the Park*

COUNTY THIS

14

DAY OF

July

, 1975.

(Seal)

Norman Dak

Chairman

July 14-75

Date

ATTEST:

Raymond L. Olson

County Administrator

APPROVED AS TO FORM AND EXECUTION:

Wallace Jackson

County Attorney