

**CHAPTER 1
TITLE 2**

**SOLID WASTE MANAGEMENT
ORDINANCE NO. 2**

(Cite as e.g.)
**(SCOTT COUNTY
SOLID WASTE MANAGEMENT ORDINANCE NO. 2**

**ADMINISTERED BY
ENVIRONMENTAL HEALTH**

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1.00 PURPOSE AND AUTHORITY.

1.01 Purpose. An ordinance establishing standards for and regulating the operation of solid waste management activities, sites and facilities in Scott County, Minnesota; requiring a license for the establishment and operation of solid waste management activities, sites and facilities; 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 financial assurance and penalties for lack of compliance with these provisions; and requiring a license for persons who provide a service of collecting and transporting solid waste and recyclables; in order to promote the health, welfare and safety of the public.

1.02 Authority. This Ordinance is adopted pursuant to Minn. Stat. Chs. 473; 400.08; 115A; 116 and 145.

2.00 ADMINISTRATIVE PROVISIONS.

2.01 Administrative Procedures. Except to the extent superseded by this Ordinance, all of the provisions of the Scott County Administrative Procedures Ordinance No. 13 relating to: definitions; license and permit provisions; administration of the Ordinance; license application and processing; suspensions and revocations; variances; separability; provisions cumulative; and no consent, shall apply as if fully set forth herein.

2.02 Administration of Ordinance. The Environmental Health Department 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 Department for the operation of solid waste management activities, sites or 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 management activities, sites and facilities as herein provided and to investigate complaints of violations of this Ordinance.
- C. Recommend, when necessary, to the County Attorney's Department that legal proceedings be initiated against licensees of certain solid waste activities, sites or facilities 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 management such as methodology, chemical and physical considerations and engineering.
- E. Advise, consult and cooperate with other governmental agencies and the various offices of Scott County.

- F. Employ qualified personnel to assist County staff in the supervision, administration and enforcement of this Ordinance.
- G. Conduct routine inspections and evaluations of solid waste activities, sites or facilities in such frequency as to insure compliance with the provisions of this Ordinance. The licensee shall be provided with written and documented notice of any violations of this Ordinance, recommendations for their correction and the date when these violations shall be corrected. The licensee shall be required to allow free access to the Department, 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, or for the purpose of making written and documented notice of any violations of this Ordinance, recommendations for their correction and the date when these violations shall be corrected.

2.03 Compliance. No person shall accept, handle or transport solid waste or cause, permit or allow real or personal property under their control to be used for solid waste management purposes, except in full compliance with the provisions of this Ordinance. Compliance with the conditions of this ordinance does not preclude nor relieve compliance with any other applicable Federal, State or local rule, regulation or requirement. Whenever two regulatory standards appear to conflict, the more stringent shall apply. The standards, rules and regulations of the Minnesota Pollution Control Agency (MPCA) shall apply to all solid waste facility licenses and activities within Scott County.

2.04 Conditions. Violation of any conditions imposed by the County on a license, permit or variance, shall be deemed a violation of this Ordinance and subject to the penalty provisions set forth in this Ordinance.

2.05 Promotion of Public Health, Safety and General Welfare.

- A. 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 activities, sites or facilities.
- B. Where the conditions imposed by any provisions of this Ordinance are either more restrictive than comparable conditions imposed by any other provision of this Ordinance or any other applicable law, ordinance, rule and regulation, the provision which established the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

3.00 DEFINITIONS. The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this Section.

3.01 “County” is defined as the County of Scott.

3.02 “County Board” is defined as the Scott County Board of Commissioners.

- 3.03 “Cover Material”** is soil that can be compacted to provide a tight seal, does not crack when dry and is free of putrescible material.
- 3.04 “Construction Debris”** is defined as waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.
- 3.05 “Disposal”** is defined as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.
- 3.06 “Garbage”** is defined as discarded material resulting from the handling, processing, storage, preparation, serving and consuming of food.
- 3.07 “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.
- 3.08 “Incineration”** is defined as the process by which solid wastes are burned for the purpose of volume and weight reduction in facilities designed for such use.
- 3.09 “Institutional Housing Facility”** is defined as a residential facility which is specifically designed to accommodate persons with special needs and is not intended for occupancy by the general public. Such facilities include: nursing homes, senior housing facilities, hospitals, long term health care facilities, correctional facilities, employee boarding houses, school dormitories and similar housing facilities.
- 3.10 “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 or collect or transport solid waste.
- 3.11 “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.
- 3.12 “Multiple Family Residential Unit”** is defined as a residential housing structure which is comprised of occupant owned, rented or leased completely self contained residential units such as an apartment complex, mobile home park, townhouse, residential subdivision, duplex, fourplex or similar type residential dwelling facility which is taxed in aggregate as commercial residential property.

- 3.13 **“Person”** is defined as any entity, individual, partnership, corporation, or organization of a private or public nature and any representative thereof.
- 3.14 **“Processing”** means the treatment of waste after collection and before disposal. Processing includes, but is not limited to, reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer from one waste facility to another.
- 3.15 **“Putrescible Material”** is defined as solid waste which is capable of becoming rotten and which may reach a foul state or decay or decomposition.
- 3.16 **“Recyclable Material”** is defined as materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.
- 3.17 **“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.
- 3.18 **“Refuse”** is defined as putrescible and non-putrescible solid wastes (except body wastes), and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and market and industrial solid wastes.
- 3.19 **“Residential Unit”** means a dwelling designed as an occupancy for a single person or family.
- 3.20 **“Resource Recovery”** means the reclamation for sale, use, or reuse of materials, substances, energy, or other products contained within or derived from waste.
- 3.21 **“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.
- 3.22 **“Single Family Residence”** means a property which is taxed (homesteaded or non-homesteaded) as a single residence.
- 3.23 **“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 license for disposal therein under the provisions of this Ordinance.
- 3.24 **“Sludge Waste”** is defined as inorganic waste in a semi-liquid 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.

- 3.25 “Solid Waste”** is defined as garbage, refuse, demolition waste, sludge from a water supply treatment plant or air containment 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.
- 3.26 “Source Separation”** means the separation, by the generator, of any material for the purpose of preventing its introduction into the mixed municipal solid waste stream.
- 3.27 “Toxic and Hazardous Wastes”** shall have the definition ascribed to Hazardous Waste in the Scott County Hazardous Waste Management Ordinance No. 12.
- 3.28 “Transfer Station”** is defined as an intermediate solid waste facility in which solid waste collected from any source is temporarily deposited to await transportation to another waste facility.
- 3.29 “Waste Facility”** means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities.
- 3.30 “Waste Management”** is defined as activities which are intended to affect or control the generation of waste and activities which provide for or control the collection, processing and disposal of waste.

4.00 GENERAL PROVISIONS.

- 4.01 Disposal of Solid Waste.** No person shall burn, bury nor 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.
- 4.02 Collection and Transportation of Solid Waste.** No person shall provide a service for the collection and transportation of mixed municipal solid waste within Scott County unless licensed as a hauler as specified in this Ordinance.
- 4.03 License Required.** Any site or 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. Any hauler that transports or collects solid waste within Scott County must first be granted a license to do so by the Department as specified in this Ordinance.

4.04 Licensing Requirements.

- A. License Application. Any site or facility that is required to be licensed as provided for in this Ordinance shall submit a completed application to the Department on forms provided by the Department. The site or facility shall submit to the Department all license application information necessary to obtain a license. Information necessary to obtain a license shall be set forth on the application forms as determined by the Department. Applications which are not complete may be returned to the applicant. An application will be deemed incomplete if information is omitted, incomplete, inaccurate, or non-compliant, or if the required fees do not accompany the application.
- B. Initial License Application. After receiving an initial application for the operation of a site or facility, the County Board shall have ninety (90) days to either grant or deny the license.
- C. Renewal License Application. Site and facility license renewal applications must be submitted to the Department by October 31 of each year. License renewal applications received after the specified due dates shall be subject to a late fee. If the site or facility does not submit a license renewal application before the end of the last approved license period, the license will expire and the site or facility must terminate all operations or services. The site or facility must reapply for and receive a license before operations and services may resume. Application for license renewal shall contain a written statement of any changes in the information submitted in the last approved license application. The applicant shall submit an annual report to the Department on forms acceptable to the Department in accordance with the provisions of this Ordinance. Failure to submit such information shall result in grounds for revocation or for declining renewal of the license by the County Board. If there are no changes, it shall be so stated in the renewal application.
- D. License Amendment. Application for a license amendment shall be made in writing to the Department thirty (30) calendar days before said changes are to commence. Application for the license amendment shall include a written statement of all changes to the last approved license. After receiving an application for an amended license, the Department shall have thirty (30) calendar days to either grant or deny the amendment.
- E. Incomplete or Non-Conforming Application. If an application for a license is not complete or otherwise does not conform to the requirements set forth in this Ordinance, the Department shall notify the applicant, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify, or otherwise alter the application. The notification required in this section shall be served upon the applicant by first class mail sent to the mailing address provided on the application form.
- F. License Year. Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this Ordinance shall be in effect from January 1 through December 31 of each year for sites and facilities..

- G. License and Application Fees. The site or facility shall pay application and annual license fees as set by resolution of the County Board. No license fees shall be prorated for a portion of a year and no license fee shall be refunded.
- H. Late Fees. Complete applications submitted after the required due dates specified in this Ordinance shall be subject to the following late fees:
 - 1. One to seven days late - twenty-five percent (25%) late fee;
 - 2. Eight to thirty days late - fifty percent (50%) late fee;
 - 3. Thirty one or more days late - one hundred percent (100%) late fee.
 - 4. Has commenced providing services without a license from the Department - one hundred percent (100%) late fee.
- I. No Bar to Enforcement Action. Payment of the license fee together with payment of any late payment penalty shall not bar other enforcement action by the County.
- J. License Transfer. All licenses are non-transferable.

4.05 County Review of License Application

- A. Failure to Act on a License Application. If the Department does not act on a completed license renewal application before the end of the last approved license period, the last approved license shall continue in force until the Department takes action on the application. The reapplication for a license that has expired shall be deemed an initial application except that the application shall also be accompanied by the late fees in accordance with the provisions of this Ordinance. If the Department fails to act within 60 days of receipt of a properly completed initial application, or before the end of the last approved license period, the applicant may request a hearing on the application or renewal. The request for a hearing shall be governed by the Scott County Administrative Procedures Ordinance No. 13.
- B. Notice of Denial. If the Department denies a license or an amended license to an applicant, the applicant shall be notified of such denial in writing the reasons therefor by the Department. 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.

- 4.06 Bond and Certificate of Insurance Requirements.** 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 moneys 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.

4.07 License Suspension. 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 persons 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.

4.08 Inspections. Routine inspection and evaluation of haulers, sites and facilities shall be made by the Department in such frequency as to insure consistent compliance by the haulers, sites and facilities with the provisions of this 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 Department, 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 requirement of this Ordinance, or any other applicable statute, ordinance or regulation.

4.09 Residential Service Charge. Every residence within Scott County shall remit to the Scott County Treasurer a service charge in an amount set by Resolution of the County Board. The Service Charge shall appear as a special charge on the tax statement for every residential property within Scott County. Each single-family residence and each residential unit for multiple-family residential commercially taxed property shall pay a service charge. The Service Charge shall be due and payable at the time the regular property taxes are due. Institutional housing facilities shall be exempt from the Residential Service Charge.

5.00 SOLID WASTE DISPOSAL FACILITIES. A solid waste disposal facility shall be constructed, established, maintained and operated in accordance with the following provisions.

5.01 It is unlawful for any person to establish, operate or maintain a solid waste disposal facility 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 solid waste disposal facility. The license application must be prepared by an engineer registered in Minnesota and shall include two (2) sets of complete plans, specifications, design data, ultimate land use plan, proposed operating procedures, and the following information:

- A. The 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, buildings, lakes, ponds, water courses, wetlands, dry runs, rock croppings, roads and other applicable concerns. Wells shall be identified on the map or aerial photograph, U.S.G.S. data 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 shall include any proposed excavation, trenching and filling. 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. Population and areas expected to be served by the 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 the proposed excavation and lowest elevation of site, including the high water table. Such data shall be obtained with soil borings or by 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 facility and the results of that consideration.

5.02 Solid waste disposal facilities are prohibited from filling or trenching within shoreland areas.

5.03 The following shall be established, constructed or provided for at the mixed municipal solid waste disposal facility:

- A. Sanitary facilities and shelter 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 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 options 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 days and hours the facility is open to the public, prices for use of the facility and the Minnesota Pollution Control Agency permit number and penalty for nonconforming dumping. The sign and its placement shall be subject to approval by the Department.
- 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 site, as approved by the Department, by use of natural objects, trees, plants, seeded soil berm, fences or other suitable means.
- P. Suitable disposal facilities for individuals who wish to transport and dispose of their own solid waste.

5.04 Operating Procedures. Any person who has been granted a license by the County Board to operate a mixed municipal solid waste disposal facility shall comply with the following:

- 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 Department. 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 at 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 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 Department 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 Department 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 separated by cover material.
- L. Within one month after termination of operation of the site, or a major part thereof, the area shall be covered with at least two feet (2') of compacted cover material adequately sloped to allow surface water runoff. No holes or depressions which might result in collection of surface water shall remain or exist after such covering.

- M. The finished 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 Department shall be notified in order that a site investigation may be conducted while site personnel are available and before any equipment is removed from the property. The final condition of the landfill must be approved by the Department 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 be legally and reasonably disposed of at the site.
 - P. Accurate daily records of site operations shall be maintained. These records shall contain information pertinent to the site operation. Intake of solid waste in tons or cubic yards shall be recorded daily in a manner acceptable to the Department. 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 Scott 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 Scott County or the State of Minnesota.
- 5.05** The licensee of the mixed municipal solid waste disposal facility 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 Department with proof of a fire-fighting agreement between the licensee and the local fire protection agency to immediately acquire its services when needed.
- 5.06** A detailed description and a plat of the completed mixed municipal solid waste disposal facility shall be recorded with the Scott County Register of Deeds 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.
- 5.07** A construction debris disposal facility shall comply with the provisions of Sections 5.01 and 5.02 and with other applicable provisions of this Ordinance, except for those provisions specifically waived by the Department, and shall pay the required fees.
- 6.00 OTHER WASTE FACILITIES.** Any waste facility, other than a solid waste disposal facility, shall be constructed, established, maintained and operated in accordance

with the following provisions. Municipal One-Day Collection events shall be exempt from these provisions.

6.01 A license shall first be obtained from the County Board to construct, establish, maintain or operate a waste facility. 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 waste facility will operate.
- B. General description of property use in the immediate vicinity for the waste facility.
- C. Complete plans and specifications and proposed operating procedures of the waste facility.
- D. Owner and persons responsible for actual operation and maintenance of the waste facility.

6.02 The following shall be established and maintained at the waste facility site:

- A. Adequate sanitary facilities and shelter for personnel on the premises.
- B. Records approved by the Department indicating the type and quantity of solid waste accepted, processed or transferred out.
- C. The waste facility shall be so equipped, situated, operated and maintained as to minimize interference with other activities in the area surrounding the site.

6.03 A waste facility 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 facility at the time of closure.
- B. The premises, entrances and exits 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 vehicles shall be conducted in such a manner as to eliminate odor and litter outside the waste facility.

7.00 SOLID WASTE COLLECTION AND TRANSPORTATION. This section shall apply to Haulers who own, operate or lease vehicles for the purpose of collection and transportation of Mixed Municipal Solid Waste in Scott County and the seven County Metropolitan Area.

7.01 Definitions:

- A. **Base County** shall mean the metropolitan County in which a Hauler's office, records, and vehicles are primarily located. If differing parts of the Hauler's business are located in more than one Metropolitan County, the Base County shall be the Metropolitan County in which most of the Hauler's vehicles are kept, as determined by the Department at the time of licensing. The Base County for Haulers based in a County not participating in the Regional Hauler Licensing Program shall be an adjacent Metropolitan County as determined by the Department.
- B. **Base License** shall mean the License obtained by the Hauler from the Base County as a precondition to obtaining an Operating License from the County.
- C. **Counties** shall mean one or more counties that are parties to the Regional Hauler Licensing Joint Powers Agreement.
- D. **Hauler** shall mean any Person, firm, corporation, association, partnership, or other entity, other than an individual resident hauling his or her household waste, who collects or transports Mixed Municipal Solid Waste that is generated in the Counties.
- E. **Operating County** shall mean any of the Counties, including the Base County, in which the Hauler collects or transports Mixed Municipal Solid Waste.
- F. **Operating License** shall mean the License, issued by an Operating County, to operate within each Operating County, including in the Base County, in which the Hauler collects or transports Mixed Municipal Solid Waste and which may contain specific conditions imposed by the issuing County.
- G. **Regional Hauler Licensing Board** shall mean the joint powers board established by agreement of the Counties to coordinate the Regional Hauler Licensing Program.
- H. **Regional Hauler Licensing Program** shall mean the cooperative Hauler licensing program established by the Regional Hauler Licensing Joint Powers Agreement by and among the Counties.

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

7.03 License Required: No Hauler shall collect or transport Mixed Municipal Solid Waste generated in Scott County unless the Hauler has a valid Base License from the Base County and a valid Scott County Operating License. On the expiration date of the current License, any activity for which the License is required shall cease.

- A. General Licensing Requirements. The following information shall be submitted to the Department as part of the application process for obtaining a Base and/or Operating License.

1. License Application for Base and Operating Licenses. The Hauler shall submit a completed application to the Base County on forms provided by the Base County. The Hauler shall submit to the Base County all License application information necessary to obtain a Base License and all Operating Licenses. Information necessary to obtain Base and Operating Licenses shall be set forth on the application forms as determined by the Department. Applications, which are not complete, may be returned to the Hauler. An application will be deemed incomplete if information is omitted, incomplete, inaccurate or non-compliant, or if the required fees do not accompany the application.
 - a. License Fees. The Hauler shall pay all License fees to the Base County for a Base License and all Operating Licenses issued pursuant to the Regional Hauler Licensing Program. Such License fees and term shall be established by the Regional Hauler Licensing Board. No License fee shall be prorated for a portion of a license term and no License fee shall be refunded.
 - b. Late Fees. Complete applications received after the due date established in 7.03 A.1.d. of this Section shall be subject to the following late fees:
 1. One to seven days late - Twenty-five percent (25%) Late Fee
 2. Eight to thirty days late - Fifty percent (50%) of the Late Fee
 3. More than thirty days late - One hundred percent (100%) Late Fee
 - c. No Bar to Enforcement Action. Payment of the License fee together with payment of any late fees shall not bar other enforcement action by the County.
 - d. Application Due. Hauler License renewal applications must be submitted to the Base County by April 30 of the renewal year. A License renewal application received after April 30 shall be subject to a late fee.
 - e. Failure to Act on License Application. If the Base County does not act on a License renewal application, which is complete and submitted by June 30, the current Base License and Operating Licenses shall continue in force until action is taken.
 - f. License Transfer. All Base Licenses and Operating Licenses are non-transferable.
 - g. License Term. The Base License shall be issued every two years for the term of July 1 of the issuing year through June 30 of the second year, or as otherwise established by the Regional Hauler Licensing Board.

All policies and certificates shall be endorsed to require that the insurer provide at least a sixty (60) day written notice to the County prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Hauler shall maintain insurance in compliance with this paragraph throughout the term of the Base License.

4. License Suspension or Revocation: The Department may suspend or revoke any Hauler's Base License issued by the County for violation of any of the requirements set forth in 7.03 B. of this Ordinance or violation of any Base License conditions.
- C. Operating License Required: Any Hauler, which collects or transports Mixed Municipal Solid Waste in the County must obtain and maintain an Operating License from the County. A Hauler shall obtain and maintain a Base License from the Base County in order to be eligible for an Operating License.
1. Standards. The issuance of an Operating License shall be subject to the provisions of County Solid Waste and Administrative Ordinances and any other conditions set forth in this Ordinance or established by the County Board of Commissioners.
 2. Vehicles Licensed. All vehicles used by the Hauler for the collection or transportation of Mixed Municipal Solid Waste within the County shall be included in the Hauler's Base License application to the Base County
 3. Vehicle Decals. The Hauler must affix the decal required by the Base County in a conspicuous place on the left side of the cab of the vehicle for which it was issued as directed by the Base County. The Hauler must maintain the License decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed.
 4. License Suspension or Revocation. The Department may suspend or revoke any Hauler's Operating License issued by the County for violation of any of the requirements set forth in Section 7.00 of this Ordinance or violation of any Operating License conditions. Suspension or revocation of a Hauler's Base License by the Base County shall constitute sufficient basis for the summary suspension or revocation of the Hauler's Operating License issued by the County.
 5. Additional Data. The applicant shall submit additional data requested by the Department regarding the applicant, the business and/or the License application.
- 7.4 Conditions: Violation of any condition imposed by the County on a License or variance shall be deemed a violation of this Ordinance and subject to the enforcement provisions set forth in this Ordinance.
- 7.5 Interpretation: In their interpretation, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any

other powers or authority granted by Minnesota Statutes or Rules or other Ordinance.

7.6 Termination or Cancellation of Regional Hauler Licensing Program: Upon termination of the Regional Hauler Licensing Program or the withdrawal of the County, any Hauler Licenses in effect at that time shall continue in force until the end of the current License Term, unless otherwise suspended or revoked.

8.00 RECYCLING. The following provisions are applicable to the collection and transportation of mixed municipal solid waste (msw) generated in Scott County.

8.01 Recyclable Material Collection. The hauler must provide a service (either directly or through written subcontract with a person or company approved by the Department as a condition to the license) to collect four broad categories of recyclable materials and yard wastes from all single-family residential, and all multiple-family residential, commercial and industrial customers in Scott County. Paper and corrugated fiberboard must be collected from commercial, industrial and institutional customers when 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 haulers 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 mailing address identified on the most recent license application or renewal form on file in the Department.

- A. The hauler may specify the type of container their customer must place the recyclables in. The containers must be provided by the hauler or already available to a customer at the time this Ordinance provision becomes effective.
- B. The hauler must specify the time and day of collection that their customers are to place their recyclables out on their property for pickup. The hauler 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 hauler may specify how a customer is to place their recyclables out for collection and how the recyclables are to be prepared. The Department reserves the right to review and modify the amount of preparation required by the hauler in consideration of local recyclable market requirements.
- D. The hauler 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 hauler is assumed to own the recyclables they have collected and may market them as they see fit. However, a hauler may not dispose of any

recyclables in or on the land, nor through incineration unless given prior written approval to do so by the Department.

- F. The hauler must submit an annual report to the Department, on or before January 31 of each year for the previous calendar year, identifying the weight in tons of all recyclables and all other disposable solid wastes collected from Scott County customers (if tonnage is unavailable for disposable solid waste, cubic yards shall be reported). The annual report must identify the weight of each type of recyclable collected.
- G. The hauler must demonstrate to the Department 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 Scott County that contract with haulers must contract only with a hauler who is licensed by Scott County or under the Regional Hauler Licensing Program. Contracts must also be consistent with the provisions in this Subsection.

8.02 Opportunity to Recycle.

- A. Single-family residential recycling. For all residential generators where the hauler contracts for services directly with the generator, the hauler shall provide to the generator the opportunity to recycle (as described in section 8.01 of this Ordinance).
- B. Multi-family residential recycling. The owner/manager of multi-family residential units shall offer recycling services to their tenants including a convenient location to store recycled material.
- C. Recycling Fee. No mixed municipal solid waste collector shall impose a greater fee on a resident who recycles than on a resident who does not recycle.

8.03 Anti-Scavenging Provision. Ownership of the separated recyclable materials set out by a customer for collection by the hauler shall be vested in the hauler servicing the Person who is recycling. It shall be unlawful and an offense against this Ordinance for any person other than the hauler or the owner, lessee, or occupant of a residential dwelling or commercial/industrial business, to pick up said separated recyclable materials set out for collection. Said person shall obtain written permission from the Department and from the hauler servicing the accounts where the recyclables are set out for collection.

9.00 VIOLATIONS AND PENALTIES.

- 9.01 Misdemeanor.** Any person who violates, omits, neglects or refuses to comply with the provisions of this Ordinance shall be guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- 9.02 Injunction Relief.** In the event of a violation or a threat of violation of this Ordinance, the County may institute appropriate actions or proceedings, including action to compel performance or other appropriate action requesting injunctive relief to prevent, restrain, correct or abate any violation or threatened violation of this Ordinance.
- 9.03 Venue and Prosecution.** The Scott County Attorney's office shall be authorized to prosecute violations of any provisions of the Ordinance. All prosecutions of civil actions brought to enforce this Ordinance shall be venued in Scott County District Court.
- 9.04 Department Order.** The Department may issue Orders, as may be necessary, for the enforcement of this Ordinance. Each Order shall state the violation and the action and time schedule required for compliance.
- 10.00 SEVERABILITY.** It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance are separable in accordance with the following: if any court of competent jurisdiction shall rule that any provision of this Ordinance is invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- 11.00 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 this Ordinance. Disposal facilities in existence at the time of the enactment of this 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 under 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.
- 12.00 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.
- 13.00 FEE ON OPERATORS OF DISPOSAL FACILITIES.** In accordance with Minnesota Statutes Chapter 115A.919, there is imposed a fee on operators of facilities which accept and dispose of mixed municipal solid waste and demolition/construction solid

waste in the County of Scott. All vehicles transporting solid waste shall be registered at the entrance of the waste facility.

13.01 Amount of Fee. The fee shall be four dollars (\$4.00) per gate yard of solid waste accepted and disposed of at a facility for mixed municipal solid waste and fifty cents (\$0.50) per gate yard of demolition/construction waste accepted and disposed of at a demolition/construction waste facility located in Scott County. A facility that weighs the waste accepted and disposed of may compute the fee based on six hundred (600) pounds of waste being equivalent to one (1) gate yard. An operator may use either method to compute the fee, and may vary between methods. However, the fee shall be determined in the same manner as 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.

13.02 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 eighty-five 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.
- B. Exemption for Cover Material and Lining. Materials approved by the Department 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 Department. The Department may suspend or revoke such approval upon written notification to the landfill and waste generator if the waste material is judged by the Department to be unsuitable for lining or cover material or is not used for the intended purpose at the landfill.

13.03 Returns, Fee Payment and Reporting Requirements.

- A. Time for Payment of Fee to Department. The fee imposed by this Section shall be due and payable by the operator of the facility to the County of Scott 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 Department. The return must be signed by the operator or person authorized by the operator to do so. The return shall be filed with the Department 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 Department may extend for reasonable cause the time for filing returns and remittance of fees for not more than sixty (60) days. The Department may require a preliminary return at the time fixed for filing the

regularly required return and payment of the fee therewith on the basis of such preliminary 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 Department 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 Department and on forms approved by the Department 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 return or corrected return and at the time pay any fee due on the basis thereof. If such operator shall fail to file such return or corrected return, the Department may make for him a return, or corrected return, from its knowledge and from such information as the Department can obtain through testimony or otherwise and assess a fee on the basis thereof, which fee (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 Department 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 the County of Scott from enforcing this section by pursuing 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.

14.00 SOLID WASTE DISPOSAL PROHIBITION. No person shall place processed or unprocessed solid waste that is generated in Scott County in any location within Minnesota that does not comply with the minimum requirements for design, construction, and operation of a solid waste disposal facility under Minnesota Rules Section 7035.

15.00 SOLID WASTE DEPOSIT DISCLOSURE. Licensed haulers shall comply with the requirements on Waste Deposit Disclosure as defined in Minnesota Statute Chapter 115A.9302.

16.00 VOLUME BASED FEES.

16.01 Volume Based Fees. All licensed haulers collecting mixed municipal solid waste shall offer a pricing system to their customers that increases with the volume or weight of the waste collected.

- A. For all residential collection, haulers shall offer at least two separate pricing systems based on volumes of waste to their customers.
- B. If unlimited or traditional volumes of solid waste are offered for collection, there shall be at least two other volumes offered and unlimited or traditional volumes shall be priced higher than the rate for the next lowest volume.

16.02 Base Volume Established. In accordance with Minnesota Statute Chapter 115A.93, Scott County hereby establishes the minimum volume of 38 gallons or less of mixed municipal solid waste collected. Collection shall be at least one time per week.

17.00 PROBLEM MATERIALS.

17.01 Waste Tires. Disposal of waste tires in or on the land is prohibited. This does not prohibit the storage of unprocessed waste tires at a collection or processing facility permitted by the Minnesota Pollution Control Agency or exempted by Minnesota Statutes Chapter 115A.902 unless otherwise prohibited by local authority.

17.02 Yard Wastes. 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.

17.03 Mercury.

- A. A person shall not knowingly place mercury or a thermostat, thermometer, electric switch, appliance or medical or scientific instrument from which the mercury has not been removed for reuse or recycling in solid waste, a waste water disposal facility, or in a solid waste land disposal facility.
- B. A person shall not knowingly place a fluorescent or high intensity discharge lamp in solid waste or in a solid waste facility, except a household hazardous waste collection or recycling facility.

17.04 Telephone Directories. Telephone directories shall not be disposed of in solid waste, in a solid waste land disposal facility, or at a solid waste processing facility, except at a recycling facility.

17.05 Motor Vehicle Fluids and Filters. Motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or antifreeze shall not be disposed of in solid

waste, or in or on the land or waters of the state. This prohibition does not prevent motor vehicle fluids and filters from being delivered to a recycling facility.

17.06 Batteries: Prohibition.

- A. Rechargeable Batteries. A person may not place in mixed municipal solid waste rechargeable batteries, a rechargeable battery pack, a product with a non-removable rechargeable battery, or a product powered by rechargeable batteries or rechargeable battery pack unless all batteries or battery packs have been removed.
- B. Lead Acid Batteries. A person may not place a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery. All lead acid batteries shall be recycled.

17.07 Major Appliance Recycling. All major appliances generated in Scott County shall be recycled. Persons who collect, transport or process major appliances shall ensure that:

- A. Any capacitors and ballasts that may contain PCBs shall be removed and disposed of in accordance with all federal, state and local requirements.
- B. All chlorofluorocarbon refrigerant gas shall be removed and captured for recycling.
- C. All metals, including mercury, shall be recovered and reused or recycled.

17.08 Other Wastes. The Scott County Board may, by resolution, prohibit the disposal of other wastes in a waste facility when alternatives to processing or disposal are available.

18.00 INDEMNIFICATION AND COST RECOVERY.

18.01 Indemnification. This Ordinance shall not be construed to hold the Department or the County of Scott 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.

18.02 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 to 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.

19.00 EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.