

SOLID WASTE

MANAGEMENT ORDINANCE

PIPESTONE COUNTY

MINNESOTA

Pipestone County
Solid Waste Management Ordinance

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PIPESTONE COUNTY
SOLID WASTE MANAGEMENT ORDINANCE

The County Board of Commissioners of Pipestone County, Minnesota does ordain:

I. TITLE

This ordinance shall be entitled: Solid Waste Management Ordinance, Pipestone County, Minnesota.

II. PURPOSE AND COMPLIANCE

The purpose of this ordinance is to authorize and provide for Solid Waste Management for Pipestone County, Minnesota; establish powers and duties in connection therewith; to establish standards for and regulations of management operations; to establish requirements for certain facilities on a disposal site, require a license for the establishment and use of a solid waste management operation(s); 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 bond, and imposing penalties for failure to comply with these provisions. Further, the purpose and object thereof is to promote health, welfare and safety of the public and protect resources of land, water and air.

III. LEGAL AUTHORITY

This ordinance is enacted pursuant to Minnesota Statutes 1971, Chapters 115, 115A, 116 and 400 and 1984 Chapters 473.811 Subdivision 5A.

Subd. 1 This Ordinance supersedes all provisions of any Pipestone County Ordinance that relates to control and collection of solid and hazardous waste.

Subd. 2 The governing body of any town or local unit of government may continue to exercise the authority to plan solid waste management, but after the adoption of official controls for a county by the County Board of Commissioners, no local unit of government shall enact official controls inconsistent with the standards prescribed in this Ordinance. Nothing in this section will limit any local governmental unit to exercise a more restrictive ordinance than provided in the controls adopted by the county.

Subd. 3 It is not otherwise intended by this Ordinance to repeal, abrogate or impair any existing restrictions or ordinances other than solid waste ordinances to the

extent specified above. 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.

IV. DEFINITIONS

The following word and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this Section.

- Subd. 1 The word "shall" is mandatory and not discretionary.
- Subd. 2 "Agency" means the Minnesota Pollution Control Agency.
- Subd. 3 "Air Contaminant Treatment Facility" is a facility which generates a waste residue of air contaminants as a product of air filtration through industrial or air pollution control processes.
- Subd. 4 "County" means any department or representative of Pipestone County who is authorized by the Ordinance or otherwise by the County Board of Commissioners to represent Pipestone County in the enforcement and administration of this Ordinance.
- Subd. 5 "County Board" is the Pipestone County Board of Commissioners.
- Subd. 6 "Cover Material" is granular material, generally soil, which is used to cover compacted solid waste in a sanitary landfill, is generally free of large objects that would hinder compaction, and is free organic content that would be conducive to vector harborage, feeding or breeding.
- Subd. 7 "Cubic Yard" is defined as a cubic yard of solid waste as received at the entrance of a waste facility. Waste facilities and haulers 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 when required or authorized by this Ordinance.
- Subd. 8 "Demolition Landfill" is defined as an area of land used for the disposal of demolition waste without creating nuisances or hazards to the environment, public health and safety, and is operated in compliance with the provisions of this ordinance.

- Subd. 9 "Demolition Waste" is defined as material normally found in buildings to be demolished, such as, but not limited to, bricks, stone facing, concrete, cement blocks, stucco, plaster, wall boards, glass pipe, wire, metal, plastic, and any inert materials as may be approved by the solid waste Officer.
- Subd. 10 "Solid Waste Office" is the Pipestone County Solid Waste Office.
- Subd. 11 "Garbage" means materials resulting from handling, processing, storage, preparation, serving and consumption of food and various food by-products.
- Subd. 12 "Hauler" means any person who owns, operates, or leases vehicles for the purpose of collection and transportation of any type of solid waste, including recyclables.
- Subd. 13 "Household Hazardous Waste" means any waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household. Household Hazardous Wastes include, but are not limited to: paints, solvents, cleaners, pesticides, herbicides, paint thinner, drain openers, varnishes, stains, and adhesives.
- Subd. 14 "Incineration" means the process by which solid wastes are burned for the purpose of volume and weight reduction in facilities designed for such use.
- Subd. 15 "Land Disposal Facility" means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.
- Subd. 16 "Land Pollution" means the presence in or on the land of any solid waste in such quantity, or such nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.
- Subd. 17 "Mixed Municipal Solid Waste" (MMSW) 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, demolition waste, mining debris, sludges, tree and agricultural wastes, tires, pesticides and hazardous wastes, and other materials processed and disposed of as separate waste streams.

- Subd. 18 "Open Burning" is burning any matter whereby the resultant combustion products are emitted directly to open atmosphere without passing through an adequate stack, duct or chimney.
- Subd. 19 "Open Dump" is a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning and is exposed to the elements, insects, rodents and scavengers.
- Subd. 20 "Operation" means any site, facility, or activity relating to solid waste management.
- Subd. 21 "Packer Truck" means a truck with a solid waste container that compacts refuse by hydraulic method or other mechanical means.
- Subd. 22 "Person" means any human being, any municipality, public subdivision or other governmental or public agency, any public or private corporation, any partnership, firm or association, or any other organization, any receiver, trustee, assignee, agent or any other legal representative of any of the foregoing, or other legal entity.
- Subd. 23 "Putrescible Material or Garbage" means a solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.
- Subd. 24 "Recyclables" means those materials found within Mixed Municipal Solid Waste that have been designated by the Solid Waste Office as subject to source separation and recycling.
- Subd. 25 "Recycler" means any commercial or business established to collect, transport, process, store, redeem, or dispose of recyclables.
- Subd. 26 "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.
- Subd. 27 "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 a flood plain delineated by ordinance on such a river or stream, whichever is greater.

- Subd. 28 "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 provision of this ordinance.
- Subd. 29 "Solid Waste" is defined as garbage, refuse, demolition waste, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded solid waste materials and sludges in solid, semi-solid, 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.
- Subd. 30 "Source Separation" means the separation, by the generator, of any material for the purposes of preventing its introduction into the mixed municipal solid waste stream.
- Subd. 31 "Solid Waste Collection Service" means a collection and/or transportation service, for hire, of Solid Waste within Pipestone County, operated by any person under contract or other agreement with the solid waste generator.
- Subd. 32 "Solid Waste Management" means the storage, collection and removal of solid waste from public and private property, its transportation to intermediate or final disposal facilities and its disposal by approved methods, the management of a recycling program, solid waste education and other solid waste operations or services.
- Subd. 33 "State" means the State of Minnesota.
- Subd. 34 "Toxic and Hazardous Waste/Hazardous Substance" shall have meanings given it in Minnesota Statutes, section 115B.02, subdivision 8.
- Subd. 35 "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 the final disposal site or facility.

- Subd. 36 "Waste Tire" is defined as solid waste which consists of the rubber or other resilient material product which is used on a vehicle or other equipment wheel to provide tread which is discarded or which cannot be used for its original purpose because it is used, damaged, or defective.
- Subd. 37 "Water Pollution" means the contamination of any waters of the state so as to create a nuisance or enter such waters as unclean, noxious or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial or industrial use, or to animals, birds, fish, or other aquatic life.
- Subd. 38 "Waters of the State" means all lakes, streams, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.
- Subd. 39 "White Goods" means major appliances. Major appliances include, but are not limited to: clothes washers and dryers, dishwashers, hot water heaters, garbage disposers, microwave ovens, trash compactors, conventional ovens, ranges and stoves, humidifiers and dehumidifiers, air conditioners, refrigerators, freezers, and residential furnaces.
- Subd. 40 "Yard Waste" means garden waste, leaves, lawn cuttings, weeds and prunings generated on residential or commercial properties. For this definition, prunings are defined as the green stemmed portion of plants and does not include tree trimmings.

V. ADMINISTRATION:

Subd. 1 Solid Waste Administrator. There shall be appointed by the Pipestone County Board of Commissioners a Solid Waste Administrator who shall be responsible for the administration of this ordinance.

Subd. 2 Duties. The Solid Waste Administrator shall have all necessary authority to implement and carry out the provisions of this ordinance including, but not limited, to the following:

1. To review and consider all applications and supporting materials which are referred to the Solid Waste Office for operations within the county, and after such review and consideration, to recommend in writing with documentation to the County Board whether a permit should be granted or denied.

2. To enter upon premises and into buildings to inspect operations to determine compliance and to investigate complaints about violations of this ordinance, following procedures set forth in this ordinance in Sections XV and XVI.

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

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.

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

6. To plan, implement and administer all County operated solid waste management facilities.

VI. SOLID WASTE COLLECTOR REQUIREMENTS

Subd. 1 Solid Waste Hauling. It shall be unlawful for any Solid Waste Hauler to haul solid waste or materials for hire within Pipestone County without securing a permit to do so from the Board of Commissioners.

Subd. 2 Solid Waste Hauling Permits. The County Board may in its discretion, issue a permit for the hauling of solid waste, for hire, only upon compliance with the following requirements;

(a) Filing of an application for a solid waste hauling permit, upon a form provided by the County Board and available at the County Solid Waste Office.

(b) Filing proof of comprehensive general liability insurance covering bodily injury and property damage (combined limit) in the amount of \$200,000 per person and \$600,000 per occurrence, and personal injury in the amount of \$200,000 per person and \$600,000 per occurrence.

(c) Filing proof of comprehensive automobile liability insurance including owned, non-owned and hired automobile in the amount of \$200,000 per person and \$600,000 per occurrence.

(d) The type, number and capacity of solid waste hauling vehicles, and other containers or collection equipment used in Pipestone County for solid waste. Such vehicles shall have leak-proof bodies of easily cleanable construction, completely covered with metal or heavy canvas, and shall be subject to approval and periodic inspection by the Solid Waste Administrator.

(e) Submission of a description of the route to be followed by all solid waste hauling vehicles between the area(s) of collection and the Solid Waste Disposal Facility. This need not include information about specific customers. The route shall be subject to approval by the Solid Waste Administrator.

(f) Payment of an annual permit fee set by resolution by the County Board. Payment of the permit fee may be waived by the County Board if the applicant is a governmental agency.

(g) Collectors of solid waste from residential customers must charge for collection on the basis of the volume or weight of waste collected. For single family customers, the collector must offer minimum 1 can/bag/tag rate. Non-offering of volume/weight rates shall be grounds for license termination or denial of license renewal. A brief description of how the solid waste hauler will comply with this rule shall be submitted with the permit application.

Subd. 3 Compliance. The solid waste hauler and the vehicles used in collecting and transporting solid solid/waste designated recyclable materials within Pipestone County must comply with all state and local laws.

Subd. 4 Pickup Schedules. The Solid Waste Hauler must specify the time and day of collection that their customers are to place their solid waste out on their property for collection. The Solid Waste Hauler must collect the solid waste within 12 hours of the stated time. The stated time must be communicated to customers through local broadcast or print media or other means that reasonably assures that customers are aware of regular or modified pickup schedules. 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.

Subd. 5 Licensed Hauler Requirement. Municipalities or Townships within Pipestone County that contract with Refuse Haulers/Recyclables collector must contract with a Refuse Hauler/Recyclable Collector who is licensed by Pipestone County. Contracts shall be consistent with the provisions in this Subsection.

VII. RECYCLABLE COLLECTOR REQUIREMENTS

Subd. 1 Permits Required. The County Board may, in its discretion, issue a permit for the hauling for hire of certain types of recyclables that are identified by County Resolution pursuant to Section XII, Subdivision 7 of this ordinance. In order to obtain a permit the recyclable collector must be in compliance with the following requirements;

(a) Fulfilling the requirements of Article VI, Subdivision 1 of this ordinance.

(b) Fulfilling the requirements of Article VI, Subdivision 2, subitems (a), (b), (c), (d), (e), and (f).

Subd. 2 Term Replacement. For the purposes of this section, in Article VI, subdivisions 1 and 2, the terms "recyclables" shall replace the term "solid waste" and "recyclables processing facility" shall replace the term "solid waste disposal facility", and "recyclables hauler" shall replace "solid waste hauler". These terms shall have meaning as defined in Article IV.

VIII. RECYCLABLES CONTAINER, COLLECTION AND REPORTING REQUIREMENTS

- Subd. 1 Recyclables Container Requirements. The recyclable collector may specify the type of container their customer must place the recyclables in. The containers must be provided by the recyclable collector or already available to a customer at the time this Ordinance provision becomes effective.
- Subd. 2 Recyclables Preparation. The Recyclable Collector may specify how a customer is to place their recyclables out for collection and how the recyclables are to be prepared. The Solid Waste Office reserves the right to review and modify the amount of preparation required by the Recyclable Collector in consideration of local recyclable market requirements.
- Subd. 3 Frequency of Recyclables Collection. The Recyclable Collector shall collect recyclables from each customer at least once a month.
- Subd. 4 Quantity Reports Required. The Recyclable Collector must submit a monthly report to the Solid Waste Office, on or before the fifth working day following the reportable month, identifying the weight in tons of all recyclables collected from Pipestone County residents. To the extent possible, the report must identify the weight of each type of recyclable material collected.

IX. SOLID WASTE MANAGEMENT FACILITIES

- Subd. 1 Solid Waste Management Facilities. Unless otherwise provided by this ordinance, no person shall cause, permit or allow real or personal property under his or her control to be used for solid waste management purposes, except at an operation for which a license has been granted by the County Board.

Pursuant to Minn. Stat. Section 17.135, a permit is not required from the County for a person who owns or operates land used for farming that buries, or burns and buries solid waste generated from the person's household or as part of the person's farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming. This exception does not apply if regularly scheduled pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the County Board.

For the purposes of this ordinance, solid waste management operations includes the following specific activities set forth herein. In addition to other requirements listed herein, applicants for licenses must

meet all requirements of State rules and statutes listed below:

1. Operation of MSW Land Disposal Facilities Minn. Chapter 7035.
2. Operation of MSW Incinerator Facilities Minn. Rules Chapter 7005 and 7035.
3. Operation of Composting and Co-Composting Facilities Minn. Rules Chapter 7035.
4. Operation of Recycling Facilities Minn. Rules Chapter 7035.
5. Operation of Transfer Station Facilities Minn. Rules Chapter 7035.
6. Solid Waste Storage Minn. Rules Chapter 7035.
7. Waste Tires Minn. Rules Chapter 7035, 9220, and Minn. Stat. 115A.
8. Collection and Transportation of Solid Waste Minn. Rules Chapter 7035.

Subd. 2 Commencement of Operations. Applicants for a license shall not commence any operation until the license application has been reviewed by the Solid Waste Office and approved by the County Board. A waste facility operating license shall not be issued until the facility construction has been completed in compliance with this ordinance and the approved plans and has been reviewed by the Solid Waste Office and approved by the County Board. The County Board, at its discretion, may require additional information as outlined in this ordinance.

Subd. 3 License Requirement and Non Transferability. A license issued by the County Board shall be required for the operation of solid waste facilities and other activities involving solid waste. This license shall not be transferable under any condition without the express approval and consent of the County Board.

Subd. 4 Licensing Period. Unless otherwise provided by the County Board, the license year for solid waste sites, facilities, operations and activities shall be from January 1 through December 31.

Subd. 5 Plan/Specifications Submittal. For facilities requiring an Agency permit for a solid waste facility or activity, the applicant for a license or license renewal may, upon request, be required to submit a complete set of plans, specifications and/or reports to the Solid Waste Office.

- Subd. 6 Consent of Governing Body. The applicant must submit to the Solid Waste Office written proof that the municipal or township governing body in which solid waste facilities, operations or activities are located has considered the establishment of solid waste facilities, operations or activities with respect to zoning and other applicable regulations and the position, recommendation or other position of said governing body to the proposed activity.
- Subd. 7. Submittals To The State. All submittals to the State during the state permitting and/or licensing process for solid waste facilities and operations shall also be submitted to the Solid Waste Office.
- Subd. 8. Waivers. The applicant shall submit such additional data as may be requested by the Solid Waste Office or the County Board. The County Board may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.
- Subd. 9. Application Response. After receiving a completed application for the operation of a solid waste facility or activity, the County Board shall have 30 days to either grant or deny the license or license renewal. Submission of false information may constitute grounds for denying a license or license renewal, suspension or revocation of an issued license.
- Subd. 10. Indemnification. 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 performance bond, in any 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 facility or activity, or if, for any reason, ceases to operate or abandons the solid waste facility or activity, and the County is required to expend any monies or expend any labor or materials to restore the facility to the condition and requirements 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 the terms of this ordinance, and 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 ordinances of the County. The performance bond shall be subject to cancellation by the surety at any time only upon giving one hundred twenty (120) days prior written notice of cancellation to the

County. In lieu of part of all of said bond, the licensee may provide evidence of financial assurance in a form acceptable to the County Board and to be used to bring the facility or activity into compliance with said requirements.

Subd. 11 Insurance Requirements. The licensee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, including general liability, automobile liability, completed operations liability, and bodily injury liability in amounts to be set by the County Board. In addition, the licensee shall provide evidence of worker's compensation coverage in the required statutory amounts.

Subd. 12 Financial Assurance. To the extent not otherwise required by Federal or State authorities and unless otherwise provided by the County, issuance or renewal of any license shall be contingent upon the owner of the site or facility or the operator or both providing financial assurance for the closure, post closure maintenance and monitoring of the site or facility. Use of this financial assurance shall be limited to the site or facility for which it was provided. Documentation submitted with the application for County Board approval shall include funding procedures, a description of the funding method, the value of the funding, and an inflation adjusted cost estimate which assess that the closure and post-closure activities at the site or facility take place. The amount of the financial assurance shall be equal to or exceed the total estimated post closure costs specified in the approved post-closure plan.

Subd. 13 Fees. The County Board shall, by resolution, establish fees, including fees for the application, initial license, renewal of license, and such other fees as may be necessary for the administration of this ordinance. The County Board may waive fees for any political subdivision applying for a solid waste permit.

X. SOLID WASTE STORAGE

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

Subd. 2 Solid Waste Accumulations. Owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulations. For purposes of this ordinance this shall include: (a) animal feces, (b) inoperable machines, appliances, fixtures, and equipment so damaged, deteriorated or obsolete as to have no substantial value and can be reasonably considered solid waste and constitute a danger to public health and the environment; (c) lumber piles and building materials unless being actively used by a business, construction or agricultural operation requiring use of such lumber and materials; (d) tin cans, broken glass, broken furniture, boxes, crates, and other debris; (e) and other forms of mixed municipal solid waste. Nothing in this subdivision is designed to restrict the commonly accepted activities of agricultural farms and duly established and licensed automobile, scrap iron, and metal recyclers and salvage operations.

Subd. 3 Storage Facilities and Containers Required. Every property shall be supplied with adequate solid waste storage facilities and containers. Such facilities and containers shall be supplied by the owner of the property or by contract with a commercial hauler. Property owners who legally dispose of solid waste on their premises pursuant to Minn. Stat. Section 17.135 and are otherwise in compliance with this ordinance are exempt from this subdivision.

Subd. 4 Provided Facilities To Be Used. Property owners shall cause occupants and employees to store wastes for removal in the solid waste storage facilities and containers provided. The property owner shall not knowingly permit solid waste to be placed in locations or in a manner that the solid waste can be scattered by water, wind, animals, or insects.

Subd. 5 Frequency of Container Service. Non-Putrescible wastes suitable and sorted for recycling, or putrescible wastes may be contained for more than ten (10) days if they are stored in an aesthetically acceptable manner that avoids unacceptable health risk or nuisances, and otherwise complies with this ordinance.

Subd. 6 Toxic/Hazardous Wastes. Toxic or hazardous wastes shall be stored in durable, leak-proof containers and shall be "painted and marked" so as to easily identify the container as toxic or hazardous waste, (e.g. a yellow band that encircles, at a minimum, the center one-third (1/3) of the container) consistent with federal and state regulations. All previous lettering and numbering will be obliterated from the container. The container will be marked within the yellow band, or other easily identified area, using a permanent marker as follows: The chemical name of the waste, the UN or NA Number, the contaminants present by percentages, the start date, the generators name and address and the generators's EPA or Agency identification number. Such wastes shall be stored in a safe location, accompanied with a description of the chemical composition of the substance stored within the container and be in compliance with the storage and transportation requirements of Agency regulations, Minnesota Department of Transportation regulations, federal and state regulations and this ordinance. Vehicles shall be properly placarded and be accompanied with a proper shipping manifest. In any case a generator of hazardous waste must comply with all federal and state laws and regulations applicable to the generation, storage, transportation, processing and disposal of hazardous waste (whichever laws and regulations are more stringent).

XI. SOLID WASTE CONTAINER REQUIREMENTS/COMPLIANCE

Subd. 1 Container Construction. All solid waste containers shall be constructed resistant to rodent, insect and vermin entry. Materials used shall be rust and impact resistant. The containers shall be equipped with tight fitting covers that shield the container from the entrance of precipitation, rodents, insects, and vermin.

1. Manually serviced containers shall have tapered side walls and handles, and a capacity of not more than thirty-two (32) gallons, and shall not be loaded more than fifty-five (55) pounds.

2. Mechanically serviced containers designed, equipped, and located to be emptied or carried by mechanical means suitable for a commercial hauler may be used with permission of the hauler.

3. Refuse Bins having an internal volume of one (1) cubic yard or greater shall be constructed or retrofitted to meet American National Institute (ANSI) Standard (z 245.3-1077) for the Stability of Refuse Bins.

or retrofitted to meet American National institute (ANSI) Standard (Z 245.3-1077) for the Stability of Refuse Bins.

Subd. 2 Yard Waste Plastic Bags Prohibited. Plastic bags any type are prohibited from mixing with Yard Waste at Solid Waste Disposal Facilities or Composting Facilities.

Subd. 3 Container Maintenance. Solid Waste Containers shall be maintained and kept in a neat, clean, sanitary, and leak-resistant condition by the containers's owners to prevent insect breeding, nuisances, and unsightly conditions. Containers shall be maintained in good repair by the property holder or by the commercial hauler, when supplied by him.

Subd. 4 Container Compliance. Any commercial hauler finding solid waste containers in use that appear not to be in compliance with this ordinance shall report the container's location to the Solid Waste Office.

a. Investigations. The Solid Waste Office shall investigate complaints about solid waste containers and if the container is found not in compliance a notice shall be attached to the container as provided in this section. If the Solid Waste Office does not investigate the complaint it shall mail to the containers owner a notice that a complaint was received regarding the container. The notice shall describe this ordinance's requirements for a solid waste container. The owner shall report his actions to the Solid Waste Office within ten (10) days of the notice date regarding the correction he/she has made. If the owner does not make this report to the Solid Waste Office within ten (10) days, the Solid Waste Office shall proceed with an investigation. If the container is found to be in violation of this ordinance, a notice shall be attached to the container stating subsequently as follows:

NOTICE: This solid waste container does not comply with Pipestone County Solid Waste Ordinance and this container shall be removed by the owner within ten (10) calendar days. The licensed commercial hauler collecting solid waste from this property is hereby ordered by the Pipestone County Solid Waste Office not to empty this container.

SIGNED BY: _____ on behalf of the Pipestone County Solid Waste Office.

DATE OF NOTICE: _____

WARNING: This notice shall not be removed except by action of the Solid Waste Office.

b. Notice. The notice attached to the container shall not be removed except by action of the Solid Waste Office. The owner may cause the entire container and its contents to be removed as solid waste.

c. Cost. Any public costs associated with investigation and removal of the container may be charged as a fee to the owner of the container or as an assessment against the property as provided by law.

XII. COLLECTION AND TRANSPORTATION OF SOLID WASTE

Subd. 1 Unauthorized Transfer of Solid Waste. Except as permitted by this ordinance, Solid Waste shall not be transferred to another property or another property's waste storage facility or container except with the written consent of the property owner. A consent form for such transfers shall be provided upon request to property owners by the Solid Waste Office.

Subd. 2 Collection Responsibilities. Unless otherwise provided in this ordinance, the owner, the lessee and occupant of any premises, business establishment or industry is responsible, by contract or otherwise, for the collection and transportation of solid waste from the premises, establishment or industry, and 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/license has been issued by the Agency and Pipestone County. Owners, lessees or occupants who legally and properly dispose of solid waste on their premises according to State Statute and/or Agency rules and are otherwise in compliance with this ordinance are exempt from this provision.

Subd. 3 Spillage of Solid Waste. Vehicles or containers shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered or secured to prevent blowing of material. When spillage does occur, the material shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned. When the material cannot be immediately picked up or the area cleaned, the Solid Waste Administrator shall be notified.

Subd. 4 Hazardous Waste Collection/Transportation. Vehicles or containers used for the collection and transportation of toxic or hazardous wastes shall be

durable, enclosed, and leak proof in a safe, sanitary and nuisance-free manner. Vehicles shall be properly marked and labeled and be accompanied with a proper shipping manifest, as required by federal and state regulations and statutes.

Subd. 5 Indemnification. The solid waste collection service will indemnify, defend and save harmless the County Board, their agents, elected officials and employees from all claims, damages, losses, liabilities, costs, expenses and lawsuits whatsoever arising out of any act or omission on the part of the hauler or its contractors, agents, servants, or employees in the performance of or in relation to any of the work or services to be performed or furnished by the hauler under the terms of this ordinance.

Subd. 6 Residential Recycling. It shall be unlawful for any owner or occupant of a residential or multi-unit residential building within a Pipestone County municipality or service area to generate and deposit for collection mixed municipal solid waste which contains any of the following recyclable materials:

- a) Aluminum cans
- b) Tin food cans
- c) Glass bottles and jars
- d) Plastic bottles and jugs
- e) Newspaper
- f) Office paper
- g) Such other material which may be designated by the County Board unless such waste is directly delivered or collected for direct delivery to a facility which has been approved by the County for separation of recyclables.

Subd. 7 Recyclables Identification. The County Board shall, by Resolution, identify the specific types of recyclable materials prohibited from Mixed Municipal Solid Waste according to current market requirements as described in Subdivision 6 of this section.

Subd. 8 Commercial Recycling. It shall be unlawful for any owner or occupant of a commercial building within a Pipestone County municipality or service area to generate or deposit for collection mixed municipal solid waste which contains any of the recyclable material listed in Subdivision 6 and specifically identified by County Resolution pursuant to Subdivision 7 of this section.

Subd. 9 Anti-Scavenging Provision. Ownership of designated recyclable materials set out for collection or placed in County recycling sheds or drop-off sites shall be vested in the contractor, hauler, collector or transporter of recyclable materials recognized by the Pipestone County Board of Commissioners.

Subd. 10 Anti-Recyclable Disposal. All Recyclable materials collected as part of a recycling collection program shall not be deposited in a manner which precludes its reuse, as defined in the recycling definition in MN Statute 115.03 subdivision 25a and 25b.

Subd. 11 Haulers. A collector or hauler shall refuse to knowingly accept for collection any mixed municipal solid waste within a Pipestone County municipality or service area which contains:

- a) any of the recyclable materials listed in subdivision 6 and specifically identified by County Resolution pursuant to Subdivision 7 of this Section;
- b) any of the special regulated materials indicated as prohibited from MMSW in Article XIV of this ordinance.

Subd. 12 Non-Profit Recycling Permits. Civic or non-profit organizations, school groups, service clubs or other who collect recyclable materials to support their organization or to provide a community service will not be required to obtain a license/permit, except as required by the Agency. All submittals, as required by an Agency license/permit, shall also be submitted to the Solid Waste Office.

Subd. 13 Recycling Collection Quantity Reporting Requirements. All civic or non-profit organizations, school groups, service clubs, commercial/industrial establishments or others who collect and dispose of recyclable material shall to the extent possible, submit a report to the Solid Waste Office of the type and quantity of material collected. This report should be submitted within 30 days of disposal of the recycled materials.

XIII. OPEN DUMPING/LITTERING

Subd. 1 Violation. It shall be a violation of this ordinance for any person to dispose of Solid Waste within Pipestone County at any place except in the manner permitted by this ordinance.

Subd. 2 Open Dumping Prohibition. It shall be a violation of this ordinance for any person to operate an open dump; and, the owner of any dump in existence at the time this ordinance is enacted shall cease operations and close the dump in accordance with the following provisions. The owner shall:

1. Close access to the site and prohibit the public from using the site. Signs indicating that dumping is not allowed shall be posted.

2. Stop burning, if present; and remove all chemical containers.
3. Eradicate rodents.
4. At the discretion of the County Board, the owner shall conduct a water monitoring program pursuant to: "Procedures for Ground Water Monitoring: Minnesota Pollution Control Agency Guidelines" and take measures to protect ground and surface water. Plans to protect the ground and surface water shall be approved by the Solid Waste Office prior to implementation.
5. Divert surface water drainage around and away from the disposal area.
6. Compact the solid waste and cover it with at least two (2) feet of compacted cover material.
7. Seed the cover material so that adequate turf is present.
8. Establish and maintain a final grade sufficient to promote water runoff without excessive erosion.
9. The owner of the property on which a dump is located shall place on record at the office of the Pipestone County Recorder an instrument, in a form prescribed by the Solid Waste Office, placing the public on notice of the existence and location of the dump and of the obligations placed upon parties holding an interest in the property and the restrictions which may affect the use of the property.

OR;

- (1) Remove all solid waste on the site which may cause pollution or endanger human health and the environment and transport it to an appropriate state or county licensed solid waste facility.
- (2) Close the Open Dump in accordance with the provisions of this ordinance and State Rules.

Subd. 3 Litter. Pursuant to Minnesota Statute 115A.99 any person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways, or waters is subject to a civil penalty of not less than twice nor more than five times the amount of cost incurred by a state or political subdivision to remove, process, and dispose of the waste.

Subd. 4 Legal Action. Any cost that Pipestone County may incur as described in this section may result in action to recover the civil penalty, related legal, administrative, and court costs, and damages for injury to or pollution of the lands, shorelands, roadways, or waters where the waste was placed if owned or managed by Pipestone County.

Subd. 5 Litter Identification. A person, corporation, partnership or entity shall be presumed to have deposited or placed solid waste in or on public lands, shorelands, roadways or waters if said solid waste can be identified by name, addresses, correspondence or other similar material and information as belonging to or having been generated by said person, corporation, partnership or entity.

XIV. COLLECTION, STORAGE AND DISPOSAL OF REGULATED SPECIAL WASTES

Waste Tires

Subd. 1 State Rules. Chapters 7001 and 9220 of the Minnesota Waste Tire Permitting Rules are hereby incorporated by reference, as amended.

Subd. 2 Land Disposal Prohibited. The disposal of waste tires by burying in land is prohibited (Minn. Stat. 115A.904).

Subd. 3 MMSW Prohibition. The disposal of waste tires in mixed municipal solid waste is prohibited.

Subd. 4 Residential Storage Limits. No more than ten (10) waste tires may be stored within the boundaries of any residential lot.

Subd. 5 Non-Residential Storage Limits. No more than one hundred (100) waste tires may be stored on any non-residential lot except at a properly licensed solid waste facility.

Subd. 6 Exceptions. Exceptions to subsections 4 and 5 may be allowed when waste tires are utilized outside of a building for decorative, recreational, structural, construction or agricultural purposes provided they comply with the requirements of other applicable laws or sections of this ordinance.

Subd. 7 Waste Tire Placement. Waste tires shall not be placed, stored, left, or permitted to remain in a lake, stream, wetland, sinkhole, gully, waterway, flood plain or shoreland.

Subd. 8 Violation. The owner of the land or premises upon which waste tires are located in violation of this ordinance shall be obligated to remove them to a licensed solid waste facility, or obtain the license required by this ordinance within one year of the effective date of this ordinance, or such later date as approved by the County Board.

White Goods

Subd. 9 White Goods Prohibitions. Pursuant to Minn. Stat. 115A.9561, no person shall place a major appliance in mixed municipal solid waste, or dispose of them in a solid waste processing or disposal facility.

Used Oil

Subd. 10 Used Oil Prohibition. A person may not place used crankcase oil in mixed municipal solid waste or place used oil in or on the land, unless approved by the Agency (Minn. Stat. 115A.916).

Yard Waste

Subd. 11 Yard Wastes Prohibition. Yard Wastes including, but not limited to garden waste, lawn cuttings, weed, or prunings shall not be disposed of in municipal solid waste, in a land disposal facility or in a resource recovery facility except for the purpose of composting or co-composting as per MPCA Rules 7035.2835, subd. 3, as amended (Minn. Stat. 115A.931).

Batteries

Subd. 12 Lead Acid Batteries. A person may not dispose of a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery (Minn. Stat. 115A.915).

Subd. 13 Transportation of Lead Acid Batteries. A person who transports used lead acid batteries from a retailer must deliver the batteries to a recycling facility (Minn. Stat. 115A.9152 sub. a).

Subd. 14 Prohibition of Certain Dry Cell Batteries. A person may not place in a mixed municipal solid waste a dry cell containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead acid that was purchased for use or used by a governmental agency, or an industrial, communications or medical facility (Minn. Stat. 115.A 9155 subd. 1).

Subd. 15 Prohibition of Nickel-Cadmium Batteries. A person may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a

product with a nonremovable rechargeable battery pack, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed (Minn. Stat. 115.9157 subd. 2).

Household Hazardous Waste

Subd. 16 Household Hazardous Waste. A person may not place in mixed municipal solid waste any household hazardous waste.

XV. ENFORCEMENT

Subd. 1 Authority. The Solid Waste Administrator or such other person(s) as the County Board may designate by resolution or otherwise, shall enforce the provisions of this ordinance.

Subd. 2 Complaint/Investigation. All complaints as to alleged violation of this ordinance shall be filed in the Solid Waste Office which shall maintain a record thereof. The Solid Waste Administrator shall be responsible for the investigation of complaints and for initiating investigations upon "good cause" to believe a violation is occurring. Investigation shall be conducted in the following manner, to wit:

a.) In all cases in which the alleged violation poses an immediate or imminent danger to public health, safety or welfare, the Solid Waste Administrator shall immediately investigate the complaint.

b.) In all other cases the Solid Waste Administrator shall investigate only after attempting to contact and give notice to the township or city within which the alleged violation is located. The township or city may elect to accompany the Solid Waste Administrator in the investigation.

c.) Upon completion of the investigation a report of the findings shall be made and filed in the Solid Waste Office.

d.) If at any time any person, corporation, partnership or other entity shall refuse to allow the Solid Waste Administrator access to inspect and investigate to determine compliance with this ordinance, the Solid Waste Administrator shall have the right to obtain a search warrant to gain access for the purposes of such inspection.

Subd. 3 Violation Procedure. Whenever it is found that a violation of this ordinance has occurred, the Solid Waste Administrator shall:

a. Issue a "Notice to Abate" to the person, corporation, partnership, or entity found to be in violation or non-compliance and specify such action as necessary to come into compliance with the provisions of this ordinance. Said notice shall be in writing and shall be served by mail on said violator, or if a mailing address is unknown, then by posting said notice on the premises.

b. The Solid Waste Administrator may issue a citation for violation of this ordinance at the time that the original "Notice to Abate" is served, or anytime thereafter, until said notice has been fully complied with. The citation shall specify a fine according to a schedule of fines adopted by the County Board.

Subd. 4 Failure to Terminate Illegal Practices. If after service of notice, the person, corporation, partnership or other entity fails to terminate the illegal practices and to come into compliance with the terms of ordinance, the Solid Waste Office may take such steps as are necessary to eliminate the non-compliance and to bring the activity or practice into compliance for the term of this ordinance. After consultation with the County Board, the Solid Waste Office may either:

(a) Impose a daily assessment for each day that the noncompliance continues in an amount of \$50.00 per day provided that written notice of the intention to levy said assessment and the commencement date thereof shall be given in the same manner as provided for in Subd. 3 (a) of this Article, or

(b) Arrange for the entry upon the property to terminate the noncompliance and bring the activity or practice into compliance, provided all costs incurred by such remedial and enforcement action may be recovered by assessing the cost against the real property upon which the illegal practice or activity has occurred. The Solid Waste Administrator shall certify said amount to the County Auditor on or before October 15 of each year for collection in the same manner as taxes and special assessments.

XVI. PENALTIES

Subd. 1 Interference with Solid Waste Administrator. Any person who shall prevent, molest, resist, or interfere with the Solid Waste Administrator in the discharge of his/her duties shall be guilty of a misdemeanor.

Subd. 2 Violation of Ordinance Provisions. Any person who shall violate any provision of this ordinance or who shall fail to comply with any order made under the provisions of this ordinance shall be guilty of a misdemeanor.

XVII. WAIVER. The County Board may waive any licensing, construction or operation requirements based upon the characteristics of the waste, the site or the proposed service, provided such a waiver will not endanger the health or safety of the public.

XVIII. SEVERABILITY. The provisions of this ordinance are severable. Should any action, paragraph, sentence, clause, phrase, or portion of the regulation be declared invalid for any reason, the remainder of this regulation shall not be affected.

XIX. REPEALER. The ordinance for the management of Solid Waste of Pipestone County dated October 5, 1972 is hereby repealed.

XX. EFFECTIVE DATE. This regulation shall be in full force and effect on January 1, 1993 upon adoption and publication pursuant to law.

Passed and Adopted by the Pipestone County Board of Commissioners
this 24 day of November, 1992

Allen V. ...
Chairman, Pipestone County Board of Commissioners

ATTEST:

Gordon Baden
Gordon Baden, Pipestone County Auditor