

LEGAL NOTICE

FOR PUBLICATION: January 2, 1992

NOTICE

Notice is hereby given that on the 18th day of December, 1991, the Meeker County Board of Commissioners enacted the following ordinance: Meeker County Waste Ordinance.

Pursuant to Minn. Stat. 375.51, a summary of the ordinance is hereby published. A printed copy of the ordinance is available for inspection by any person during normal business hours at the office of the Meeker County Auditor, located in the Meeker County Courthouse, Litchfield, Minn.

The Meeker County Waste Ordinance is an ordinance authorizing and providing for County Waste Management. It defines waste as including any type of waste. It establishes powers and duties for County government and persons and entities involved in waste management activities. It establishes standards and requirements for waste management operations within the incorporated and unincorporated areas of Meeker County. It requires licenses and permits for storage, collection, transportation, processing and disposal of waste in accordance with the Meeker County Solid Waste Management Plan. It establishes in detail the procedures to be followed in obtaining a license for waste management activities. It establishes the criteria to be used in granting or denying permits. It embodies and supplements the minimum standards and requirements established by the rules of the Minnesota Pollution Control Agency. It provides for enforcement of the provisions of the Ordinance. It imposes penalties for failure to comply with the Ordinance. It requires performance bonds and insurance. Its purpose is to promote the health, safety, and welfare of the public.

Dated: December 30, 1991.



Darlene Groskreutz
County Auditor

AMENDMENT TO MEEKER COUNTY WASTE ORDINANCE

WHEREAS, the Meeker County Board of Commissioners has on December 18, 1991, enacted an Ordinance known as the Meeker County Waste Ordinance; and

WHEREAS, a Notice of Intention to Consider Amending the Meeker County Waste Ordinance was published in the Litchfield Independent Review on December 23, 1993, advising the general public of a hearing to consider amending the Ordinance; and

WHEREAS, a public hearing to consider comments regarding the amendment of the Ordinance was held at 10 o'clock on the 4th day of January, 1994, in the Commissioners Room of the Meeker County Courthouse; and

NOW, THEREFORE, the County Board of Meeker County hereby ordains that the Meeker County Waste Ordinance be and hereby is amended in the following respects:

1. Adding Section 8 - Financial Assurance.
 - 8.01. The County of Meeker accepts responsibility for the costs of contingency action at the Meeker County Landfill located in the Southeast Quarter (SE 1/4) of Section Thirty (30), Township One Hundred Twenty North (120N), Range Thirty West (30W), Meeker County, Minnesota.
 - 8.02. The County of Meeker reserves \$640,200.00 of its net debt limit for the costs of contingency action at the Meeker County Landfill. The County of Meeker shall consistently maintain an investment-grade bond rating.
 - 8.03. Said reservation shall apply during the operating life of the Meeker County Landfill and for twenty (20) years after its closure.
 - 8.04. Said reservation may not be revoked unless the time period specified in Section 8.03 has elapsed or unless the County of Meeker adopts an alternative method of financial assurance approved by the Minnesota Pollution Control Agency.
2. Section 2 - Definitions shall be amended to add the following:
 - 2.071 Contingency action means a course of action to be followed in case of a fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or the environment.
 - 2.281 Net debt limit has the meaning contained in Minn. Stat. 475.53, Subd. 1.

Adopted at Litchfield, Minnesota, this 4th day of January, 1994.

ORDINANCE ADOPTION PROCEDURES

MINN. STAT. 375.51

1. Publish notice of intention to enact an ordinance at least 10 days prior to a public hearing or meeting held with regard to the ordinance.
 - A. State subject matter and general purpose of the ordinance.
 - B. Include time of meeting or public hearing.
 - C. Attach proof of publication to the ordinance.
2. Hold a public hearing or meeting before enacting ordinance.
 - A. "Official Controls" requires a public hearing. Others may be by meeting only.
 - B. **Suggestion:** Hold public hearings for all proposed ordinances to avoid problems.
 - C. Meetings and public hearings may be continued.
 - D. **ZONING MATTERS ONLY:** Board may assign the public hearing requirements to the planning commission by ordinance. This has been done. Minn. Stat. 394.30.
3. Enact Ordinance.
 - A. majority vote.
 - B. Form:
 - 1) "The County Board of Meeker County Ordains..."
 - 2) Signed by the Chairman of the Board
 - 3) Attest by Clerk of the Board (our Auditor)
 - 4) Effective date
4. Publish the enacted ordinance or a summary thereof as part of the official proceedings of the County Board
 - A. Attach copy of final publication.
5. Keep original in Auditor's office as part of official ordinance book.

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Adopted at Litchfield, Minnesota, this 4th day of January, 1994.

These amendments are effective immediately upon publication.

**MEEKER COUNTY BOARD OF
COMMISSIONERS**

By: George Rice
George Rice, Chairman

ATTEST:

Darlene Groskreutz
Darlene Groskreutz
Meeker County Auditor

CERTIFICATION:

I hereby certify the foregoing Ordinance Amendment is a true and correct copy of an Ordinance Amendment presented to and adopted by the Meeker County Board of Commissioners at a duly authorized meeting thereof held the 4th day of January, 1994, as shown by the minutes in my possession.

Darlene Groskreutz
Darlene Groskreutz
Meeker County Auditor

MEEKER COUNTY

WASTE

ORDINANCE

JANUARY 1, 1992

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MEEKER COUNTY WASTE ORDINANCE

The Meeker County Waste Ordinance is an ordinance authorizing and providing for County Waste Management; establishing powers and duties in connection therewith; establishing standards and requirements for waste management operations within the incorporated and unincorporated areas of the County of Meeker; requiring licenses and permits for storage, collection, transportation, processing, and disposal of waste in accordance with the Meeker County Solid Waste Management Plan; embodying and supplementing the minimum standards and requirements established by rules of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; imposing penalties for failure to comply with these provisions; requiring performance bonds and insurance; and promoting the health, safety, and welfare of the public.

The Meeker County Board, pursuant to Minnesota Statutes, Chapters 115, 115A, 116, 375, 400, 561.01 and 609.74, does ordain:

SECTION 1: PURPOSE

The Meeker County Board of Commissioners has determined this ordinance be adopted to:

1. Protect the public's health, prevent public nuisances, and prevent contamination of soil, surface water, ground water and other environments of Meeker County from waste through the control of number, location and operation of waste management activities.
2. Preserve and protect our land and water resources.
3. Assure that all persons are informed and responsible for their actions regarding waste that may affect the environment and the community now and in the future.
4. Support activities that will promote the reduction, reuse and recycling of materials found in waste.
5. Augment, supplement and support existing Meeker County and State of Minnesota controls on waste.

SECTION 2: DEFINITIONS

The following words and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

- 2.01 **Agency.** The Minnesota Pollution Control Agency (MPCA), its agent or representative.

- 2.02 **Air Contaminant.** The presence in the outdoor atmosphere of any dust, fumes, mist, vapor, gas or gaseous, fluid or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.
- 2.03 **Air Pollution.** The presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to interfere unreasonably with the enjoyment of life or property.
- 2.04 **Closure.** Actions to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the waste for which it operated or was permitted, including the removal of equipment and structures, the removal of liners, applying final cover, grading and seeding final cover, installation of monitoring devices, construction of ground and surface water diversion structures and gas control systems as necessary.
- 2.05 **Commercial Hauler.** Any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport waste from residential, commercial, or industrial property.
- 2.06 **Compost Facility.** A site used to compost or co-compost solid waste including all structures used to control drainage, collect and treat leachate, and storage areas for the incoming solid waste, the final product, and residuals resulting from the composting process.
- 2.07 **Composting.** The controlled microbial degradation of organic waste to yield a humus like product.
- 2.08 **County.** Any department or representative of Meeker County who is authorized by this ordinance or by the County Board to enforce or administer this ordinance.
- 2.09 **County Board.** The elected officers composing the Meeker County Board of Commissioners.
- 2.10 **Cover Material (daily).** Cover material that is spread and compacted on the top and side slopes of waste at least at the end of each operating day in order to control vectors, fire, infiltration and erosion and to assure an aesthetic appearance.
- 2.11 **Cover Material (final).** Material that is used to cover compacted waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compactability as defined by the MPCA rules.
- 2.12 **Demolition Waste.** Non-putrescible waste from the construction, remodeling, repair or demolition of structures including buildings and paved roads. It includes waste building materials, packaging and rubble such as concrete, brick, bituminous

concrete, untreated wood, masonry, glass, trees, structural metals, insulation, roofing material, and plastic building parts. It may also include other waste materials accepted by the Agency. It does not include contaminated soils, hazardous waste, asbestos, industrial waste, or appliances.

- 2.13 **Demolition Waste Facility.** An area of land used for the disposal of demolition waste without creating nuisances or hazards to the environment or public and is operated in compliance with the provisions of this ordinance and the Agency.
- 2.14 **Disposal.** The discharge, deposit, injection, dumping, 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 water, including ground waters.
- 2.15 **Dump Stack.** A smoke stack, chimney or other device or procedure used to bypass any air emission and/or pollution control equipment.
- 2.16 **Facility.** All land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, storing, or disposing of waste, leachate, or residuals from waste processing.
- 2.17 **Floodplain.** The areas adjoining a watercourse which has been or thereafter may be covered by a regional flood.
- 2.18 **Garbage.** Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.
- 2.19 **Hazardous Waste.** Any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, corrosives, pathological and infectious waste. Hazardous waste does not include sewage sludge.
- 2.20 **Incineration.** The process of burning wastes for the purpose of volume and weight reductions in facilities designed for such use.
- 2.21 **Industrial Waste.** All waste generated from an industrial or manufacturing process and waste generated from non-manufacturing activities such as service and commercial establishments. Industrial waste does not include office materials, restaurant

and food preparation waste, discarded machinery, demolition waste, or household refuse.

- 2.22 **Infectious Waste.** Laboratory waste, blood, regulated body fluids, sharps and research animal waste that have not been decontaminated.
- 2.23 **Intermediate Waste Disposal.** A facility used for the temporary collection, storage, reduction, recycling, or processing of waste prior to final disposal.
- 2.24 **Leachate.** Liquid that has percolated through waste and has extracted, dissolved or suspended materials from it.
- 2.25 **Licensee.** The person who has been given authority by the County Board to carry out any of the activities for which a license is required under the provisions of this ordinance.
- 2.26 **Mixed Municipal Solid Waste (MMSW).** Garbage, refuse, and other solid waste from residential, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, hazardous waste, ash, incinerator ash, incinerator residue, construction debris, mining waste, sludges, tree and agricultural wastes, tires, and other materials collected, processed, and disposed of as separate waste streams.
- 2.27 **Mixed Municipal Solid Waste Land Disposal Facility.** A site used for the disposal of mixed municipal solid waste in or on the land.
- 2.28 **Municipality.** Municipality means a city, village, borough, county, town, sanitary district or other governmental subdivision or public corporation, or agency created by the legislature.
- 2.29 **Open Burning.** Burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.
- 2.30 **Open Dump.** A land disposal site where waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to elements, flies, rodents and scavengers.
- 2.31 **Operator.** The person or persons responsible for the overall operation of a facility.
- 2.32 **Owner.** The person or persons who own a facility or part of a facility.
- 2.33 **Pathological Waste.** Human tissues and body parts removed accidentally or during surgery or autopsy intended for disposal, but does not include teeth.
- 2.34 **Permittee.** The person, firm, corporation or organization who has

been given authority by the County Board to carry out any of the activities for which a permit is required under the provisions of this ordinance.

- 2.35 **Person.** Person means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm association, or other organization, any receiver trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.
- 2.36 **Post Closure.** The period after closure during which the long term care, maintenance, and monitoring of a site or facility takes place.
- 2.37 **Public Services.** Streets, highways, water resources, sewer, utilities, police, fire, medical, regulatory.
- 2.38 **Putrescible Material.** Solid waste which is capable of becoming rotten and which may reach a foul state of decay or decomposition.
- 2.39 **Recycling Facility.** A site used to separate, process, modify, convert, or otherwise prepare waste so that component materials or substances may be beneficially used or reused as raw materials.
- 2.40 **Refuse.** Refuse is putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and including sewage treatment wastes, which are in dry form.
- 2.41 **Regional Flood.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.
- 2.42 **Rubbish.** Rubbish is non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
- 2.43 **Shoreland.** Land located within the following distances from the ordinary high water elevation of public water:
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 plain delineated by ordinance on such a river or stream, whichever is greater.
- 2.44 **Sludge Waste.** Inorganic waste in a semi-liquid state, excluding hazardous waste, but including waste from automobile wash racks and steam cleaning products, ceramic, pottery and glass wastes, muddied water from laundries and similar non-toxic materials.

- 2.45 **Solid Waste.** Solid waste is garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock, sewage sludge; solid or dissolved material in domestic sewage or other common 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.
- 2.46 **Solid Waste Management Plan.** The Meeker County Solid Waste Management Plan, dated September 10, 1991 and amendments thereto.
- 2.47 **Source Separated Materials.** Materials that are separated from waste by the generator and recovered for reuse in their original form or for use in manufacturing processes.
- 2.48 **State.** The State of Minnesota.
- 2.49 **Tipping Fee.** The fee charged to collectors and citizens for waste delivered to the facility.
- 2.50 **Transfer Station.** An intermediate waste disposal facility for transferring loads of waste to a transportation unit having a larger capacity. There may be volume reduction at the transfer station. A transfer station may be fixed or mobile.
- 2.51 **Unacceptable Waste.** Waste which is not acceptable at Mixed Municipal Solid Waste Facilities. Unacceptable waste shall include waste which would pose a threat to health or safety, or which may cause damage to, or materially adversely affect the operation of the facility including but not limited to: explosives; hospital, pathological and biological waste; commercial, industrial, and residential hazardous waste; asbestos in identifiable quantities; street sweepings; ash; mining waste; human or animal remains; chemicals and radioactive materials; cesspool or domestic sewage; waste in liquid state; and any other materials that the County, or that any other governmental agency or unit having appropriate jurisdiction shall determine, is harmful or of a toxic or dangerous nature.
- 2.52 **Waste.** Unless otherwise limited or used herein, includes any type of waste, including but not limited to, all solid waste, hazardous waste, infectious waste, pathological waste, demolition waste, industrial waste, sludge waste, and yard waste.
- 2.53 **Waste Collection.** Waste collection is the gathering of waste from public or private places.

- 2.54 **Waste Management.** Activities which provide for or control the storage, collection, transportation and disposal of waste.
- 2.55 **Waste Processing.** The treatment of waste after collection and before disposal. Processing includes but is not limited to volume reduction, storage, separation, exchange resource recovery, physical, chemical, or biological modification and the operations of a metal recycling or salvage facility.
- 2.56 **Waste Transportation.** Waste transportation is the conveying of waste from one place to another, by means of vehicle, rail car, water vessel, conveyor or other means.
- 2.57 **Water Monitoring System.** A system of wells, lysimeters, or other mechanisms used to obtain representative samples of both underground water and surface water where required in the vicinity of a waste disposal site.
- 2.58 **Water Table.** The surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.
- 2.59 **Wetland.** A natural marsh where water stands near, at, or above the soil surface during a significant portion of most years, and which is eligible for classification as an inland fresh water wetland type 3, 4, or 5 under United States Department of Interior classifications.
- 2.60 **Working Face.** That portion of the land disposal facility where waste is discharged and is spread and compacted prior to the placement of cover material.
- 2.61 **Yard Waste.** Garden waste, leaves, lawn cuttings, weeds and prunings generated on residential or commercial properties.

SECTION 3: WASTE ORDINANCE ADMINISTRATION AND ENFORCEMENT

3.01 **General Conditions**

All waste within Meeker County shall be stored, collected, transferred, transported, processed and disposed of, or reclaimed in a manner consistent with the requirements of this ordinance and any applicable State or Federal laws. The County is responsible for enforcement of these regulations and encourages cooperation of municipalities which may adopt these regulations for use in local laws, ordinances or regulations.

3.02 **Solid Waste Officer**

The Solid Waste Officer of Meeker County shall be appointed by the Meeker County Board of Commissioners.

3.03 **Authority**

The Solid Waste Officer has been given authority by the Meeker County Board of Commissioners to implement and carry out the provisions of this ordinance including, but not limited to, the following:

1. To inspect operations to determine compliance and to investigate complaints about violations of this ordinance.
2. To review and consider all pre-applications (see Section 6.03) and supporting materials which are referred to the County for operations within the County, and after such review and consideration, to recommend in writing with documentation to the County Board whether the application process should proceed. Said recommendation shall be based upon a determination whether, at least preliminarily, the application conforms to the terms and conditions of this ordinance and any applicable other ordinances, Land Use Plan, Solid Waste Plan, and Comprehensive Local Water Management Plan, as well as State and Federal law. Preliminary approval shall not in any way bind the County to issue final approval, nor shall the recommendation be used as a basis to justify or deny final approval. Preliminary approval merely allows the applicant, at their sole discretion and expense without recourse, to decide to proceed with the full and complete application process.
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 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 administering the intent of this ordinance.

3.04 **Additional Requirements**

For the purpose of protecting the public's health, safety and welfare, the County Board may impose additional requirements consistent with the intent of this ordinance for the operation of waste management activities.

3.05 **Severability**

The provisions of this ordinance are severable. Should any action, paragraph, sentence, clause, phrase, or portion of this ordinance be declared invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

3.06 Conflicting Conditions

Where the conditions imposed by any provision of this ordinance conflict with comparable conditions imposed by any other provision of this ordinance or any other applicable law, ordinance, rule or regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

3.07 Existing Waste Facilities and Activities

Waste facilities, activities and management in existence at the time of the enactment of this ordinance, shall conform to the provisions of this ordinance no later than one year after the adoption of this ordinance, or terminate operations no later than that date, unless the County grants a variance for good cause. A request for this kind of variance shall be accompanied by a plan and time schedule for compliance with the provisions of this ordinance.

3.08 Variances

Upon written application of the responsible person or persons, to the Solid Waste Officer, the County Board may grant variances from the provisions of this ordinance in order to promote the effective and reasonable application and enforcement of the provisions of this ordinance. If such variance would result in noncompliance with Agency rules, a variance application must be filed with the Agency. See Section 3.10 for variance proceedings.

3.09 Appeals

The Meeker County Board of Commissioners shall act as a Board of Appeals. Any person wishing to appeal any action taken by the County pursuant to this ordinance may request a hearing. The appeal must be received by the County within thirty (30) calendar days, exclusive of the day of receipt of notice, after the person received notice of the action taken by the County. The request shall be in writing stating the grounds of the appeal. If a person fails to submit an appeal within the required time period, the person shall forfeit any opportunity for a hearing. The County shall schedule a hearing within thirty (30) calendar days of receipt of the notice of appeal, and shall send to the appellant by mail notice of the hearing date, time and location. If the appellant or his or her authorized representative fails to attend the hearing, the appellant shall forfeit any right to a hearing. The County shall send to the appellant by mail notice of the decision by the County within thirty (30) days after the close of the hearing. Any time limitations herein may be extended thirty (30) days by resolution of the County Board and longer upon agreement between the appellant and the County Board. See Section 3.10 for additional appeals proceedings.

3.10 Permit, Variance and Appeal Proceedings

Unless otherwise stated herein, the following procedures shall apply to all permit applications, variance applications, and appeals.

- A. Once all application materials are received, the County Board shall have up to ninety (90) days to render a decision.
 1. The County may refer the application to the Agency, the County Highway Department and the municipality or township affected within fifteen (15) days for their recommendations.
 2. The County Board may, at its discretion, hold a public hearing on a permit application, appeal, and/or variance request. Notice of public hearings shall be posted in a public location in the Meeker County Courthouse and published at least once in the County's legal newspaper at least ten (10) days prior to the hearing.
 3. Any hearings or meetings of the County Board shall be held under such rules and procedures as the County Board shall establish to ensure the presentation of evidence, discussions and deliberations in an orderly manner.
 4. County Board decisions shall be by resolution with findings of fact that support the decision.
 5. For good cause, or upon agreement with the applicant, the County Board may extend the time limitations herein by resolution.
 6. As part of its deliberations, at its discretion the County Board may request additional information from the applicant. All time periods herein shall be tolled from the date of the request until it is complied with by applicant, subject to dismissal of the application if applicant does not, without good cause, comply within ninety (90) days.
- B. Decisions by the County Board for permits, variances and appeals shall be based upon the following considerations:
 1. Compliance with this ordinance and approved variances.
 2. Compliance with other applicable County ordinances and plans, including but not limited to, the Zoning Ordinance, Subdivision Ordinance, Solid Waste Plan, Comprehensive Local Water Management Plan and Shoreland Management Ordinance.
 3. Compliance with Agency rules, Local, State and Federal law.
 4. Recommendations of Local Government.
 5. Recommendations of persons affected by the proposal as conveyed at a public hearing, if held.
 6. Determination of need for the facility or activity.
 7. Consideration of the adequacy of existing public services and additional services necessary for the facility or activity.

8. Whether the activity or facility requested is beneficial to the County and its citizens or merely to the applicant.
9. The hazards, including potential risks and hazards, to persons, property, soil, water, animal and plant life the proposed activity or facility presents, both presently and in the foreseeable future.

No permit, variance or appeal shall be issued without strict compliance of parts 1, 2, and 3 above. The remaining considerations shall be considered and weighed by the County Board in determining whether the proposed activity or facility's necessity, benefits and safety justify any hazards it may present.

- C. In connection with the issuance of any permit, variance or appeal herein, the County Board may impose conditions, restrictions or specifications that it determines are necessary to ensure compliance with this ordinance and the safety of persons, property, water, animal and plant life.
- D. In all proceedings herein, the applicant is deemed to have the burden of proof with regards to any issue.

3.11 Inspections

All property affected by this ordinance shall be subject to inspection by the County in accordance with Minnesota law. The County may collect samples for evidence or laboratory examination as deemed necessary for enforcement of this ordinance. No person shall refuse to permit the County's officers to inspect any premises. No person shall molest or resist the County's officers in their discharge of duty for protection of the public health or waters of the State.

3.12 Non-Conforming Sites and Facilities

The rules, regulations and requirements of the County and the Agency shall govern the termination and abandonment of each non-conforming waste facility and activity within the County. Owners or operators, or both, of real property being used for waste disposal purposes shall be responsible for satisfactorily completing termination and abandonment procedures.

3.13 Illegal Dumping

It shall be a violation of this ordinance for any person to dispose of waste within Meeker County at any place except at a site or facility authorized by this ordinance.

It shall be a violation of this ordinance for any person to operate an open dump. A site operated as described in Section

5.01 will not be considered an open dump per this provision. The owner of any open 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. Remove waste that may cause pollution and transport to an appropriate permitted facility.
4. Eradicate rodents.
5. Divert surface water drainage around and away from the disposal area.
6. Compact the waste and cover it with at least two (2) feet of compacted cover material.
7. Seed the cover material so that adequate shallow rooted vegetation is present.
8. Establish and maintain a final grade sufficient to promote water runoff without excessive erosion.

3.14 Violations and Penalties

All provisions of this ordinance shall be enforced according to this subsection.

1. Misdemeanor. Any person within the County who violates this ordinance, or who shall permit such a violation to exist on the premises under his or her control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the County, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefor, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
2. Equitable Relief. In the event of a violation or a threat of violation of this ordinance, the County Attorney may take appropriate action to enforce this ordinance, including application for injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations. In the event the County prevails on any issue, it shall be awarded attorney's fees and costs.
3. 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 in a civil action in any court of competent jurisdiction and/or, at the discretion of the County, the costs may be certified to the County Auditor as a special tax against the real property. County remedies herein are not deemed exclusive.

SECTION 4: WASTE STORAGE

4.01 General Condition

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 waste accumulated at that 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 waste.

4.02 Garbage Storage Containers

Garbage and similar putrescible and mixed putrescible solid waste shall be stored in:

- A. Durable, rust-resistant, nonabsorbent, watertight, rodent-proof, and easily cleanable containers, with close-fitting, fly-tight covers and having adequate handles or bails to facilitate handling, or;
- B. Other types of containers acceptable to the municipality and conforming to the intent of this regulation.
- C. The size and allowable weight of the containers may be determined by the refuse collection service subject to requirements of the municipality.

4.03 Refuse Storage Containers

Refuse shall be stored in durable containers or as otherwise provided in this ordinance. Where garbage and similar putrescible solid wastes are stored in combination with non-putrescible refuse, containers for the storage of the mixture shall meet the requirements for garbage containers.

4.04 Hazardous Waste Storage

Hazardous wastes shall be stored in leakproof containers which are adequately labeled, in a safe location and in compliance with the regulations of Federal, State (Minn. Rules Ch. 7045) and Local Governments, and their regulatory agencies.

4.05 Maintenance of Waste Storage Containers

All containers for the storage of waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health. Containers that are broken or otherwise fail to meet requirements of this ordinance shall be replaced with acceptable containers.

4.06 Waste Materials too Large for Containers

Waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a pollution and nuisance free manner and in compliance with the regulations of Federal, State and Local Governments, and their regulatory agencies.

4.07 Recycling Containers

Waste shall not be stored or disposed of in containers specifically designated for the collection or deposit of recyclables.

SECTION 5: DISPOSAL OF SOLID WASTE FROM A SINGLE HOUSEHOLD

5.01 Household Disposal of Solid Waste

Households may dispose of solid waste, excluding waste from industrial, commercial and mining sources or activities, from their household on the property where the household is located if refuse service is not mandated by any State, County, Municipal or Township regulation. The following criteria shall apply to these disposal sites:

- A. The disposal site is on the same property where the household that generated the solid waste is located.
- B. A member of the household is an owner, occupant, or lessee of the property.
- C. The disposal site is operated and maintained in a nuisance free, aesthetic and environmentally protective manner consistent with this ordinance and conforms to the following criteria:
 1. The disposal site is located at least three hundred (300) feet from an occupied building unless the owner and occupant give written permission to decrease the distance to operator of the disposal site.
 2. The disposal site is at least two hundred (200) feet from all property lines, public roads, water wells, on-site sewage treatment systems, sinkholes, wetlands and streams.
 3. The disposal site shall not be in any ravine, gully, dry run, karst feature, quarry, open-pit mine, waterway, or flood plain.
 4. The lowest deposit of solid waste shall be at least five (5) feet above bedrock and/or the highest known water table.
 5. All exposed solid waste shall be covered with at least six (6) inches of clean soil.
 6. When the site will no longer be used, a minimum of two (2) feet of soil shall be placed over the area where solid waste was placed. The cover material shall be graded to divert surface drainage from the site. Top soil shall be

installed to support the growth of a shallow rooted grass or grain as soon as weather conditions permit.

5.02 Open Burning of Waste

Any burning of waste at a site shall be prohibited except as allowed by Agency rules, Minnesota Statute 17.135, and any local ordinance, if applicable.

SECTION 6: WASTE FACILITY AND ACTIVITY PERMIT REQUIREMENTS

6.01 Waste Facilities or Activities Which Require Permits

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 waste management purposes, except at an operation for which a permit has been granted by the County. For the purposes of this ordinance, waste management activities which require permits include, without limitation, the following activities:

- A. Operation of Mixed Municipal Solid Waste (MMSW) Land Disposal Facilities. (Appendix A)
- B. Operation of Demolition Waste Land Disposal Facilities. (Appendix B)
- C. Operation of Incinerator Facilities. (Appendix C)
- D. Operation of MMSW Transfer Station, Recycling or Composting and Co-Composting Facilities. (Appendix D)
- E. Collection and Transportation of Waste. (Appendix E)

6.02 Waste Activities Which Do Not Require a County Waste Permit

- A. A permit shall not be required for the disposal of solid waste from a single household on the household's property as allowed in Section 5 of this ordinance.
- B. A permit shall not be required for the disposal of yard waste by composting from a single household on the household's property.
- C. Generators of recyclable solid waste shall not need a permit for any materials delivered to a permitted recycling facility.
- D. No generator of waste shall be required to obtain a permit for storage or disposal of waste as long as the waste is delivered to a collector, transporter or disposal facility permitted by this ordinance, if applicable, and is stored and transported in compliance with Agency regulations (Minn. Rules Ch. 7045), State and Federal law.

- E. A permit shall not be required for waste management activities involving organic waste arising from agricultural production or the keeping of animals.
- F. A permit shall not be required for the operation of individual septic systems or sanitary and wastewater sewage disposal systems and treating facilities operated by a municipality.
- G. The County Board may, after consideration of the purpose and intent of this ordinance and the Solid Waste Management Plan, at its sole discretion, waive the permit requirement for any waste management activity.

6.03 **Pre-Application Requirements**

Prior to the County Board's consideration of the initial application for a waste facility or activity permit governed by this ordinance, the applicant shall submit to the Solid Waste Officer for review a needs assessment showing:

- a. The name and address of the owners and operators of the proposed site and facility.
- b. Proposed location of the facility or activity.
- c. Geographical areas expected to be served by the proposed facility or activity.
- d. The expected life of the facility.
- e. Current and projected population of the area(s) to be served for expected life of the facility.
- f. The proposed operating hours and number of employees of the facility.
- g. A description of the type of vehicles and number vehicles using the facility.
- h. The anticipated type, quantity and source of waste to be handled at the facility.
- i. The type and amount of equipment to be provided for operation of the facility.
- j. A description of the intended operating procedures.

Which assessment shall be reviewed per Section 3.03(2) herein. Once all requirements of the pre-application have been met and received, the Solid Waste Officer shall have forty-five (45) days to file his recommendation with the applicant and County Board.

6.04 **Permit Applications**

Following pre-application approval, any person applying for a permit to operate a waste management facility or activity in the County shall complete and submit to the County a complete application on a form provided by the County. The application shall not be considered complete until the County receives all applicable fees and materials required by this section, and any subsequent sections and appendix(s) relevant to the specific waste management permit being requested.

6.05 Plans, Specifications and Reports

Depending on the complexity and size of the facility or activity and the type of waste to be managed, the applicant may be requested to submit complete sets of plans, specifications and reports prepared by a professional engineer and/or architect licensed in Minnesota for evaluation by the County.

6.06 Standards of Appendix(s) Shall Guide Permit

The sections and the appendix(s) adopted as part of this ordinance shall guide the applicant in:

1. Their plan and specification preparations and review by the County.
2. The construction and operation of the waste management facility.
3. The conditions for closure and post-closure of the waste management facility and activity.

Applicant and permittee shall abide by all specifications and requirements of the applicable sections and appendix(s).

6.07 Additional Information Required by County

The applicant shall submit additional data requested by the County, including, but not limited to, scientific studies and reports. The County shall provide the applicant with an approved list of professional engineers licensed in Minnesota and other consultants from which the applicant can choose. All expenses incurred in providing the additional data shall be at the expense of the applicant. The County may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

6.08 State Permitting Information

All submittals to the State during the State permitting and/or licensing process for waste management facilities shall also be submitted to the County. Copies of all State and Federal permits and licenses shall also be submitted.

6.09 Permit Review Process

Upon receipt of a favorable pre-application recommendation, the applicant shall have up to ninety (90) days to meet all application requirements and submit required information.

1. Time limits may be extended for ninety (90) day periods upon request of applicant if request is made prior to expiration.

2. If time limit or extension(s) thereof expire without compliance with this ordinance, the application shall be deemed denied unless continued at the sole discretion of, and by formal resolution of, the County Board.

See Section 3.10 for permit review proceedings.

6.10 Permit Issuance

A waste management facility or activity permit shall not be effective until:

1. The permittee complies with all other requirements of this ordinance and any other ordinance that may be affected.
2. The permittee receives Agency approval and permit if necessary.
3. The permittee provides to the County proof of adequate performance bonding (see Section 6.11), certificates of insurance (see Section 6.12) and a closure, post-closure and contingency action plan (see Section 6.13).

A person applying for a permit shall not commence any construction or operation activities until the permit has been approved by the County Board.

Once issued, a permit shall be valid as long as the permittee is in compliance with the terms of the permit, County and Local ordinances, Agency rules and State and Federal law. In the event of violation, the permit shall be immediately suspended until the violation has been remedied. If not remedied within thirty (30) days of the initial violation, the County Board may revoke the permit after ten (10) days notice to the permittee.

The permit is not transferable.

6.11 Performance Bond Requirements

Unless otherwise provided by the County Board, issuance of any permit pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the County a performance 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 waste facility or activity, or if, for any reason, ceases to operate or abandons the waste facility or activity, and the County is required to expend any monies, labor or material to restore the facility to the condition and requirements as provided by this ordinance, the obligor and the sureties on its bond shall reimburse the

County for any and all expenses, including legal fees and costs, incurred to remedy the failure of the principal to comply with the terms of this ordinance. 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 or her permit 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 or all of said bond, the permittee may provide evidence of financial assurance in a form acceptable to the County Board to be used to bring the facility or activity into compliance with said requirements.

6.12 **Certificates of Insurance**

The permittee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, general liability, automobile liability, completed operations liability, and bodily injury liability in the amounts to be set by the County Board. For facilities which generate toxic emissions or leachate, liability insurance may be required depending on availability and cost. If toxic emissions or leachate liability insurance is not available or determined by the County Board to be cost prohibitive, the permittee may be ordered to provide additional financial assurance funds for liability that may arise from leachate and/or toxic emissions upon terms as determined by the County. In addition, the permittee shall provide evidence of worker's compensation coverage in the required statutory amounts.

6.13 **Financial Assurance**

Unless otherwise provided by the County, issuance or renewal of any permit 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, and contingency action of the site or facility.

Documentation submitted with the application for County approval shall include funding procedures, a description of the funding method, the value of the funding, and an inflation adjusted cost estimate which assures that the closure, post-closure and possible contingency action activities at the site or facility take place.

The method of financial assurance shall provide that the County shall have the right to draw upon the funds or that part or all of the funds shall be paid to the County in the event that the owner or any successor in interest or operator fails to perform any required closure or post-closure activities or duties.

Amounts paid to the County shall be used by the County to carry out closure and post-closure activities. Use of the financial assurance monies shall be limited to the site or facility for which it was approved.

The County may change the amount of the financial assurance required if the County determines that the funds necessary to complete the closure, post-closure monitoring and maintenance have changed.

6.14 **Operational Reporting**

During the life of the permit or license, the licensee and/or permittee shall annually report, on forms provided by the County, information requested relative to operations. In addition, copies of all correspondence with the Agency, as well as other governmental units involved in monitoring the facility or activity relating to operations shall be provided to the County in a timely manner, not later than ninety (90) days after receipt.

6.15 **Permit Period**

Unless otherwise provided by the County, each permit granted pursuant to the provisions of this ordinance shall be for a period as stipulated in the appendices of this ordinance, unless earlier suspended or revoked. The permit year for waste management facilities and activities shall be from January 1 - December 31.

6.16 **Permit Renewals**

1. Application for the renewal of a permit shall be made no later than ninety (90) days prior to the expiration of the permit.
2. If the facility has been maintained in compliance with this ordinance and other applicable laws, and proper renewal application has been made with the appropriate fees paid, the County may, at its discretion, issue the renewal permit without routing the application through the procedures required for the initial permit.
3. The County may temporarily extend a permit pending determination of the renewal application.

6.17 **Permit Fees**

The County Board shall, by resolution, establish fees, including fees for the initial permit, renewal of permit, and 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.

SECTION 7: EFFECTIVE DATE

This ordinance and its appendices shall be in full force and effect on January 1, 1992.

Attest:

Darlene Groskreutz
Darlene Groskreutz
County Auditor

Roney E. Kutzke
Roney E. Kutzke, Chair
County Board of Commissioners

APPENDIX A: MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITIES

- A.01 **State Rule Adopted.** Mixed municipal solid waste facilities shall meet all of the requirements of Minnesota Rules, Chapter 7035. Minnesota Rules, Chapter 7035 are hereby adopted by reference as part of this ordinance.
- A.02 **Applicability.** This section shall apply to all persons seeking a permit to operate a landfill for the disposal of solid waste.
- A.03 **Permit Requirements.** The applicant shall submit a complete set of plans, specifications and reports prepared by a Registered Professional Engineer under the laws of the State of Minnesota. The applicant shall furnish:
- Part 1 **Existing Conditions Plan.** A current map and aerial photograph of the area showing land use and zoning within a one (1) mile radius of the solid waste site or facility. The map and aerial photograph shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads and other applicable details as determined by the County, and shall include the general topography with contours and drainage patterns. The location of wells shall be identified on the map. United States Geological Survey datum shall be included and a north arrow drawn. A locational insert shall be included.
- Part 2 **Plot Plan.** A plot plan, including a legal description of the site and adjacent area, showing dimensions, location of soil borings, present and planned features, including, but not limited to roads, fencing, cover stockpiles, special construction materials and techniques, screening and monitoring points if planned for. The scale of the plot plan shall not be greater than 200 feet per inch.
- Part 3 **Site Development Plan.** Site development plans shall be submitted as part of the plot plan which indicate the location and sequence of filling in phases of six (6) months duration.
- Part 4 **Cross Sections Plan.** A cross sections plan, including a minimum of two cross sections of each phase, perpendicular to one another, showing existing grade, excavation grade, final grade, high water table profile, profile and identity of soils and profile and identity of bedrock.
- Part 5 **Final Contour Plan.** An ultimate land use plan, identifying the total and complete land use, and showing finished contour lines and elevations. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.

Part 6 **Report.** A report indicating:

1. Geographical areas expected to be served by the proposed site, current population of the areas, and projected population figures for the period of the expected life of the facility.
2. The anticipated type, quantity and source of solid waste to be processed or disposed of at the site.
3. The type and amount of equipment to be provided at the site for waste handling.
4. The location and area of the site in acres.
5. The name and address of the owner of the site or facility, and the name and address of individuals responsible for actual operation and maintenance of the site and intended operation procedures.
6. The intended operating procedures.
7. An estimate of the number of vehicles using the facility each day and the volume of solid waste deposited daily.
8. A hydrogeologic study setting forth the same information as required in Solid Waste Rule 7035.
9. The source and characteristics of cover material and methods to be used for protecting it during winter.
10. A description of the waste processing methods to be used prior to final disposal of the solid waste.

A.04 **Environmental Protection.** The processes and procedures to be employed by the facility in controlling and monitoring solid waste brought to or generated by the facility that may cause contamination of soils, water, air, the building or its occupants.

A.05 **Construction Requirements.** The permittee of any solid waste facility shall establish and/or provide evidence of the following:

- Part 1 **Comfort.** Sanitary facilities and shelters for site personnel.
- Part 2 **Electricity.** Electrical services for operations and repairs.
- Part 3 **Fire Protection.** The permittee shall arrange for fire protection services and may be required to provide written evidence of such agreement to the County.
- Part 4 **First Aid.** Emergency first aid equipment to provide adequate treatment for accidents.
- Part 5 **Water.** A potable water supply for facility personnel.
- Part 6 **Telephone.** A telephone in working condition.
- Part 7 **Access.** A fence and gate both at least six (6) feet high that shall be locked when the attendant is not on duty.

- Part 8 **Ingress-Egress.** A road to the unloading area maintained in good condition so that it will be passable at all times.
- Part 9 **Sign.** A sign at the entrance to the facility stating the name of the facility, the schedule of days and hours the facility is open to the public, a statement that dumping or operation at any hours other than what is stated is unlawful, prices for use of the facility, the agency permit number and, if applicable, a statement and symbol indicating that recyclable materials are accepted for recycling. The County shall approve the sign and its placement prior to permitting.
- Part 10 **Equipment.** Equipment sufficient to conduct applicable operations and sufficient reserve equipment or written agreements to immediately provide for equipment during periods of breakdown.
- Part 11 **Screening.** Visual screening adequate to reduce visibility of above-grade operations from housing or public right-of-ways by use of natural objects, trees, plants, seeded soil berms, fences or other means deemed suitable by the County.
- Part 12 **Public Facilities.** Suitable facilities for individuals who wish to transport and dispose of their own solid waste.
- Part 13 **Monitoring.** A water monitoring program conducted pursuant to the permit conditions established by the County and the Agency for the site or facility.
- Part 14 **Litter Control.** Litter control devices, such as portable wind abatement fences, close to disposal operations in addition to the perimeter fence.
- Part 15 **Recycling.** If applicable, containers for the purpose of collecting separated recyclable materials, including but not limited to glass, aluminum, ferrous, corrugated paper, newspaper materials and used crankcase oil. The containers are subject to approval by the County.
- A.06 **Operation Requirements.** The permittee shall operate solid waste facilities and provide evidence of such operation pursuant to the following procedures:
- Part 1 **Burning.** Open burning of solid waste is prohibited.
- Part 2 **Scavenging.** Unauthorized removal of waste materials is prohibited.
- Part 3 **Recycling.** Recycling shall be allowed only if specifically set forth in the application and license and then only if recycled materials are removed daily from the premises or placed in an approved device or building.

- Part 4 **Litter.** The permittee shall keep the site and areas along public and private access roads free of litter, and the permittee shall prevent litter from blowing onto and accumulating on real property adjacent to the facility.
- Part 5 **Nuisances.** The permittee shall prevent or eliminate any public nuisance by the control of vectors, such as rodents and flies, and of odors, dust windblown material and other potential public health nuisances. Should the County so prescribe, the permittee shall engage a pest control company licensed by the State of Minnesota to inspect the facility and perform any necessary pest eradication. The permittee shall send a copy of each inspection report to the County within five (5) days of its receipt by the permittee.
- Part 6 **Ingress-Egress.** The permittee shall control all incoming and outgoing traffic in such a manner as to provide orderly and safe ingress and egress.
- Part 7 **Records.** The permittee shall maintain in a manner acceptable to the County, accurate daily records containing information pertinent to the facility operation. The permittee shall allow the County and its designated agents access to said records for review and inspection at any reasonable time. Daily records shall include the intake of solid waste measured in tons or cubic yards and general areas in which a particular type of solid waste is disposed.
- Part 8 **Animal Feeding.** Prohibit animal feeding within the site.
- Part 9 **Bedrock and Water Table.** Deposit solid waste at least five (5) feet above the highest known water table and at least five (5) feet above bedrock.
- Part 10 **Property Line.** Maintain minimum separating distance of two hundred (200) feet between the disposal operation and the adjacent property line.
- Part 11 **Working Face.** Permit unloading of solid waste in as small an area as practicable. The permittee shall confine wind blown material to this area. At the conclusion of each day of operation, the permittee shall collect wind blown material and return it to the area.
- Part 12 **Compaction and Daily Cover.** Compact solid waste by making at least three passes over the waste with suitable compaction equipment. The permittee shall cover the solid waste after each day of operation with a compacted layer of at least six (6) inches of cover material.
- Part 13 **Water Management.** Divert surface water drainage around the landfill operating area, and provide management practices to protect surface water and groundwater. The permittee shall use leachate collection and treatment systems where required and approved by the County and Agency.

- Part 14 **Supervision.** Provide an attendant on duty at the site at all times while it is open for public use. The attendant shall supervise the unloading of all solid waste at the working face of the landfill.
- Part 15 **Waste - Limited Disposal.** The following shall not be acceptable for disposal except as contained in normal household municipal solid waste:
- a. Liquids.
 - b. Hazardous waste.
 - c. Other substances that may be determined unacceptable by the County.
- Part 16 **Wastes - Unacceptable for Disposal.** The following shall not be acceptable for disposal at any time, in any quantity:
- a. Infectious and pathological waste.
 - b. Raw sewage sludge.
 - c. Raw animal manure.
 - d. Septic tank pumpings.
 - e. Motor vehicles.
 - f. Animal carcasses.
- Part 17 **Areas Prohibited for Disposal.** Fill and trench areas are prohibited within the following regions:
- a. Shoreland.
 - b. Regional flood plain for a 100-year flood.
 - c. Wetlands.
- Part 18 **Gas Migration.** The permittee shall not allow decomposition gases to migrate laterally from the facility. The permittee shall vent the gases directly into the atmosphere through the cover material or into cut-off trenches, or into the atmosphere by forced ventilation or by other means approved by the County so that explosive concentrations are prevented.
- Part 19 **Intermediate Cover.** Within one month after an area of the facility has reached final elevation, or after operations in an area have ceased, or after any continuous, unbroken area of approximately one (1) acres of a continuing operation is brought to final elevation, the area shall receive final cover application of at least two (2) feet of cover material. Each six-inch lift of the final cover shall be separately compacted, graded until smooth and shaped to allow surface water runoff. No holes or depressions which might result in collection of surface water shall remain or exist after such covering.
- A.07 **Alterations or Additions.** The permittee shall make no alterations or additions affecting the construction or operations of the facility without the written consent of the County.
- A.08 **Closure and Post-Closure Requirements.** The permittee shall inform the County in writing at least six (6) months prior to the

time the facility will cease to accept solid waste. At this time the permittee shall submit for County action any amendments he or she proposes in the facility's closure and post-closure plan.

Part 1 **Closure Requirements.** The permittee shall take the following actions to close the solid waste landfill:

- a. At least six (6) months prior to closing, provide the County with the name, address and telephone number of the person responsible for the site or facility during the closure and post-closure period.
- b. At least sixty (60) days prior to the closing, notify regular customers of the facility in writing or by posting notice in the official County newspaper of the closing and of alternative disposal facilities. The permittee shall repeat this notification not less than thirty (30) days prior to closing.
- c. Post a sign at the gate to the facility and at the attendant's office sixty (60) days prior to closing and maintain such signs for (60) days after closing. The sign shall indicate the closing date and alternative disposal facilities.
- d. Restrict access to the facility upon closing by the use of gates, fencing or other means sufficient to eliminate further use of the facility for the disposal of solid waste or for trespass.

Part 2 **Post-Closure Requirements.** The permittee of the site or facility shall be responsible for the post-closure care of the site or facility. The permittee shall comply with the requirements established by the State, the approved closure plan, this ordinance and any other duties imposed by Federal or Local law. The permittee shall undertake the following post-closure actions as appropriate to the facility:

- a. **Site Maintenance.** Maintain all turf, erosion control measures, equipment, roads, fencing, and monitoring devices required for post-closure monitoring and maintenance and site security.
- b. **Corrective Actions.** If deemed necessary by the County, the permittee shall take corrective action to prevent adverse effects from gas or leachate production.
- c. **Post-Closure Review.** The County shall review and approve any proposed changes in the post-closure use of the site to determine that site maintenance and environmental monitoring and protection devices will not be adversely affected.
- d. **County Recorder.** The location of the site be filed by the permittee by legal description and map at the office of the County Recorder.

APPENDIX B: DEMOLITION WASTE LAND DISPOSAL FACILITIES

- B.01 **State Rule Adopted.** Demolition Waste facilities shall meet all of the requirements of Minnesota Rules, Chapter 7035. Minnesota Rules, Chapter 7035 are hereby adopted by reference as part of this ordinance.
- B.02 **Applicability.** This section shall apply to all persons seeking a permit to operate a landfill for the disposal of demolition waste. These requirements **do not** apply for a permit-by-rule demolition site (see Agency Rule 7035.2825).
- B.03 **Permit Requirements.** The applicant shall submit a complete set of plans, specifications and reports prepared by a Registered Professional Engineer under the laws of the State of Minnesota. The applicant shall furnish:
- Part 1 **Existing Conditions Plan.** A current map and aerial photograph of the area showing land use and zoning within a one-fourth (1/4) mile radius of the demolition waste site or facility. The map and aerial photograph shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads and other applicable details as determined by the County, and shall include the general topography with contours and drainage patterns. The location of wells shall be identified on the map. United States Geological Survey datum shall be included and a north arrow drawn. A locational insert shall be included.
- Part 2 **Plot Plan.** A plot plan, including a legal description of the site and adjacent area, showing dimensions, location of soil borings, present and planned features, including, but not limited to roads, fencing, cover stockpiles, special construction materials and techniques, screening and monitoring points if planned for. The scale of the plot plan shall not be greater than 200 feet per inch.
- Part 3 **Site Development Plan.** Site development plans shall be submitted as part of the plot plan which indicate the location and sequence of filling in phases of six (6) months duration.
- Part 4 **Cross Sections Plan.** A cross sections plan, including a minimum of two cross sections of each phase, perpendicular to one another, showing existing grade, excavation grade, final grade, high water table profile, profile and identity of soils and profile and identity of bedrock.
- Part 5 **Final Contour Plan.** An ultimate land use plan, identifying the total and complete land use, and showing finished contour lines and elevations. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.

Part 6 **Report.** A report indicating:

1. Geographical areas expected to be served by the proposed site.
2. The anticipated type, quantity and source of demolition waste to be processed or disposed of at the site.
3. The type and amount of equipment to be provided at the site for demolition waste handling.
4. The area of the site in acres.
5. The name and address of the owner of the site or facility, and the name and address of individuals responsible for actual operation and maintenance of the site and intended operation procedures.
6. The intended operating procedures.
7. An estimate of the number of vehicles using the facility each day and the volume of demolition waste deposited daily.
8. The source and characteristics of cover material and methods to be used for protecting it during winter.

B.04 **Environmental Protection.** The processes and procedures to be employed by the facility in controlling and monitoring demolition waste brought to or generated by the facility that may cause contamination of soils, water, air, the building or its occupants.

B.05 **Construction Requirements.** The permittee of any demolition waste facility shall establish and/or provide evidence of the following:

- Part 1 **Electricity.** Electrical services for operations and repairs.
- Part 2 **Fire Protection.** The permittee shall arrange for fire protection services and may be required to provide written evidence of such agreement to the County.
- Part 3 **First Aid.** Emergency first aid equipment to provide adequate treatment for accidents.
- Part 4 **Telephone.** A telephone in working condition.
- Part 5 **Access.** A fence and gate both at least six (6) feet high that shall be locked when the attendant is not on duty.
- Part 6 **Ingress-Egress.** A road to the unloading area maintained in good condition so that it will be passable at all times.
- Part 7 **Sign.** A sign at the entrance to the facility stating the name of the facility, the schedule of days and hours the facility is open to the public, a statement that dumping or operation at any hours other than what is stated is unlawful, prices for use of the facility, the agency permit number and, if applicable, a statement and symbol indicating that recyclable

materials are accepted for recycling. The County shall approve the sign and its placement prior to permitting.

- Part 8 **Equipment.** Equipment sufficient to conduct applicable operations and sufficient reserve equipment or written agreements to immediately provide for equipment during periods of breakdown.
 - Part 9 **Screening.** Visual screening adequate to reduce visibility of above-grade operations from housing or public right-of-ways by use of natural objects, trees, plants, seeded soil berms, fences or other means deemed suitable by the County.
 - Part 10 **Public Facilities.** Suitable facilities for individuals who wish to transport and dispose of their own demolition waste.
 - Part 11 **Litter Control.** Litter control devices, such as portable wind abatement fences, close to disposal operations in addition to the perimeter fence.
 - Part 12 **Recycling.** If applicable, containers for the purpose of collecting separated recyclable materials, including but not limited to glass, aluminum, ferrous, corrugated paper, newspaper materials and used crankcase oil. The containers are subject to approval by the County.
- B.06 **Operation Requirements.** The permittee shall operate demolition waste facilities and provide evidence of such operation pursuant to the following procedures:
- Part 1 **Burning.** Open burning of demolition waste is prohibited unless authorized by the Agency.
 - Part 2 **Scavenging.** Unauthorized removal of waste materials is prohibited.
 - Part 3 **Recycling.** Recycling shall be allowed only if specifically set forth in the application and license and then only if recycled materials are removed daily from the premises or placed in an approved device or building.
 - Part 4 **Litter.** The permittee shall keep the site and areas along public and private access roads free of litter, and the permittee shall prevent litter from blowing onto and accumulating on real property adjacent to the facility.
 - Part 5 **Nuisances.** The permittee shall prevent or eliminate any public nuisance by the control of vectors, such as rodents and flies, and of odors, dust windblown material and other potential public health nuisances. Should the County so prescribe, the permittee shall engage a pest control company licensed by the State of Minnesota to inspect the facility and perform any necessary pest eradication. The permittee shall send a copy of each inspection report to the County within five (5) days of its receipt by the permittee.

- Part 6 **Ingress-Egress.** The permittee shall control all incoming and outgoing traffic in such a manner as to provide orderly and safe ingress and egress.
- Part 7 **Records.** The permittee shall maintain in a manner acceptable to the County, accurate daily records containing information pertinent to the facility operation. The permittee shall allow the County and its designated agents access to said records for review and inspection at any reasonable time. Daily records shall include the intake of demolition waste measured in tons or cubic yards and general areas in which a particular type of demolition waste is disposed.
- Part 8 **Animal Feeding.** Prohibit animal feeding within the site.
- Part 9 **Bedrock and Water Table.** Deposit demolition waste at least five (5) feet above the highest known water table and at least five (5) feet above bedrock.
- Part 10 **Property Line.** Maintain minimum separating distance of fifty (50) feet between the disposal operation and the adjacent property line.
- Part 11 **Working Face.** Permit unloading of demolition waste in as small an area as practicable. The permittee shall confine wind blown material to this area. At the conclusion of each day of operation, the permittee shall collect wind blown material and return it to the area.
- Part 12 **Water Management.** Divert surface water drainage around the landfill operating area, and provide management practices to protect surface water and groundwater. The permittee shall use leachate collection and treatment systems where required and approved by the County and Agency.
- Part 13 **Supervision.** Provide an attendant on duty at the site at all times while it is open for public use. The attendant shall supervise the unloading of all demolition at the working face of the landfill.
- Part 14 **Wastes - Unacceptable for Disposal.** Any waste which does not fall under the definition of demolition waste.
- Part 15 **Areas Prohibited for Disposal.** Fill and trench areas are prohibited within the following regions:
a. Shoreland.
b. Regional flood plain for a 100-year flood.
c. Wetlands.
- Part 16 **Weekly Cover.** The permittee shall cover the demolition waste each week with a layer of at least six (6) inches of cover material.
- Part 17 **Intermediate Cover.** Within three (3) months after an area of the facility has reached final elevation, or after operations

in an area have ceased, or after any continuous, unbroken area of approximately one (1) acres of a continuing operation is brought to final elevation, the area shall receive final cover application of at least one (1) foot of cover material. Each six-inch lift of the final cover shall be separately compacted, graded until smooth and shaped to allow surface water runoff. No holes or depressions which might result in collection of surface water shall remain or exist after such covering.

B.07 **Alterations or Additions.** The permittee shall make no alterations or additions affecting the construction or operations of the facility without the written consent of the County.

B.08 **Closure and Post-Closure Requirements.** The permittee shall inform the County in writing at least six (6) months prior to the time the facility will cease to accept demolition waste. At this time the permittee shall submit for County action any amendments he or she proposes in the facility's closure and post-closure plan.

Part 1 **Closure Requirements.** The permittee shall take the following actions to close the demolition waste landfill:

- a. At least six (6) months prior to closing, provide the County with the name, address and telephone number of the person responsible for the site or facility during the closure and post-closure period.
- b. At least sixty (60) days prior to the closing, notify regular customers of the facility in writing or by posting notice in the official County newspaper of the closing and of alternative disposal facilities. The permittee shall repeat this notification not less than thirty (30) days prior to closing.
- c. Post a sign at the gate to the facility and at the attendant's office sixty (60) days prior to closing and maintain such signs for (60) days after closing. The sign shall indicate the closing date and alternative disposal facilities.
- d. Restrict access to the facility upon closing by the use of gates, fencing or other means sufficient to eliminate further use of the facility for the disposal of waste or for trespass.

Part 2 **Post-Closure Requirements.** The permittee of the site or facility shall be responsible for the post-closure care of the site or facility. The permittee shall comply with the requirements established by the State, the approved closure plan, this ordinance and any other duties imposed by Federal or Local law. The permittee shall undertake the following post-closure actions as appropriate to the facility:

- a. **Site Maintenance.** Maintain all turf, erosion control measures, equipment, roads, fencing, and monitoring devices required for post-closure monitoring and maintenance and site security.

- b. **Corrective Actions.** If deemed necessary by the County, the permittee shall take corrective action to prevent adverse effects from gas or leachate production.
- c. **Post-Closure Review.** The County shall review and approve any proposed changes in the post-closure use of the site to determine that site maintenance and environmental monitoring and protection devices will not be adversely affected.
- d. **County Recorder.** The location of the site be filed by the permittee by legal description and map at the office of the County Recorder.

APPENDIX C: OPERATION OF INCINERATOR FACILITIES

- C.01 **State Rule Adopted.** Incinerator facilities shall meet all of the requirements of Minnesota Statutes and Agency Rules, Chapters 7005 and 7035, which are hereby adopted by reference as part of this ordinance.

All incinerators shall be designed and operated in a manner to conform to emission limitations of Federal, State and Local air pollution control regulations.

- C.02 **Applicability.** This section shall apply to all persons seeking a permit to construct or operate a waste incinerator for financial remuneration with a capacity of 350 pounds or less per hour that is planned to manage waste not generated by the owner or operator of the incinerator. This section also applies to existing and new incinerators having a capacity greater than 350 pounds per hour. Incinerator facilities must adhere to Minnesota Statute 116.801, if applicable.

- C.03 **Permit Requirements.** The applicant shall submit a complete set of plans, specifications and reports prepared by a Registered Professional Engineer under the laws of the State of Minnesota. The applicant shall furnish:

Part 1 **Existing Conditions Plan.** A current map and aerial photograph of the area showing land use and zoning within a one (1) mile radius of the waste site or facility. The map and aerial photograph shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads and other applicable details as determined by the County, and shall include the general topography with contours and drainage patterns. The location of wells shall be identified on the map. United States Geological Survey datum shall be included and a north arrow drawn. A locational insert shall be included.

Part 2 **Site Plan.** A site plan, including a legal description of the site showing acreage dimensions, location, type and height of all buildings within 1,000 feet of the proposed site, location of soil borings, present and planned features, including, but not limited to roads, fencing, cover stockpiles, special construction materials and techniques, screening and monitoring points if planned for. The scale of the plot plan shall not be greater than 200 feet per inch.

Part 3 **Plans and Specifications.** A set of plans and specifications, prepared by a registered engineer of Minnesota, clearly indicating the construction which will be undertaken. These plans shall include:

- a. A report explaining the furnace design criteria and expected performance data.

- b. An evaluation and assessment of potential impacts of operations and emissions would have on the area, based on the characteristics and quantities of waste to be incinerated.

- Part 4 **Incinerator Residue and Ash Disposal.** Plans for the disposal of incinerator residue and ash produced by the facility. Disposal of all residue and ash shall be at an appropriately licensed facility. Applicant must have, prior to permitting, a contract for the disposal of ash.
- Part 5 **Bypass.** Plans for disposal of waste that is bypassed because it cannot be incinerated, is unacceptable for incineration or when the facility is not operational.
- Part 6 **Energy Recovery.** Incinerators constructed after the effective date of this ordinance shall provide for energy recovery.
- Part 7 **Final Land Usage Plan.** An ultimate land use plan, identifying the total and complete land use, and showing finished contour lines and elevations. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.
- Part 8 **Report.** A report indicating:
1. Geographical areas expected to be served by the proposed site, current population of the areas, and projected population figures for the period of the expected life of the facility.
 2. The anticipated type, quantity and source of waste to be processed or disposed of at the site.
 3. The type and amount of equipment to be provided at the site for waste handling.
 4. The area of the site in acres.
 5. Approximate number of employees the facility will employ.
 6. The name and address of the owner of the site or facility, and the name and address of individuals responsible for actual operation and maintenance of the site and intended operation procedures.
 7. The intended operating procedures.
 8. An estimate of the number of vehicles using the facility each day and the volume of waste deposited daily.
 9. The present and future population and area to be served by the incinerator, and the characteristics, quantities and sources of waste to be incinerated.
- Part 9 **Additional Data.** Such additional clarifying data as may be requested by the County.
- C.04 **Environmental Protection.** The processes and procedures to be employed by the facility in controlling and monitoring waste brought to or generated by the facility that may cause contamination of soils, water, air, the building or its occupants.

- C.05 **Construction Requirements.** The permittee of a waste incinerator facility shall establish and/or provide evidence of the following:
- Part 1 **Comfort.** Sanitary facilities and shelters for site personnel.
 - Part 2 **Electricity.** Electrical services for operations and repairs.
 - Part 3 **Fire Protection.** The permittee shall arrange for fire protection services and may be required to provide written evidence of such agreement to the County.
 - Part 4 **First Aid.** Emergency first aid equipment to provide adequate treatment for accidents.
 - Part 5 **Water.** A potable water supply for facility personnel.
 - Part 6 **Telephone.** A telephone in working condition.
 - Part 7 **Access.** A fence and gate both at least six (6) feet high that shall be locked when the attendant is not on duty.
 - Part 8 **Ingress-Egress.** A road to the unloading area maintained in good condition so that it will be passable at all times.
 - Part 9 **Sign.** A sign at the entrance to the facility stating the name of the facility, the schedule of days and hours the facility is open to the public, a statement that dumping or operation at any hours other than what is stated is unlawful, prices for use of the facility, the agency permit number and, if applicable, a statement and symbol indicating that recyclable materials are accepted for recycling. The County shall approve the sign and its placement prior to permitting.
 - Part 10 **Equipment.** Equipment sufficient to conduct applicable operations and sufficient reserve equipment or written agreements to immediately provide for equipment during periods of breakdown.
 - Part 11 **Minimal Interference with Other Activities.** The incinerator plant shall be so situated, equipped and maintained as to minimize interference with other activities in the area.
 - Part 12 **Unloading.** Adequate holding bin capacity shall be provided for all incoming waste to be incinerated.
 - Part 13 **Dust Control.** Facilities shall be designed to provide for dust control in the unloading and charging areas.
 - Part 14 **Weighing Facilities.** The incinerator plant shall have weighing facilities available.
 - Part 15 **Emergency Communication.** Adequate communication facilities

shall be provided for emergency purposes.

- Part 16 **Cleaning Equipment.** Equipment shall be provided in the storage and charging areas and elsewhere as needed to allow cleaning after each day of operation or as may be required in order to maintain the plant in a sanitary condition.
- Part 17 **Safety Equipment.** The charging openings as well as all equipment throughout the plant shall be provided with safety equipment.
- Part 18 **Temperature Monitoring and Records.** A continuously recording pyrometer shall be provided in order to maintain continuous records of temperature in the combustion chambers.
- Part 19 **Inspection.** Upon completion of the plant and prior to initial operation, the County shall be notified to allow personnel of the County to inspect the plant both prior to and during the performance tests.
- Part 20 **Performance Testing.** Performance tests of the plant may be required by the County. A report covering the results of the performance tests in such cases shall be prepared by the design engineer of the project and submitted to the County with a copy of all supporting data.
- C.06 **Operation Requirements.** The permittee shall operate waste incinerator facilities and provide evidence of such operation pursuant to the following procedures:
- Part 1 **Burning.** Open burning of waste is prohibited.
- Part 2 **Scavenging.** Unauthorized removal of waste materials is prohibited.
- Part 3 **Recycling.** Recycling shall be allowed only if specifically set forth in the application and permit and then only if recycled materials are removed daily from the premises or placed in an approved device or building.
- Part 4 **Litter.** The permittee shall keep the site and areas along public and private access roads free of litter, and the permittee shall prevent litter from blowing onto and accumulating on real property adjacent to the facility.
- Part 5 **Nuisances.** The permittee shall prevent or eliminate any public nuisance by the control of vectors, such as rodents and flies, and of odors, dust windblown material and other potential public health nuisances. Should the County so prescribe, the permittee shall engage a pest control company licensed by the State of Minnesota to inspect the facility and perform any necessary pest eradication. The permittee shall send a copy of each inspection report to the County within five (5) days of its receipt by the permittee.

- Part 6 **Supervision.** An attendant shall be on duty at the facility at all times while it is open for public use and shall continuously supervise the unloading of waste at the unloading area.
- Part 7 **Ingress-Egress.** The permittee shall control all incoming and outgoing traffic in such a manner as to provide orderly and safe ingress and egress.
- Part 8 **Records.** The permittee shall maintain in a manner acceptable to the County, accurate daily records containing information pertinent to the facility operation. Permanent records shall be maintained indicating the type and total weight or volume of material incinerated, the total quantity of resulting residues and total hours of plant operation. These records shall be available for inspection upon request by the County.
- Part 9 **Dump Stack Usage.** Whenever a dump stack is utilized, the permittee shall maintain in a manner acceptable to the County accurate, permanent daily records containing information specifically describing the date, duration of operation and specific reasons why the dump stack was or will be used. Usage of the dump stack shall be limited situations in which the continued, safe operation of the incinerator is in jeopardy. Each time the dump stack is utilized, written notice must be provided to the County within 24 hours, which notice provides all of the information required by this section.
- Part 10 **Minimal Interference with Other Activities.** The incinerator plant shall be so operated as to minimize interference with other activities in the area.
- Part 11 **Access to the Facility.** A permanent sign shall be posted at the site entrance identifying the operation and showing the Minnesota Pollution Control Agency permit number of the plant, and indicating the hours and days when the plant is open for public use. Access to the plant shall be limited to those times when authorized personnel are on duty.
- Part 12 **Unloading.** All incoming waste to be incinerated at the plant shall be confined to the unloading area.
- Part 13 **Fire Protection.** Arrangements shall be made with the local fire protection agency to provide fire fighting forces in an emergency.
- Part 14 **Combustion Temperature.** During normal operation, the temperature in the combustion chambers shall conform to Chapter 7005 and other Air Pollution Control Regulations of the Minnesota Pollution Control Agency now or hereafter adopted, to produce a satisfactory residue and to result in an odor-free operation.

- Part 15 **Temperature Monitoring and Records.** A continuously recording pyrometer shall be provided in order to maintain continuous records of temperature in the combustion chambers. A copy of such records shall be available for the County upon request.
- Part 16 **Ash Disposal.** All ash removed from the incinerator plant shall be promptly disposed of in a manner that will prevent nuisances, pollution, public health hazards, and in compliance with all state regulatory requirements. Ash must be disposed of in a permitted and licensed facility. At all times, applicant must have an enforceable contract for the disposal of ash.
- C.07 **Alterations or Additions.** The permittee shall make no alterations or additions affecting the construction or operations of the facility without the written consent of the County.
- C.08 **Closure and Post-Closure Requirements.** The permittee shall inform the County in writing at least six (6) months prior to the time the facility will cease to accept waste. At this time the permittee shall submit for County action any amendments he or she proposes in the facility's closure and post-closure plan.
- Part 1 **Closure Requirements.** The permittee shall take the following actions to close the waste incinerator:
- a. At least six (6) months prior to closing, provide the County with the name, address and telephone number of the person responsible for the site or facility during the closure and post-closure period.
 - b. At least sixty (60) days prior to the closing, notify regular customers of the facility in writing or by posting notice in the official County newspaper of the closing and of alternative disposal facilities. The permittee shall repeat this notification not less than thirty (30) days prior to closing.
 - c. Post a sign at the gate to the facility and at the attendant's office sixty (60) days prior to closing and maintain such signs for (60) days after closing. The sign shall indicate the closing date and alternative disposal facilities.
 - d. Restrict access to the facility upon closing by the use of gates, fencing or other means sufficient to eliminate further use of the facility for the disposal of waste or for trespass.
- Part 2 **Post-Closure Requirements.** The permittee of the site or facility shall be responsible for the post-closure care of the site or facility. The permittee shall comply with the requirements established by the State, the approved closure plan, this ordinance and any other duties imposed by Federal or Local law. The responsible party shall undertake the following post-closure actions as appropriate to the facility:
- a. **Site Maintenance.** Maintain all turf, erosion control measures, equipment, roads, fencing, and monitoring devices

required for post-closure monitoring and maintenance and site security.

- b. **Corrective Actions.** If deemed necessary by the County, the permittee shall take corrective action to prevent or cure any hazards that may arise.
- c. **Post-Closure Review.** The County shall review and approve any proposed changes in the post-closure use of the site to determine that site maintenance and environmental monitoring and protection devices will not be adversely affected.
- d. **County Recorder.** The location of the site be filed by the permittee by legal description and map at the office of the County Recorder.

APPENDIX D: MIXED MUNICIPAL SOLID WASTE TRANSFER STATION, RECYCLING AND COMPOST & CO-COMPOST FACILITIES

- D.01 **State Rule Adopted.** Mixed municipal solid waste transfer station, recycling and compost facilities shall meet all of the requirements of Minnesota Rules, Chapter 7035. Minnesota Rules, Chapter 7035 are hereby adopted by reference as part of this ordinance.
- D.02 **Applicability.** This section shall apply to all persons seeking a permit to build and/or operate a transfer station, a recycling center or a compost facility for the disposal or processing of solid waste.
- D.03 **Permit Requirements.** The applicant shall submit a complete set of plans, specifications and reports prepared by a Registered Professional Engineer under the laws of the State of Minnesota. The applicant shall furnish:
- Part 1 **Existing Conditions Plan.** A current map and aerial photograph of the area showing land use and zoning within a one (1) mile radius of the solid waste site or facility. The map and aerial photograph shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads and other applicable details as determined by the County, and shall include the general topography with contours and drainage patterns. The location of wells shall be identified on the map. United States Geological Survey datum shall be included and a north arrow drawn. A locational insert shall be included.
- Part 2 **Plot Plan.** A plot plan, including a legal description of the site and adjacent area, showing dimensions, location of soil borings, present and planned features, including, but not limited to roads, fencing, cover stockpiles, special construction materials and techniques, screening and monitoring points if planned for. The scale of the plot plan shall not be greater than 200 feet per inch.
- Part 3 **Site Development Plan.** Site development plans shall be submitted as part of the plot plan which indicate the location of proposed buildings and work areas.
- Part 4 **Cross Sections Plan.** A cross sections plan, including a minimum of two cross sections of each phase, perpendicular to one another, showing existing grade, excavation grade, high water table profile, profile and identity of soils and profile and identity of bedrock.
- Part 5 **Report.** A report indicating:

1. Geographical areas expected to be served by the proposed site, current population of the areas, and projected population figures for the period of the expected life of the facility.
2. The anticipated type, quantity and source of solid waste to be processed or disposed of at the site.
3. The type and amount of equipment to be provided at the site for waste handling.
4. The location and area of the site in acres.
5. The name and address of the owner of the site or facility, and the name and address of individuals responsible for actual operation and maintenance of the site and intended operation procedures.
6. The intended operating procedures.
7. An estimate of the number of vehicles using the facility each day and the volume of solid waste deposited daily.
8. Approximate number of employees the facility would employ.
9. The proposed design layout of the facility.

D.04 **Environmental Protection.** The processes and procedures to be employed by the facility in controlling and monitoring solid waste brought to or generated by the facility that may cause contamination of soils, water, air, the building or its occupants.

D.05 **Construction Requirements.** The permittee of any waste facility shall establish and/or provide evidence of the following:

- Part 1 **Comfort.** Sanitary facilities and shelters for site personnel.
- Part 2 **Electricity.** Electrical services for operations and repairs.
- Part 3 **Fire Protection.** The permittee shall arrange for fire protection services and may be required to provide written evidence of such agreement to the County.
- Part 4 **First Aid.** Emergency first aid equipment to provide adequate treatment for accidents.
- Part 5 **Water.** A potable water supply for facility personnel.
- Part 6 **Telephone.** A telephone in working condition.
- Part 7 **Access.** A fence and gate both at least six (6) feet high that shall be locked when the attendant is not on duty.
- Part 8 **Ingress-Egress.** A road to the unloading area maintained in good condition so that it will be passable at all times.
- Part 9 **Sign.** A sign at the entrance to the facility stating the name of the facility, the schedule of days and hours the facility is open to the public, a statement that dumping or operation at any hours other than what is stated is unlawful, prices for

use of the facility, the agency permit number and, if applicable, a statement and symbol indicating that recyclable materials are accepted for recycling. The County shall approve the sign and its placement prior to permitting.

- Part 10 **Equipment.** Equipment sufficient to conduct applicable operations and sufficient reserve equipment or written agreements to immediately provide for equipment during periods of breakdown.
- Part 11 **Screening.** Visual screening adequate to reduce visibility of above-grade operations from housing or public right-of-ways by use of natural objects, trees, plants, seeded soil berms, fences or other means deemed suitable by the County.
- Part 12 **Public Facilities.** Suitable facilities for individuals who wish to transport and dispose of their own solid waste.
- Part 13 **Monitoring.** A monitoring program conducted pursuant to the permit conditions established by the County and the Agency for the site or facility.
- Part 14 **Litter Control.** Litter control devices, such as portable wind abatement fences, close to disposal operations in addition to the perimeter fence.
- Part 15 **Recycling.** If applicable, containers for the purpose of collecting separated recyclable materials, including but not limited to glass, aluminum, ferrous, corrugated paper, newspaper materials and used crankcase oil. The containers are subject to approval by the County.
- D.06 **Operation Requirements.** The permittee shall operate transfer station, recycling and composting and/or co-composting, solid waste facilities and provide evidence of such operation pursuant to the following procedures:
- Part 1 **Burning.** Open burning of solid waste is prohibited.
- Part 2 **Scavenging.** Unauthorized removal of waste materials is prohibited.
- Part 3 **Recycling.** Recycling shall be allowed only if specifically set forth in the application and license and then only if recycled materials are removed daily from the premises or placed in an approved device or building.
- Part 4 **Litter.** The permittee shall keep the site and areas along public and private access roads free of litter, and the permittee shall prevent litter from blowing onto and accumulating on real property adjacent to the facility.
- Part 5 **Nuisances.** The permittee shall prevent or eliminate any public nuisance by the control of vectors, such as rodents and

flies, and of odors, dust windblown material and other potential public health nuisances. Should the County so prescribe, the permittee shall engage a pest control company licensed by the State of Minnesota to inspect the facility and perform any necessary pest eradication. The permittee shall send a copy of each inspection report to the County within five (5) days of its receipt by the permittee.

- Part 6 **Ingress-Egress.** The permittee shall control all incoming and outgoing traffic in such a manner as to provide orderly and safe ingress and egress.
- Part 7 **Records.** The permittee shall maintain in a manner acceptable to the County, accurate daily records containing information pertinent to the facility operation. The permittee shall allow the County and its designated agents access to said records for review and inspection at any reasonable time. Daily records shall include the intake of solid waste measured in tons or cubic yards. With compost facilities the amount of compost produced and/or sold should also be recorded.
- Part 8 **Animal Feeding.** Prohibit animal feeding within the site.
- Part 9 **Property Line.** Maintain minimum separating distance of fifty (50) feet between the operation and/or facility and the adjacent property line.
- Part 10 **Supervision.** Provide an attendant on duty at the site at all times while it is open for public use. The attendant shall supervise the unloading of all refuse coming to the facility.
- Part 11 **Waste - Limited Disposal.** The following shall not be acceptable for disposal except as contained in normal household municipal solid waste:
- a. Liquids.
 - b. Hazardous waste.
 - c. Other substances that may be determined unacceptable by the County.
- Part 12 **Wastes - Unacceptable for Disposal.** The following shall not be acceptable for disposal at any time, in any quantity:
- a. Infectious and pathological waste.
 - b. Raw sewage sludge.
 - c. Raw animal manure.
 - d. Septic tank pumpings.
 - e. Motor vehicles.
 - f. Animal carcasses.
- D.07 **Alterations or Additions.** The permittee shall make no alterations or additions affecting the construction or operations of the facility without the written consent of the County.

D.08 **Closure and Post-Closure Requirements.** The permittee shall inform the County in writing at least six (6) months prior to the time the facility will cease to accept solid waste. At this time the permittee shall submit for County action any amendments he or she proposes in the facility's closure and post-closure plan.

Part 1 **Closure Requirements.** The permittee shall take the following actions to close the facility:

- a. At least six (6) months prior to closing, provide the County with the name, address and telephone number of the person responsible for the site or facility during the closure and post-closure period.
- b. At least sixty (60) days prior to the closing, notify regular customers of the facility in writing or by posting notice in the official County newspaper of the closing and of alternative disposal facilities. The permittee shall repeat this notification not less than thirty (30) days prior to closing.
- c. Post a sign at the gate to the facility and at the attendant's office sixty (60) days prior to closing and maintain such signs for (60) days after closing. The sign shall indicate the closing date and alternative disposal facilities.
- d. Restrict access to the facility upon closing by the use of gates fencing or other means sufficient to eliminate further use of the facility for the disposal of solid waste or for trespass.

Part 2 **Post-Closure Requirements.** The permittee of the site or facility shall be responsible for the post-closure care of the site or facility. The permittee shall comply with the requirements established by the State, the approved closure plan, this ordinance and any other duties imposed by Federal or Local law.

Part 3 **County Recorder.** The location of the site be filed by the permittee by legal description and map at the office of the County Recorder.

APPENDIX E: COLLECTION AND TRANSPORTATION OF WASTE

E.01 **State Rule Adopted.** The collection and transportation of waste shall meet all of the requirements of Minnesota Rules, Chapters 7001, 7035, and 7045. Minnesota Rules, Chapter 7001, 7035, and 7045 are hereby adopted by reference as part of this ordinance.

E.02 **Applicability.** This section shall apply to all persons seeking to operate a vehicle for waste management within Meeker County.

E.03 **Required Permits.** A vehicle transporting waste from a single household or a vehicle hauling waste from outside of Meeker County to another place outside of Meeker County is exempt from permit requirements. Vehicles that are transporting only junk motor vehicles, concrete, brick, bituminous concrete, trees, or structural metals are also excluded from the requirements of this section. All other vehicles transporting waste within Meeker County shall possess one of the following permits:

1. **Transportation Permit.** Any person, firm or corporation that transports waste via highways and roads in Meeker County must obtain a Transportation Permit every two years.
2. **Collection/Transportation Permit.** Any person, firm, or corporation that collects waste within Meeker County and transports waste via highways and roads in Meeker County must annually obtain a Collection/Transportation Permit.

Application for Transportation and Collection/Transportation Permits shall be made upon forms provided by the County.

E.04 **Transportation Permit Requirements.**

Part 1 **Submittals.** Persons, firms or corporations intending to transport waste in Meeker County shall submit the following information.

1. The name and address of the applicant.
2. A description of each vehicle to be used for waste transportation, including the vehicle identification, make, model, year, the capacity of the body or the capacity and number of roll-offs.
3. The date of the last State of Minnesota safety inspection of the vehicle.
4. The location and address describing the place where the applicant is storing his equipment/vehicle.
5. Current copy of certificate of insurance, indicating proper insurance coverage for the period of the permit, including the name of the insurance carrier, its agent, policy number, and effective dates.

6. The applicant shall submit a description of the route(s) to be followed by his (her) waste transportation vehicles during the transportation of waste.
7. The estimated weekly weight or volume of waste transported. Include the destination of the waste.
8. A statement by the applicant that shows vehicle operators possess proper Minnesota drivers licenses.
9. Other information the county may reasonably require including applicant's signature and appropriate fees for the permit.

Part 2 **Labeling.** The permittee shall display on each vehicle a decal provided by the County on a location specified by the County. In addition, the permittee shall display name, address, and telephone number of the transporter on each side of the vehicle. Letters and numbers shall be at least three (3) inches high.

Part 3 **Inspection.** The County may inspect and approve any waste transportation vehicles prior to giving approval.

E.05 **Collection/Transportation Permit Requirements.**

Part 1 **Submittals.** Persons, firms or corporations intending to collect and transport waste in Meeker County shall submit the following information.

1. The name and address of the applicant.
2. A description of each vehicle to be used for waste collection and transportation, including the vehicle identification, make, model, year, the capacity of the body or the capacity and number of roll-offs.
3. The date of the last State of Minnesota safety inspection of the vehicle.
4. The location and address describing the place where the applicant is storing his equipment/vehicle.
5. Current copy of certificate of insurance, indicating proper insurance coverage for the period of the permit, including the name of the insurance carrier, its agent, policy number, and effective dates.
6. A map of the area of each city, township, and county served.
7. The applicant shall submit a description of the route(s) to be followed by his waste collection and transportation vehicles during the collection and transportation of waste. Include the destination of the waste.
8. On a form or forms provided by the County, the applicant shall submit information to the County regarding applicant's routes, type and quantity of waste collected, and such other information as the County may require.
9. A copy of approvals if required by the governing body of any municipality to be served.
10. A statement by the applicant that shows vehicle operators possess proper Minnesota drivers licenses.

11. Other information the county may reasonably require including applicant's signature and appropriate fees for the permit.

Part 2 **Labeling.** The permittee shall display a decal provided by the County on a location on each vehicle specified by the County. In addition, the permittee shall display name, address, and telephone number of the collector or transporter on each side of the vehicle. Letters and numbers shall be at least three (3) inches high.

Part 3 **Inspection.** The County may inspect and approve any waste collection and transportation vehicles prior to giving approval.

E.06 **Applicant Review.** After receiving a completed application, the County shall have 30 days to either grant or deny the permit. If an applicant is not granted a permit, he shall be notified in writing of the reasons therefore. Submission of false information may constitute grounds for denying a permit or permit renewal, or suspension by revocation of an issued permit.

E.07 **Operation and Maintenance Requirements.**

Part 1 **Equipment Requirements.** All waste collection and transportation vehicles shall be easily cleanable, leak-proof, and be covered with metal, canvas, or fishnet type material made for this purpose.

Part 2 **Maintenance.** The permittee shall maintain all waste collection and transportation vehicles in a safe and sanitary manner, and provide brooms and shovels on each vehicle for the purpose of cleaning spilled material. All safety equipment including but not limited to horns, lights, reflectors shall be operable.

Part 3 **Protecting Private Property.** The permittee shall take reasonable care to protect the property of customers being served. The permittee shall be responsible for any damage or spillage of waste as a result of his action.

Part 4 **Smoking, Smoldering or Burning Waste.** The permittee shall not collect and transport waste materials that are smoking, smoldering or burning.

Part 5 **Dumping in an Emergency.** The permittee shall be responsible for the cleanup of any waste that must be dumped in an emergency. The operator of the vehicle shall immediately notify the County and the appropriate law enforcement agency of such a dumping and clean the area within a time limit set by the County.