

**WESTERN LAKE SUPERIOR SANITARY
DISTRICT**

SOLID WASTE ORDINANCE

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SECTION 1 PURPOSE, AUTHORITY & POLICY

SECTION 1.1 PURPOSE & AUTHORITY

An Ordinance establishing standards for and regulating Solid Waste Management and the operation of Solid Waste Facilities and activities; establishing Solid Waste Management Charges, and programs; providing for application and license fees; penalties for lack of compliance with these provisions; promoting the health, welfare and safety of the public, and to protect the environment. This Ordinance is enacted pursuant to Chapters 400, 458D, and 115A, and Section 115A.554 of the Minnesota Statutes.

The Western Lake Superior Sanitary District supports activities that will promote reduction, reuse, recycling and processing of materials found in the waste stream.

SECTION 1.2 POLICY

The policy of the Western Lake Superior Sanitary District is to provide for the management of Solid Waste in a manner that will protect public health, welfare and safety of the public, prevent the spread of disease, prevent the creation of nuisances, conserve natural resources, and protect the State's water, air and land resources. It is the policy of WLSSD to assure that all individuals are both informed and responsible for their actions regarding solid waste. Assure that all individuals understand that their actions may affect the environment and the community now and in the future.

SECTION 2 DEFINITIONS, RULES & WORD USAGE

SECTION 2.1 DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this Article. Unless specifically defined herein, terms used in this Ordinance shall have the same definition as provided in the Waste Management Act, Minn. Stat. § 115A.01 *et seq.* and if not defined there, shall have common usage meaning. For purposes of this Ordinance, the words "must" and "shall" are mandatory and not permissive unless a different definition appears in this Ordinance.

Acceptable Waste: means those Solid Wastes that are not prohibited from processing or disposal as defined by a Facility pursuant to local, State and federal laws, and include Mixed Municipal Solid Waste and Mixed Waste.

Authorized Representative: means an employee or agent of the WLSSD.

Assisted Living Facility: means a Housing with Services establishment providing assisted living services pursuant to Minn. Stat. Chapter 144G and issued a License by the Minnesota Department of Health.

Board: means the Sanitary Board established by Laws 1971, ch. 478, now codified as Minnesota Statute Chapter 458D.

Catering: means a business operation that prepares and serves food, including delivery of food from a commercial food establishment where there is no onsite preparation and/or service.

City: a statutory and home rule charter City or town located within the WLSSD.

Closure: means actions to prevent or minimize the threat to public health and the environment posed by a closed Facility including removing contaminated soil and equipment, removing liners, applying final cover, grading and seeding final cover, installing monitoring devices, constructing ground water and surface water diversion structures, and installing gas control systems, as necessary.

Collection or Collects: means the aggregation of garbage, Rubbish, other Mixed Municipal Solid Waste or Recyclable Materials from the place at which it is generated and includes all activities up to the time it is delivered to a Solid Waste Management Facility.

Collector: means the person or entity specifically licensed by the District or other government unit to collect and dispose of garbage, Rubbish, other Mixed Municipal Solid Waste or Recyclable Materials.

Commercial Site: means any business, commercial, industrial, institutional or governmental establishment. These include home-operated businesses, industries, commercial and institutional enterprises, and non-residential operations such as churches, nursing homes, nonprofit associations, schools, and other similar operations. A commercial site includes community, public, commercial, recreational or social special events which may serve food or beverages in recyclable packaging, and have expected attendance in excess of 100 people. If a Site has dwelling units, but also has one or more units not used for dwelling purposes, such as a store or a restaurant, then it is considered a Commercial Site.

Compost Facility: means a site used to compost or co-compost Solid Waste, including all structures or Processing equipment used to control drainage, collect and treat Leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.

Construction Debris: means Solid Waste resulting from construction, remodeling, repair, and erection of buildings and roads including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Construction Debris does not include asbestos wastes, auto glass, wood treated with chemical preservatives, furniture, lighting equipment, vermiculite, contaminated soil, firebrick, appliances, food waste, machinery, engine parts, paints, thinners solvents, varnishes, sludges, street sweepings, tar, petroleum products, ashes, carpet/padding if not affixed to a structure, mattresses, cardboard, adhesives, caulking, chemical containers, packaging, sealants, sandblasting waste, and applicators, brushes, containers, tubes, filters contaminated with these materials. Mixtures of Construction Debris and other Solid Waste are not Construction Debris.

Consumer: means an individual or entity that purchases food intended for human consumption.

Container: means a container for Solid Waste, Organic Waste or Recyclable Materials which meets the requirements set forth in this Ordinance.

Correctional Facility: means any facility with a minimum of 25 beds that confines offenders and is regulated by the Minnesota Department of Corrections or the Federal Bureau of Prisons and regularly prepares food on-site.

Curbside Collection: means a Mixed Municipal Solid Waste, Yard Waste, and/or Recyclable Materials Collection system whereby the Generators set Solid Waste Containers at the curb adjacent to a roadway or, where this is not practical, in locations easily accessible for Collection by a Collector.

Demolition Debris: means Solid Waste resulting from the demolition of buildings, roads, and other structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition Debris does not include asbestos wastes, auto glass, wood treated with chemical preservatives, furniture, lighting equipment, vermiculite, contaminated soil, firebrick, appliances, food waste, machinery, engine parts, paints, thinners solvents, varnishes, sludges, street sweepings, tar, petroleum products, ashes, carpet/padding if not affixed to a structure, mattresses, cardboard, adhesives, caulking, chemical containers, packaging, sealants, sandblasting waste, and applicators, brushes, containers, tubes, filters contaminated with these materials. Mixtures of Demolition Debris and other Solid Waste are not Demolition Debris.

Demolition Debris Land Disposal Facility: means a site used to Dispose of Demolition Debris.

Disposal or Dispose: means the discharge, deposit, injection, Dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

District: means the public corporation and political subdivisions of the state of Minnesota, established by Laws 1971, ch. 478, now codified as Minnesota Statute Chapter 458D.

Dumping: means the illegal placement of any waste, including Construction Debris, Demolition Debris, Hazardous Waste, Industrial Solid Waste, Mixed Municipal Solid Waste, or Recyclable Materials, anywhere other than in an approved Container or at a Solid Waste Management Facility during hours of operation.

Executive Director: means the Executive Director of the District, or the designee of the Executive Director.

Facility: See Solid Waste Management Facility.

Fee: means the Mixed Municipal Solid Waste Service Fee.

Financial Assurance: means monetary mechanisms that are used to assure proper Closure, post Closure care, and contingency action at a site or Facility.

Floor Area: the sum of the horizontal areas of all floors of a Grocery Store or Food Manufacturer or Processor structure measured from the interior face of the exterior walls.

Food Handling License: the license to prepare food issued by the Minnesota Department of Health or the county in which the business is located.

Food Manufacturer or Processor: is a business operation that generates Organic Waste and is primarily involved in the manufacture or processing of food products.

Generator: means any Person who generates or aggregates Solid Waste.

Grocery Store: means a place of business where fresh meat, fish, bakery products, fruits or vegetables are prepared or displayed for sale at retail or wholesale.

Hazardous Waste: means 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, and corrosives. Hazardous Waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Housing with Services: is defined in Minnesota Statutes Section 144D.01, subd. 4, and generally means an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment.

Hospital: is a public, private or non-profit acute care institution licensed pursuant to Minn. Stat. § 144.50 to 144.58, but does not include Nursing Homes.

Hospital Waste: means all Solid Waste generated by a hospital except Infectious Waste and Pathological Waste.

Industrial Organic Waste: means inedible, nonpaper waste generated in a large commercial or industrial operation that is compostable or usable as animal feed, and includes such materials as grain waste, fish hatchery waste, and expired food.

Industrial Solid Waste: means Solid Waste Generated from an industrial or manufacturing process and Solid Waste Generated from non-manufacturing activities such as service and Non-Residential establishments that is Collected, processed, and Disposed of as a separate waste stream. Industrial Solid Waste does not include office materials, restaurant and food preparation waste, discarded machinery, Demolition Debris, Mixed Municipal Solid Waste, combustor ash, or any Solid Waste co-disposed with other Solid Waste.

Industrial Solid Waste Land Disposal Facility: means a site used to Dispose of Industrial Solid Waste in or on the land.

Leachate: means liquid that has contacted or percolated through Solid Waste and has extracted, dissolved, or suspended materials from it.

Leachate Management System: means the structures constructed and operated to contain, transport, and treat Leachate, including liners, collection pipes, detection systems, holding areas, and treatment Facilities.

License: means authorization by the Board to conduct business services that may be limited to a specific period of time, specific person, and or a specific site in WLSSD.

Licensee: means the Person who has been issued a license by the County Board or the District to carry out any of the activities for which a license is required under the provisions of this Ordinance.

Major Appliance: means clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage Disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, freezers and other appliances designated by State law or the Ordinance.

Medical Waste: means waste originating from the diagnosis, care, or treatment of a Person or animal, or waste resulting from biological research, whether or not the waste has been rendered non-infectious.

Mixed Municipal Solid Waste: means,

- A. Solid Waste from residential, Non-Residential, industrial, and community activities that the Generator of the waste aggregates for Collection, except as provided in paragraph B.
- B. Mixed Municipal Solid Waste does not include auto hulks, street sweepings, ash, Construction Debris, mining waste, sludges, tree and agricultural wastes, Waste Tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and Disposed of as separate waste streams, but does include Source Separated Compostable Materials.

Mixed Municipal Solid Waste Service Fee: means a fee established by the Board payable by Generators to WLSSD for Solid Waste Management Services.

Mixed Municipal Solid Waste Land Disposal Facility: means a site used for the Disposal of Mixed Municipal Solid Waste in or on the land.

Mixed Municipal Solid Waste Services: means Collection, Transportation, Processing, or Disposal of Mixed Municipal Solid Waste Generated in WLSSD, including but not limited to regularly scheduled service, on-call service, one-time service, rental and other use of equipment such as Solid Waste containers, compactors, compactor boxes, and the like, and any other service that involves or facilitates Collection, Transportation, Processing, or Disposal of Solid Waste materials as Mixed Municipal Solid Waste. It does not include the sale of equipment used for the Collection, Transportation, Processing, or Disposal of Mixed Municipal Solid Waste. It does not include Collection, Transportation, or management of Recyclable Materials, Yard Waste, organic waste, source separated compostable materials, Problem Materials, or other waste materials when these materials are segregated by the Generator for the purpose of Recycling or composting and are delivered to a Recycling Facility or Compost Facility, or the sale, rental, or other use of equipment necessary to facilitate Collection, transportation, or management of these materials.

Mixed Paper: means white paperboard (white dry foods/material boxes), brown paperboard (cereal boxes), white and colored non-standard office paper (construction paper, cardstock), standard office paper, newspapers, magazines, discarded mail, which is free of all contaminants including, but not limited to, food residuals, plastic, foam waste, tissue paper, paper towels, and metals.

Mixed Waste: means Acceptable Waste that requires extraordinary methods to achieve compaction, and includes furniture, Construction Debris, and Demolition Debris.

Municipality: means an incorporated city or town within the WLSSD.

Non-Residential: means any use of property that does not qualify as Residential.

Nursing Home: is a facility or part of a facility which provides health evaluation and treatment of patients and residents who are not in need of an acute care facility but who require nursing supervision on an inpatient basis.

Open Burning: means burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere.

Operating License: means the license of all Persons in order to collect or transport waste that is generated within the District.

Operator: means the Person responsible for the operation of a Solid Waste Management Facility.

Organic Waste: means animal and vegetable waste which results from the storage, preparation, cooking, handling, selling or serving of food.

Owner and Occupant: mean the person(s) or entity(s) which hold legal or beneficial title to a property and the person(s) or entity(s) which have or exercise possession or occupancy of a property, respectively.

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, but does not include the Minnesota Pollution Control Agency.

Post Secondary School: is a public or private facility for educating students beyond the high school level.

Pre-Consumer Waste: means Organic Waste created on the commercial premises prior to the sale or delivery of food to a consumer.

Problem Material: has the meaning provided in Minn. Stat. §115A.03(24a).

Processing: means the treatment of Solid Waste after Collection and before Disposal. Processing includes but is not limited to reduction, separation, exchange, resource recovery, physical, chemical, or biological modification.

Prunings: means brush, tree waste and cuttings larger than one-fourth of an inch (¼”) in diameter.

Putrescible Material: means Solid Waste that is capable of rotting or is in a foul state of decay or decomposition.

Radioactive Waste Management Facility: means a geographic site, including buildings, structures, and equipment in or upon which radioactive waste is retrievably or irretrievably

Disposed by burial in soil or permanently stored. An independent spent-fuel storage installation located on the site of a Minnesota nuclear Generation Facility for dry cask storage of spent nuclear fuel Generated solely by that Facility is not a Radioactive Waste Management Facility.

Recovery: means the process where source separated food or other organic waste is converted into useable byproducts.

Recovery Facility: includes a Compost Facility, an agricultural operation that uses the Organic Waste as animal feed, or any other facility that beneficially reuses Organic Waste and is approved by the Executive Director as an Organic Waste Recovery Facility.

Recovery Service: is the collection and transportation of Organic Waste by a Collector licensed to collect Organic Waste, and the beneficial reuse of the Organic Waste by a Recovery Facility.

Recycling Facility: means a Facility used to aggregate, process, or market Recyclable Materials.

Recyclable Materials: means materials that are separated from Mixed Municipal Solid Waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, and source-separated compostable materials such as Organic Waste. Refuse-derived fuel or other material that is destroyed by incineration is not a Recyclable Material. The Executive Director shall establish and post a list of specific Recyclable Materials. The list may be revised as often as the Executive Director deems necessary. Each list shall be effective upon publication once in a newspaper having general circulation in the District.

Recycling: means the process of Collecting and preparing Recyclable Materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of Recyclable Materials in a manner that precludes further use.

Recycling Opportunities: An opportunity to recycle must include:

- A. A local Recycling center in the County and sites for collecting Recyclable Materials that are located in areas convenient for Persons to use them;
- B. Curbside pickup, centralized drop-off, or a local Recycling center for at least four broad types of Recyclable Materials in cities with a population of 5,000 or more Persons; or
- C. Monthly pickup of at least four broad types of Recyclable Materials in cities of the first and second class and cities with 5,000 or more population in the metropolitan area.

Refuse: means putrescible and non-putrescible Solid Wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, waste combustor ash, street cleanings, and market and industrial Solid Wastes, and including municipal treatment wastes which do not contain free moisture.

Release: means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, Dumping, or Disposing into the environment which occurred at a point in time or which continues to occur.

Release does not include:

- A. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine;
- B. Release of source, by-product, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under United States Code, title 42, section 2014, if the Release is subject to requirements with respect to financial protection established by the federal Nuclear Regulatory Commission under United States Code, title 42, section 2210;
- C. Release of source, by-product or special nuclear material from any Processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under United States Code, title 42, section 7912(a)(1) or 7942(a); or
- D. Any Release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or Disposal of emptied pesticide containers or residues from a pesticide as defined in section 18B.01, subdivision 18.

Residential: means a single family home, a duplex, a tri-plex, a four-plex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or any other Residential Building as determined by WLSSD.

Residential Building: means a structure used for Residential purposes.

Residential Property: means property on which a single family home, a duplex, a tri-plex, a four-plex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or any other Residential Building as determined by WLSSD is located.

Residential Rate: means the rate of the Fee imposed on a Person who pays for Mixed Municipal Solid Waste Services for Mixed Municipal Solid Waste Generated from a Residential Property.

Restaurant: is a place of business where food is served for consumption and includes the kitchen or food preparation area of that business.

Rubbish: means 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. Rubbish does not include Recyclable Materials.

Self-Hauler: means a Person who transports for Disposal its own Mixed Municipal Solid Waste.

Service Area: means a geographical area within the County, established by resolution of the Board, to receive Solid Waste Management Services pursuant to Minnesota Statute Section 400.08.

Site: means the spatial location of a proposed or actual Solid Waste Management activity or Solid Waste Management Facility.

Solid Waste: means Mixed Municipal Solid Waste, 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, Non-Residential, 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.

Solid Waste Administrator: means the individual assigned by WLSSD to oversee and direct the activities of Solid Waste Management.

Solid Waste Land Disposal Facility: means a Facility used to Dispose of Solid Waste in or on the land.

Solid Waste Management: means activities that are intended to affect or control the Generation of Solid Waste and activities which provide for or control the Collection, Transportation, Processing, treatment, and Disposal of waste.

Solid Waste Management Facility: means a Facility for the storage, Collection, Transportation, Processing or reuse, conversion, or Disposal of Solid Waste.

Solid Waste Management Facility Rate: means the rate of the Fee imposed on a Person who pays for Mixed Municipal Solid Waste Services for Mixed Municipal Solid Waste delivered to a Solid Waste Management Facility.

Solid Waste Management Fee: is the charge established by the District Board, payable to the District for Solid Waste Management Services provided within a Service Area.

Solid Waste Management Plan: means WLSSD Solid Waste Management Plan developed, adopted, and approved under Minn. Stat. §115A.46 or Chapter 458D.

Solid Waste Management Services: includes all activities provided by the District or by Persons under contract with the District which support the waste management responsibilities, described in Minnesota Statutes Chapters 115A and 458D and Section 400.08 including, but not limited to, waste reduction and reuse; waste recycling; composting of yard waste and food waste; resource recovery through Mixed Municipal Solid Waste composting or incineration; land disposal; public education; and management of Problem Materials, and household hazardous waste.

Solid Waste Ordinance or Ordinance: means the Solid Waste Ordinance adopted by WLSSD.

Solid Waste Processing Facility: means a site used for Processing Solid Waste.

Source Separated Recyclable Material: means Recyclable Materials separated by the Generator prior to Collection for Recycling.

State: means the State of Minnesota.

Transfer Station: means an intermediate waste Facility in which waste collected from any source is temporarily deposited to await Transportation to another waste Facility.

Transportation or Transports: means the conveying of Solid Waste from one place to another.

Unacceptable Waste: means Solid Waste designated as Unacceptable Waste by regulation of the District or by the District Solid Waste Management Plan or which cannot be accepted for processing or disposal pursuant to local, State and federal laws.

Waste Stream: means the process or system by which waste is moved from the point of generation to the point of disposal by a Collector or Person.

Waste Tire: means a pneumatic tire or solid tire for motor vehicles that has been discarded or that can no longer be used for its original intended purpose because of wear, damage, or defect.

Waste Tire Collection Site: means a WLSSD licensed and MPCA permitted site or a site exempted from license or permit, used for the storage of Waste Tires.

Waste Tire Facilities: means an area where more than 50 Waste Tires or an equivalent amount of tire derived products are collected, deposited, stored, or processed. The incidental storage of tire-derived products at the site of final use does not make the site a Waste Tire Facility.

Waste Tire Processing Facility: means a licensed Solid Waste Management Facility used for the shredding, slicing, producing, or manufacturing of usable materials, including fuel, from Waste Tires including incidental temporary storage activity. Processing does not include the retreading of Waste Tires.

WLSSD: means the Western Lake Superior Sanitary District, also referred to as “District.”

Yard Waste: means the garden wastes, leaves, lawn cuttings, weeds, and prunings generated at residential or Non-Residential Properties.

Yard Waste Facility: means a Facility used to Dispose of Yard Waste.

SECTION 2.2 RULES, WORD USAGE

Masculine and Feminine Gender: The masculine gender includes the feminine and neuter genders.

Normal Work Days: The days that WLSSD Administrative offices are open to the public for business.

Singular and Plural: Words used in the singular include the plural, and the plural includes the singular.

Tenses: Words used in the present tense include the future.

SECTION 3 GENERAL PROVISIONS & ADMINISTRATIVE PROCEDURES; ENFORCEMENT; FEES; LICENSES SUSPENSION AND REVOCATION

SECTION 3.1 FEES

3.1.1 Application Fee

An application fee, the amount to be determined by the District and approved by the Board, shall be established to process the license application and review all plans and specifications and shall accompany the application.

3.1.2 License Fees

License fees shall be set by the Board.

3.1.3 Fee for Service

A fee for service and other such fees, as determined by the District to be appropriate and in addition to the aforementioned fees, may be established and approved by the Board.

SECTION 3.2 HIGHEST STANDARDS PREVAIL

Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any provision of this Ordinance or any other applicable law, ordinance, rule and regulation, the provision that establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall prevail.

SECTION 3.3 ORDINANCE VIOLATIONS; ENFORCEMENT ACTIONS

The WLSSD may enforce violations of this Ordinance with any actions set forth in this Ordinance, including the actions listed in this Section. A violation of the Solid Waste Ordinance is a misdemeanor, but the WLSSD may choose to gain compliance by the violator with this Ordinance prior to, or instead of, commencement of formal civil or criminal court action.

The District may issue a Letter of Warning to any Person alleged to have committed a violation of this Ordinance. A Letter of Warning shall serve to place the Person on notice that compliance with specified Ordinance requirements must occur to avoid additional enforcement actions. A Letter of Warning may be in the form of an Inspection report for a licensed facility. A Letter of Warning may be served in person or by mail. A Letter of Warning is not required before issuance of a Notice of Violation.

The District may issue a Notice of Violation (NOV) to any Person alleged to have committed a violation of this Ordinance. A NOV shall serve to place the Person alleged to have committed a violation on notice that compliance with specified Ordinance requirements must occur to avoid additional enforcement actions. The NOV may specify certain deadlines or timeframes within which corrective action must be taken. The NOV may be served in person or by mail on the Person(s) alleged to have committed a violation of this Ordinance.

3.3.1 Formal Citations

Any Person who fails to comply with the provisions of this Ordinance may be imprisoned for up to ninety (90) days or required to pay a fine or civil penalty of up to \$1,000, or both in accordance with Minn. Stat. § 458D.18(4). A separate offense shall be deemed committed each day during or on which a violation occurs or continues. An Authorized Representative of the District, or any licensed peace officer, shall have the power to issue Citations for violations of this Ordinance, but shall not be permitted to physically arrest or take into custody any violator except on a warrant duly issued by the Court.

- A. Issuance of the Citation. Citations shall be issued to the Person alleged to have committed the violation either by personal delivery or by certified mail. In the case of a public, private or municipal corporation, the formal citation shall be issued to any officer or agent with express or implied authorization to accept such issuance.
- B. Notice of Formal Citation. Citations shall be made out in triplicate (3). One copy shall be issued to the Person alleged to have committed the violation; one copy shall be retained by the District; and one copy shall be filed with the District Court, Sixth Judicial District.
- C. Form of Citation. Formal Citations shall be on such form(s) as approved by the District and shall contain at least the following:
1. The name and address of the Person alleged to have committed the violation and, when known, the owner or Person in charge of the premises at which the violation occurred.
 2. The date, time (if known) and place of violation.
 3. A short description of the violation followed by reference to the Section of this Ordinance violated.
 4. The name of Person issuing the formal citation.
 5. The date and place at which the Person receiving the formal citation shall appear in Court and a notice that if such Person does not respond a warrant may be issued for such Person's arrest.
 6. Such other information as the Court may specify.
- D. Court Appearance. The Person charged with the violation shall appear at the place and on the date specified in the formal citation and either:
1. Plead guilty to the formal citation and meet the requirements of the sentencing order issued by the court; or
 2. Plead not guilty to the formal citation and schedule a court date for further hearing or trial on the formal citation.
- E. Failure to Appear on the Formal Citation. If the Person charged with the violation does not appear at the place and on the date specified on the formal citation a bench warrant may be issued by the Court.
- F. Complaint. If the Person issued the formal citation and charged with the violation fails to appear as required by the formal citation, the formal

citation may be referred to the WLSSD general counsel for issuance of a summons and complaint.

3.3.2 Administrative Citation

- A. Purpose. The Board seeks to offer an alternative process of enforcement for less serious Solid Waste violations rather than relying on the criminal court system. The formal criminal prosecution process does not adequately address the unique and sensitive issues that are involved in Solid Waste violations, including, but not limited to environmental concerns, neighborhood concerns, livability issues, economic impact, and the stigma and unintended consequences of being charged with or convicted of a misdemeanor offense. Further, the court system is a slow, overburdened and methodical process that is not conducive to dealing with the violations in a prompt and timely manner. Finally, the penalties afforded by the criminal court system are restricted to fines or physical confinement, which may not be effective solutions to address these violations.
- B. Additional Method of Enforcement. The administrative citation proceeding is in addition to any other legal or equitable remedy available to WLSSD for Solid Waste Ordinance violations. The District, in its discretion, may choose not to issue an administrative citation and may instead initiate alternative methods of enforcement.
- C. Authority to Issue Compliance Letters and Administrative Citations. The Executive Director, or his or her designee, is authorized to issue compliance letters and administrative citations for violations of this Ordinance.
- D. Compliance Letter.
 - 1. Contents of Compliance Letter. If the Executive Director determines that a Solid Waste Ordinance violation has occurred, when appropriate, a compliance letter may be issued to the violator, including without limitation the person committing the violation, the owner of the property, Generator, Collector or Commercial Site (collectively referred to in section 3.3.2 as “Generator”). The compliance letter shall contain the following information:
 - a. A description or address of the property or location at which the Solid Waste Ordinance violation has occurred;
 - b. The nature of the violation, including a reference to the appropriate Solid Waste Ordinance section;
 - c. A compliance deadline, providing a reasonable time for compliance based on the nature of the violation;

- d. A statement that the Generator's failure to correct the violation may result in the imposition of an administrative citation, including a civil penalty as provided in Section 3.3.2 J.
2. Service of Compliance Letter. The compliance letter shall be served on the Generator by regular mail sent to the last known legal address or by personal service.
3. Reasonable Extensions. Following service of the compliance letter, the District shall attempt to work with the recipient of the compliance letter to resolve the violation, including but not limited to offering reasonable extensions for compliance.

E. Administrative Citation

1. If the recipient of a compliance letter fails to correct the violation specified in the compliance letter within the time frame established in the compliance letter or any extension thereof, an administrative citation may be issued to the Generator. The administrative citation shall be served on the Generator by regular mail or personal service and shall contain the following information:
 - a. A description or address of the property on which the violation occurred;
 - b. A copy of the relevant portion of the Solid Waste Ordinance that the Generator is alleged to have violated;
 - c. The amount of the administrative civil penalty for the violation, which shall be due and payable to WLSSD within thirty (30) days of the date the citation is mailed or personally served;
 - d. A statement that the violation must be corrected or a subsequent administrative citation or alternative enforcement method may be issued;
 - e. A statement that the Solid Waste Ordinance violation and the amount of the administrative civil penalty may be contested as provided in Section 3.6 by notifying the Executive Director in writing within ten (10) days after the citation was mailed or personally served; and
 - f. A statement that if the Generator contests the validity of the violation and the Generator is found by the hearing examiner

to be in violation, that the Generator will pay \$100 toward the cost of the hearing.

- F. Payment of Penalty and Correction of Violation. If the Generator pays the administrative civil penalty and corrects the violation, no further action will be taken against the Generator for that same violation.
- G. Payment of Penalty with No Correction of Violation. If the Generator pays the administrative civil penalty but fails to correct the Solid Waste Ordinance violation, the District may issue a subsequent administrative citation, or initiate alternative methods of enforcement to enforce correction of the violation.
- H. No Payment of Penalty and No Correction of Violation. If the Generator fails to pay the administrative civil penalty and fails to correct the Solid Waste Ordinance, the District may use any of the alternative methods of enforcement available including issuance of a subsequent administrative citation, thereby commencing a new administrative penalty process; issuance of a formal citation, issuance of an administrative penalty order; initiation of criminal proceedings; initiation of any other enforcement action authorized by law.
- I. Appeal. Any person receiving an administrative citation may contest the alleged violation and the amount of the administrative civil penalty. In order to contest any part of the administrative citation, the Generator must notify the Executive Director in writing within ten (10) calendar days after the citation is mailed or personally served stating that the Generator contests the alleged violation, the amount of the penalty or both.
- J. Schedule of Administrative Civil Penalties. Unless modified by a fee schedule adopted by resolution of the Board, the amount of the administrative civil penalty for a violation of this Ordinance is \$250.00.

3.3.3 Abatement

In the event of an emergency abatement by the District as described in Section 3.3.3 E below, or if a property owner does not complete Corrective Actions within the timelines given in a NOV, a Stipulation Agreement or a court order, the District may issue an abatement notice to the property owner. In addition, the District has the authority to enter the property and perform the corrective actions and recover the costs of the same from the property owner. The abatement procedures are described below:

A. Abatement Notice

1. Contents of Abatement Notice. An Abatement Notice shall include the following:
 - a. Notice that the property owner has not completed the Corrective Actions within the time period required in the attached NOV(s), Stipulation Agreement or court order,
 - b. Notice that the District or its agent intends to enter the property and commence abatement of the conditions on the property that violate this Ordinance in thirty days,
 - c. Notice that the property owner must correct the violation(s) before thirty days to avoid any civil liability for the costs of Inspection and abatement that WLSSD may incur; and
 - d. A statement that if the property owner desires to appeal, the property owner must file a request for an appeal hearing with the Board that meets the requirements of Section 3.3.3 B below on WLSSD within ten (10) working days, exclusive of the day of service.
2. Service. The Abatement Notice must be served on a property owner by U.S. mail or personal service. Service by U.S. mail shall be deemed complete upon mailing. If the property owner is unknown or absent and has no known representative upon whom the Abatement Notice can be served, the District shall post the Abatement Notice at the property.

B. Right to Appeal the Abatement Notice

1. Request for Hearing. The property owner's request for a hearing must be in writing and must state the grounds for appeal and be served on the Executive Director by midnight of the 10th working day following service of the Abatement Notice. Following receipt of a request for a hearing, the Board shall set a time and place for the hearing to be held pursuant to Section 3.6 below.
2. Stay of Notice. Pending the appeal hearing and final determination by the Board the District shall take no further action on the Abatement Notice.

C. Abatement by the WLSSD

In the event a property owner does not abate the Ordinance violations or does not appeal the Abatement Notice within the applicable time period, the District may expend funds necessary to abate the violation(s).

D. Recovery of Abatement Costs

1. The District may pursue recovery of all costs, including enforcement costs, from the property owner for abatement incurred by WLSSD, by any means allowable by law. The cost of any enforcement action may be assessed and charged against the real property on which the violations are located.
2. The District shall keep a record of the costs of abatements done under this Ordinance and report all work done for which assessments are to be made, stating and certifying the description of the land, lots or parcels involved and the amount assessable to each to the Board.
3. On or before September 1 of each year, the Board shall list the total unpaid charges for each abatement made against each separate lot or parcel to which they are attributable under this Ordinance. The Board may then spread the charges or any portion thereof against the property involved as a special assessment, for certification to the County Auditor and for collection the following year along with current taxes.

E. Emergency Abatement. Notwithstanding the requirements of Section 3.3.3.A&B, in the event of an imminent threat to the public's health, welfare and safety, the District shall have the authority to immediately enter property and abate the violations and recover the costs as set out in Section 3.3.3.C&D. The District shall attempt to give verbal notice to the property owner immediately, if possible, and in writing within 10 work days. The property owner shall have the right to appeal the assessment of costs to the Board pursuant to Section 3.6.

3.3.4 Administrative Penalty Order

A. Authority. The Western Lake Superior Sanitary District ("District") is authorized under Minn. Stat. § 115A.554 to exercise the authority of a county under Minn. Stat. § 116.072. This ordinance is enacted pursuant to the authority contained in Minn. Stat. § 116.072 for the purpose of allowing the District to issue Administrative Penalty Orders for violations of District ordinances and regulations adopted under Minnesota Statutes Chapter 115A or Minn. Stat. §§ 400.16 or 400.161 that regulate Solid and/or Hazardous

Waste and any standards, limitations, or conditions established in a District license issued pursuant to District ordinances or regulations.

B. Issuance of Administrative Penalty Orders for Violations Relating to Hazardous Waste

1. Penalty Authority for Hazardous Waste. The procedures set forth in Section 3.3.4.C. shall apply to issuance of Administrative Penalty Orders for violations of ordinances or regulations relating to Hazardous Waste and any standards, limitations, or conditions established in a District license issued pursuant to District ordinances or regulations.
2. Amount of Penalty; Considerations
 - a. The Board may issue an order assessing a penalty up to \$10,000 for all violations identified during an inspection or other compliance review.
 - b. In determining the amount of a penalty the Board may consider:
 - (1) the willfulness of the violation;
 - (2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;
 - (3) the history of past violations;
 - (4) the number of violations;
 - (5) the economic benefit gained by the Person by allowing or committing the violation; and
 - (6) other factors as justice may require, if the Board specifically identifies the additional factors in the Board's order.
 - c. For a violation after an initial violation, the Board shall, in determining the amount of a penalty, consider the following factors in addition to those contained in Section 3.3.4.B.2.(b):

- (1) similarity of the most recent previous violation and the violation to be penalized;
 - (2) time elapsed since the last violation;
 - (3) number of previous violations; and
 - (4) response of the Person to the most recent previous violation identified.
3. Contents of Order. An order assessing an administrative penalty under this ordinance shall include:
 - (1) a concise statement of the facts alleged to constitute a violation;
 - (2) a reference to the section of the statute, rule, ordinance, variance, order, stipulation agreement, or term or condition of a permit or license that has been violated;
 - (3) a statement of the amount of the administrative penalty to be imposed and the factors upon which the penalty is based; and
 - (4) a statement of the Person's right to review of the order.
4. Order.
 - a. The Board may issue an order assessing a penalty and requiring the violations cited in the order to be corrected within 30 calendar days from the date the order is received.
 - b. The Person to whom the order was issued shall provide information to the Board before the 31st day after the order was received demonstrating that the violation has been corrected or that appropriate steps toward correcting the violation have been taken. The Board shall determine whether the violation has been corrected and notify the Person subject to the order of the Board's determination.
5. Forgivable Penalty. Except as provided in Section 3.3.4.B.6., if the Board determines that the violation has been corrected or appropriate steps have been taken to correct the action, the penalty must be forgiven. Unless the Person requests review of the order under Section 3.3.4.D.1. or 3.3.4.D.2. before the penalty is due, the penalty in the order is due and payable;

- (1) on the 31st day after the order was received, if the Person subject to the order fails to provide information to the Board showing that the violation has been corrected or that appropriate steps have been taken to correct the violation; or
- (2) on the 20th day after the Person receives the Board's determination under Section 3.3.4.B.4.b. if the Person subject to the order has provided information to the Board that the Board determines it not sufficient to show the violation has been corrected or that appropriate steps have been taken to correct the violation.

6. Non-forgivable Penalty. For a repeated or serious violation, the Board may issue an order with a penalty that will not be forgiven after the corrective action is taken. The penalty is due no later than 31 days after the order was received unless review of the order under Section 3.3.4.D of this ordinance has been sought.

C. Issuance of Administrative Penalty Orders for Violations Relating to Solid Waste.

1. Penalty Authority for Solid Waste Violations. The following procedures shall apply to issuance of Administrative Penalty Orders for violations of ordinances or regulations relating to Solid Waste and any standards, limitations, or conditions established in a District license issued pursuant to District Solid Waste ordinances or regulations. The Board may issue an Order and assess a penalty for all violations relating to Solid Waste identified during an inspection or other compliance review in accordance with the provisions of Section 3.3.4.C.
2. Letter of Warning. If a violation is identified by the District during an inspection or other compliance review, the District shall issue a Letter of Warning in writing informing the Person of such violation before the District may issue a Notice of Violation or Administrative Penalty Order.
3. Notice of Violation. Following the issuance of a Letter of Warning, the District may issue a Notice of Violation for violations identified during the inspection or other compliance review. No penalty shall be assessed in the Notice of Violation. The Notice of Violation shall require that violations cited in the Notice of Violation be corrected within 30 calendar days from the date the Notice of Violation is received. The Notice of Violation shall further require the Person to whom the Notice of Violation is issued to provide information to the District before the 31st day after the Notice of Violation was received demonstrating that the violation has been corrected or that appropriate steps to correct the violation have been taken. The Board

shall determine whether the violation has been corrected and notify the Person subject to the Notice of Violation of the Board's determination. If the Board finds that the conditions of Section 3.3.4.C.4.(a)(3) are satisfied, the Board may proceed directly to Section 3.3.4.C.4.(b) without issuing a Notice of Violation.

4. Order.

a. The Board may issue an Order as described in Section 3.3.4.B.4. and assess a penalty that may not exceed \$2,000 if the Board finds that:

- (1) the violations cited in the Notice of Violation are not corrected;
- (2) appropriate steps have not been taken to correct the violations cited in the Notice of Violation; or
- (3) the gravity of the violations and their potential for damage to, or actual damage to, public health or the environment are such that action under this paragraph is warranted.

b. The Board may issue an Order as described in Section 3.3.4.B.4. and assess a penalty that may not exceed \$5,000 if the Board finds that:

- (1) the violations cited in the Order issued under Section 3.3.4.B.4(a) are not corrected;
- (2) appropriate steps have not been taken to correct the violations cited in the Order issued under Section 3.3.4.B.4(a); or
- (3) the gravity of the violations and their potential for damage to, or actual damage to, public health or the environment are such that action under this paragraph is warranted.

5. Amount of Penalty.

a. In determining the amount of a penalty the Board may consider:

- (1) the willfulness of the violation;

- (2) the gravity of the violation, including damage to humans, animals, air, water, land, or other natural resources of the state;
 - (3) the history of past violations;
 - (4) the number of violations;
 - (5) the economic benefit gained by the Person by allowing or committing the violation; and
 - (6) other factors as justice may require, if the Board specifically identifies the additional factors in the Board's order.
- b. For a violation after an initial violation, the Board shall, in determining the amount of a penalty, consider the following factors in addition to those contained in Section 3.3.4.C.5.(a):
- (1) similarity of the most recent previous violation and the violation to be penalized;
 - (2) time elapsed since the last violation;
 - (3) number of previous violations; and
 - (4) response of the Person to the most recent previous violation identified.
6. Forgivable Penalty. Except as provided in Section 3.3.4.C.7., if the Board determines that the violation has been corrected or appropriate steps have been taken to correct the action, the penalty must be forgiven. Unless the Person requests review of the order under Section 3.3.4.D.1 or 3.3.4.D.2. before the penalty is due, the penalty in the order is due and payable:
- (1) on the 31st day after the order was received, if the Person subject to the order fails to provide information to the Board showing that the violation has been corrected or that appropriate steps have been taken to correct the violation; or
 - (2) on the 20th day after the Person receives the Board's determination under Section 3.3.4.B.4.b. if the Person subject to the order has provided information to the Board that the Board determines is not sufficient to show the

violation has been corrected or that appropriate steps have been taken to correct the violation.

7. Non-forgivable Penalty. Notwithstanding the provisions in Section 3.3.4.C.3. and 3.3.4.C.4., for a repeated or serious violation, the Board may issue an order with a penalty that may not exceed \$5,000 that will not be forgiven after the corrective action is taken. The penalty is due no later than 31 days after the order was received unless review of the order under Section 3.3.4.D. of this ordinance has been sought.
8. Limitation. This Section will not be enforced in any city or town within the District that adopts a resolution requesting exclusion from enforcement for solid waste violations and confirming that the city or town has adopted solid waste ordinances which the city or town will enforce within its own jurisdiction.

D. Review of Administrative Penalty Orders.

1. Expedited Administrative Hearing.
 - (a) Within 30 days after receiving an order or within 20 days after receiving notice that the Board has determined that a violation has not been corrected or appropriate steps have not been taken, the Person subject to an order under this ordinance may request an expedited hearing, utilizing the procedures of Minnesota Rules, parts 1400.8510 to 1400.8612, to review the Board's action. The hearing request must specifically state the reasons for seeking review of the order. The Person to whom the order is directed and the Board are the parties to the expedited hearing. The Board must notify the Person to whom the order is directed of the time and place of the hearing at least 20 days before the hearing. The expedited hearing must be held within 30 days after a request for hearing has been filed with the Board unless the parties agree to a later date.
 - (b) All written arguments must be submitted within ten days following the close of the hearing.
 - (c) The administrative law judge shall issue a report making recommendations about the Board's action to the Board within 30 days following the close of the record. The administrative law judge may not recommend a change in the amount of the proposed penalty unless the administrative law judge determines that, based upon the factors in Section

3.3.4.B.2. or 3.3.4.C.5., the amount of the penalty is unreasonable.

- (d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the Board may add to the amount of the penalty the costs charged to the District by the offices of administrative hearings for the hearing.
- (e) If a hearing has been held, the Board may not issue a final order until at least five days after receipt of the report of the administrative law judge. The Person to whom an order is issued may, within those five days, comment to the Board on the recommendations and the Board will consider the comments. The final order may be appealed in the manner provided in Minn. Stat. §§ 14.63 to 14.69.
- (f) If a hearing has been held and a final order issued by the Board, the penalty shall be paid by 30 days after the date the final order is received unless review of the final order is requested under Minn. Stat. §§ 14.63 to 14.69. If review is not requested or the order is reviewed and upheld, the amount due is the penalty, together with interest accruing from 31 days after the original order was received at the rate established in Minn. Stat. § 549.09.

2. District Court Hearing.

- (a) Within 30 days after the receipt of an order from the Board or within 20 days of receipt of notice that the Board has determined that a violation has not been corrected or appropriate steps have not been taken, the Person subject to an order under this ordinance may file a petition in district court for review of the order in lieu of requesting an administrative hearing under Section 3.3.4.D.1. The petition shall be filed with the court administrator with proof of service on the Board. The petition shall be captioned in the name of the Person making the petition as petitioner and the Board as respondent. The petition shall state with specificity the grounds upon which the petitioner seeks rescission of the order, including the facts upon which each claim is based.
- (b) At trial, the Board must establish by a preponderance of the evidence that a violation subject to this ordinance occurred, the petitioner is responsible for the violation, a penalty assessed as provided for under Sections 3.3.4.B.6., 3.3.4.C.7, 3.3.4.E.1.(d) is justified by the violation, and the

factors listed in Section 3.3.4.B.2. or 3.3.4.C.5. were considered when the penalty amount was determined and the penalty amount is justified by those factors.

3. Mediation. In addition to review under Section 3.3.4.D.1. or 3.3.4.D.2., the Board is authorized to enter into mediation concerning an order issued under this ordinance if the Board and the Person to whom the order is issued both agree to mediation. If a penalty is agreed to by the parties in mediation, it will accrue interest from thirty-one (31) days after the original order was received at the rate established in Minn. Stat. §549.09.

E. Enforcement, Remedies and General Provisions.

1. Enforcement.
 - (a) The District may proceed to enforce penalties that are due and payable under this ordinance in any manner provided by law for the collection of debts.
 - (b) The District may petition the district court to file the administrative order as an order of the court. At a court hearing, the only issues parties may contest are procedural and notice issues. Once entered, the administrative order may be enforced in the same manner as a final judgment of the district court.
 - (c) If a Person fails to pay the penalty, the District may bring a civil action in district court seeking payment of the penalties, injunctive, or other appropriate relief including monetary damages, attorney fees, costs and interest.
 - (d) Interest at the rate established in Minn. Stat. § 549.09 begins to accrue on penalties under this ordinance on the 31st day after the order with the penalty was received.
 - (e) The Board may delegate to the Executive Director ministerial acts under this ordinance.
2. Revocation and Suspension of Permit. The failure of a Person to pay a penalty owed under this ordinance shall constitute sufficient grounds for the Board to revoke or refuse to reissue or renew a permit or license issued by the District.
3. Cumulative Remedy. The authority of the Board to issue an Order assessing penalties is in addition to other remedies available under

statutory or common law, except that the Board may not seek civil penalties under any other provision of law for the violations covered by the Administrative Penalty Order. The payment of a penalty does not preclude the use of other enforcement provision, under which penalties are not assessed, in connection with the violation for which the penalty was assessed.

4. Use of Penalties Collected. Monetary penalties collected pursuant to this Ordinance must be used by the Board to manage Solid and Hazardous Waste.

3.3.5 Stipulation Agreement

Prior to the initiation of a civil court action the District and a Person alleged to have violated provision(s) of this Ordinance may voluntarily enter into a Stipulation Agreement, whereby the parties to the agreement: identify conditions on the property that require Corrective Action; agree on the Corrective Actions that must be performed by the Person; and agree on the timelines in which the Corrective Actions must be completed. If the timelines have not been met as agreed in the Stipulation Agreement, the District may abate the violations in accordance with Sections 3.3.4. The parties may seek compliance with the terms of the Stipulation Agreement through a court of competent jurisdiction.

3.3.6 License Suspensions and Revocations

The Board may suspend or revoke a license for violations of this Ordinance, in accordance with the requirements of Section 3.5 below. The District may issue an emergency suspension of a license for violations of this Ordinance, in accordance with the requirements of Section 3.5.2 below.

3.3.7 Commencement of a Civil Court Action

In the event of a violation or a threat of violation of this Ordinance, the Board may also institute other appropriate civil actions or proceedings in any court of competent jurisdiction, including requesting injunctive relief, to prevent, restrain, correct or abate such violations or threatened violations. WLSSD may recover all costs, including reasonable attorney's fees, incurred for enforcement of this Ordinance through a civil action. If a property owner does not complete the Corrective Actions within the timelines in a court order, the District may correct the violations and the District has the authority to enter the property and perform the Corrective Actions. The District may recover the costs of the same from the property owner through the court process or through the process set out in Sections 3.3.3.

SECTION 3.4 APPEALS

Unless otherwise specified in a particular section herein, the time for appeal of any decision adverse to a Person is twenty (20) days from the date of notice of the decision challenged.

SECTION 3.5 LICENSE SUSPENSION AND REVOCATION

3.5.1 Suspension

- A. Any license required under this Ordinance may be suspended by the Board for violation of any provision of this Ordinance. Upon written notice to the Licensee said license may be suspended by the Board for a period not longer than sixty (60) days or until the violation is corrected, whichever is shorter.
- B. Such suspension shall not occur earlier than ten working days after written notice of suspension by the Board has been served on the Licensee or, if a hearing is requested, until written notice of the determination of the Board action has been served on the Licensee. Notice to the Licensee shall be served personally or by registered or certified mail at the address designated in the license application. Such written notice of suspension shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations has occurred, and a statement that if the Licensee desires to appeal, Licensee must within ten (10) working days, exclusive of the day of service, file a request for an appeal hearing with the Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail to the District by midnight of the 10th working day following service of the Notice of Suspension. Following receipt of a request for a hearing, the Board shall set a time and place for the hearing to be held pursuant to Section 3.6 below.
- C. Continued Suspension. If said suspension is upheld and the Licensee has not demonstrated within the sixty (60) day period that the provisions of the Ordinance have been complied with, the Board may serve notice of continued suspension for up to sixty (60) days or initiate revocation procedures.

3.5.2 Emergency Suspension

- A. If the District finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect in its order, emergency suspension of a license may be ordered by the District upon written notice to the facility, with a copy to the Board. The Board must make a determination if the emergency suspension should be ratified at its next board meeting. Written notice of such emergency suspension shall be personally served on the Licensee, or shall be served by certified mail to said Licensee at the address designated in the license application. In

addition, the District may post copies of the notice of emergency suspension of the license at the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this Section.

- B. The written notice in such cases shall state the effective date of the emergency suspension and the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations has occurred and a statement that if the Licensee desires to appeal, the Licensee must, within ten (10) working days, exclusive of the day of service, file a request for a hearing with the Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the Board, with a copy to the District, by midnight of the 10th working day following service. Following receipt of a request for an appeal, the Board shall set a time and a place for the hearing to be held pursuant to Section 3.6 below.
- C. The emergency suspension shall not be stayed pending an appeal to the Board or an informal review by the Executive Director, but shall be subject to dismissal upon a favorable re-inspection by the District or favorable appeal to the Board.

3.5.3 Suspension Re-Inspections

Upon written notification from the Licensee that all violations for which a suspension or emergency suspension was invoked have been corrected, the District shall re-inspect the facility or activity within a reasonable length of time, but in no case more than three (3) working days after receipt of the notice from the Licensee. If the District finds upon such re-Inspection that the violations constituting the grounds for the suspension have been corrected, the District shall immediately dismiss the suspension subject to Board ratification at its next meeting, by written notice to the Licensee, served personally or by certified mail on the Licensee at the address designated in the license application, with a copy to the Board. The Board must make a determination at its next Board meeting about whether the violations have been corrected and whether the District's decision to reinstate the license should be ratified.

3.5.4 Revocation

- A. Any license granted pursuant to this Ordinance may be revoked by the Board for violation of any provision of this Ordinance.
- B. Revocation shall not occur earlier than ten (10) working days from the time that written notice of revocation from the Board is served on the Licensee or, if an appeal hearing is requested, until written notice of the Board's action has been served on the Licensee. Notice of revocation to the Licensee shall be served personally or by certified mail at the address designated in the license application. Such written notice of revocation shall contain the

effective date of the revocation, the nature of the violation or violations constituting the basis for the revocation, the facts which support the conclusion that a violation or violations has occurred and a statement that if the Licensee desires to appeal, Licensee must within ten (10) working days, exclusive of the day of service, file a request for a hearing with the Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the Board, with a copy to the District, by midnight of the 10th working day following service. Following receipt of a request for a hearing, the Board shall set a time and a place for the hearing to be held pursuant to Section 3.6 below.

3.5.5 Status of Financial Assurance

Financial Assurance issued for the facility shall remain in full force and effect during all periods of suspension, emergency suspension and revocation of the license.

SECTION 3.6 HEARINGS

A request for hearing on a denial, suspension, emergency suspension, non-renewal, or revocation of a license, or denial of a variance, a Notice of Abatement, administrative citation, civil penalty or other enforcement action under this Ordinance (excluding the issuance of a formal citation or administrative penalty order) shall be held before the Board, or a hearing examiner as provided below, and shall be open to the public.

3.6.1 Timeframe for Hearing

Unless an extension of time is requested by the appellant in writing directed to the Chair of the Board and is granted, the hearing will be held no later than forty-five (45) calendar days after the date of service of request for a hearing, exclusive of the date of such service. In any event, such hearing shall be held no later than ninety (90) calendar days after the date of service of request for a hearing, exclusive of the date of such service.

3.6.2 Notice of Hearing

The Board shall mail notice of the hearing to the appellant at least fifteen (15) working days prior to the hearing. Such notice shall include:

- A. A statement of time, place and nature of the hearing.
- B. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- C. A reference to the particular Section of the Ordinance and rules involved.

3.6.3 Hearing Examiner

The Board may by resolution appoint an individual, to be known as the hearing examiner, to conduct the hearing and to make findings of fact, conclusions and recommendations to the Board. The hearing examiner shall submit the findings of fact, conclusions and recommendations to the Board in a written report, and the Board may adopt, modify or reject the report.

3.6.4 Conduct of the Hearing

The appellant and the District may be represented by counsel. The District, the appellant, and additional parties, as determined by the Board or hearing examiner, in that order, shall present evidence. All testimony shall be sworn under oath. All parties shall have full opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The Board or hearing examiner may also examine witnesses.

3.6.5 Burden of Proof

The District shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is provided by substantive law, and all findings of fact, conclusions, and decisions by the Board shall be based on evidence presented and matters officially noticed.

3.6.6 Admission of Evidence

All evidence that possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent Persons are accustomed to rely in the conduct of their serious affairs. Evidence that is incompetent, irrelevant, immaterial or unduly repetitious may be excluded. The hearing shall be confined to matters raised in the District's written notice of denial, suspension, emergency suspension, non-renewal or revocation of a license, denial of a variance, or Abatement Notice or in the appellant's written request for a hearing.

3.6.7 Pre-Hearing Conference

At the request of any party, or upon motion of the Board or hearing examiner, a pre-hearing conference shall be held. The pre-hearing conference shall be conducted by the hearing examiner, if the Board has chosen to use one, or by a designated representative of the Board. The pre-hearing conference shall be held no later than five (5) working days before the hearing. The purpose of the pre-hearing conference is to:

- A. Clarify the issues to be determined at the hearing.
- B. Provide an opportunity for discovery of all relevant documentary, photographic or other demonstrative evidence in the possession of each party. The hearing examiner or Board's representative may require each

party to supply a reasonable number of copies of relevant evidence capable of reproduction.

- C. Provide an opportunity for discovery of the full name and address of all witnesses who will be called at the hearing and a brief description of the facts and opinions to which each is expected to testify. If the names and addresses are not known, the party shall describe them thoroughly by job duties and involvement with the facts at issue.
- D. If a pre-hearing conference is held, evidence not divulged as provided above shall be excluded at the hearing unless the party advancing the evidence took all reasonable steps to divulge it to the adverse party prior to the hearing and:
 - 1. The evidence was not known to the party at the time of the pre-hearing conference; or
 - 2. The evidence is in rebuttal to matters raised for the first time at or subsequent to the pre-hearing conference.

3.6.8 Failure to Appear

If the appellant fails to appear at the hearing, they shall forfeit any right to a public hearing before the Board or hearing examiner and their failure to appear shall be deemed a waiver of their right to appeal the decision made by the District and the decision made by the District will be final.

3.6.9 Appeal of Board Decision

Any appellant aggrieved by the decision of the Board, except as provided in Section 3.6.8, may appeal that decision to any Court with appropriate jurisdiction.

SECTION 3.7 DATA PRIVACY

The District shall require that any data received by the District or any entity acting on behalf of the District shall be maintained according to the provisions of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13.

SECTION 3.8 FALSE INFORMATION

Intentional submission of false information shall be deemed a violation of this Ordinance.

SECTION 4 WASTE ABATEMENT, STORAGE, COLLECTION, PROCESSING & DISPOSAL

SECTION 4.1 PLAIN STATEMENT OF PURPOSE

The Western Lake Superior Sanitary District (“District”) is empowered by the Minnesota Legislature to regulate the management of solid waste, hazardous waste and recycling within its boundaries. Minnesota law requires that residents be given an opportunity to recycle, which can be accomplished through Curbside Collection of recyclable materials, centralized drop-off of recyclable materials, or a local recycling center. Through this ordinance, the District has adopted the policy of requiring residents to separate recyclable materials from their waste. This ordinance also requires businesses or establishments open to the public to provide containers for recyclable materials for those materials that are regularly disposed of on site. For many such businesses and establishments, only containers for beverage containers and Mixed Paper will be necessary. At other locations receptacles for plastics or glass may be necessary. This Ordinance also implements a program to recover organic waste for beneficial reuse. Minnesota law also requires that certain wastes, such as yard waste, hazardous wastes, and other unacceptable wastes be prohibited from the regular waste stream. It is the policy of the District to provide special programs and information to assist residents in properly disposing of these wastes. It is also the policy of the District to require that every residence have the services of a licensed collector to pick up their garbage. This requirement is commonly referred to as mandatory collection. All collectors of waste and collectors of recyclable materials must be separately licensed by the District.

SECTION 4.2 MANAGEMENT OF RECYCLABLE MATERIALS

- A. Separate Recyclable Materials. Every Person or entity disposing of Solid Waste in the District shall separate Recyclable Materials from Solid Waste. The Owner or Occupant of each residence or residential unit and the Owner or Occupant of each non-residential, commercial, or industrial premises shall separate Recyclable Materials from Solid Waste prior to collection by a Collector. The Owner shall be responsible to pay for any costs for collection or processing of recyclable materials. The Owner shall provide, upon request, written proof that the Recyclable Materials are collected by a Collector or taken to a Recycling Facility for recycling. Corrugated cardboard is governed by Section 4.2 I.
- B. Containers. Persons or entities shall place Recyclable Materials in Containers or, in the alternative, shall deliver Recyclable Materials to the Recycling Facility of their choice. The District may establish requirements for Containers for Recyclable Materials.
- C. Buildings Open to Public. Owners of establishments which are open to the public, including, but not limited to, government buildings, office buildings,

hotels, motels, retail stores, malls, theaters, college dormitories and church social halls shall provide receptacles for Recyclable Materials (to collect at a minimum beverage containers available on site and Mixed Paper) alongside their present receptacles for Solid Waste in public areas. The receptacles shall be appropriately labeled and designed to encourage the collection of particular Recyclable Materials. The Owners of these establishments shall not be required to separate items which the general public places in receptacles intended for Solid Waste.

- D. Recycling Service. The Person who contracts for Solid Waste disposal services sites with multiple residential units or a Commercial Site must also provide recycling Containers for Recyclable Materials generated on the property. If a Solid Waste Collector provides the multiple residential units with Curbside Collection of Mixed Municipal Solid Waste, then the Collector shall also provide Curbside Collection of Recyclable Materials for the residential units.
- E. Prohibition. The scavenging or removal of recoverable or Recyclable Materials from any Facility, Container or storage receptacle, including District Facilities, without the consent of the Owner or operator is prohibited. No person or entity other than the Owner or Occupant of a residential, commercial or industrial structure, or the licensed Collector which provides services to such structure, shall collect or gather Recyclable Materials set out to be collected by a licensed Collector.
- F. Limitation on Disposal and Damage.
1. Source-separated Recyclable Materials shall not be deposited in the Waste Stream.
 2. Recyclable Materials that have been source-separated must not be damaged by any Person in a manner which will make the Recyclable Materials unmarketable.
 3. No Person may dispose of any Recyclable Materials in or on the land, nor through incineration.
 4. No Person shall mix source-separated Recyclable Materials with Mixed Municipal Solid Waste or handle source-separated Recyclable Materials in any way that reduces the reusability or marketability of the source-separated Recyclable Materials.
 5. The Executive Director in his or her sole discretion may waive these prohibitions on a case by case basis for good cause.

- G. Notification. The Collector must notify its customer if Recyclable Materials are contaminated or not sorted correctly by the customer. The notification must be in writing stating the violation and corrective measures and must be presented to the customer at the time of collection.
- H. Education. The collector shall annually provide to each customer information about separation of Recyclable Materials from the waste stream.
- I. Corrugated Cardboard. Every Person shall separate corrugated cardboard from Solid Waste prior to disposal or collection by a Collector. Co-mingling of corrugated cardboard with Construction Debris and Demolition Debris is allowable provided the containers are brought by a Collector to a licensed sorting facility where the corrugated cardboard is removed and properly recycled. Collectors who co-mingle corrugated cardboard with Construction Debris and Demolition Debris must provide the District with an annual report by January 30 of each year identifying the quantity of its corrugated cardboard separated by a sorting facility and the location from the sorting facility where the corrugated cardboard is sent for reuse. A Collector who does not provide an annual report that satisfies the requirements of this subsection will not be allowed to collect co-mingled corrugated cardboard. If a Person or Collector violates any provision of this Ordinance, the District may by written notice immediately terminate co-mingling by that Person or Collector.

SECTION 4.3 WASTE PREPARATION AND STORAGE

- A. No Owner or Occupant of private property or business property shall permit the accumulation of Solid Waste, or any similar material or mixture of material upon such Owner's or Occupant's property except in proper containers as described below. No Owner or Occupant shall permit solid waste to be placed in locations or in a manner that the Solid Waste can be scattered by water, wind, animals or insects.
- B. Every Owner or Occupant of private property or business property shall provide in good condition water-tight and rodent-proof Containers sufficient to hold the Solid Waste and Recyclable Materials which accumulates on such premises during the time between collections.
- C. Burning of Solid Waste is prohibited except (a) as permitted at a licensed Solid Waste Facility, (b) as allowed under the terms of a "permit for open burning" issued by the authority of the Minnesota Pollution Control Agency or the Minnesota District of Natural Resources, or (c) as allowed by Agency Rules. Presence of Solid Waste or Solid Waste residue in containers, stoves, barrels or pits used for burning on any property shall constitute prima facie

evidence that the Solid Waste was burned in such receptacles by the Occupant of the property.

- D. Yard Waste segregated for curbside collection shall not be combined with Organic Waste or any other material.

SECTION 4.4 UNACCEPTABLE WASTE MANAGEMENT

- A. The following Unacceptable wastes shall be separated by the generator from Solid Waste and managed in accordance with state, federal and district laws and regulations:
 - (1) vehicle fluids;
 - (2) lead acid batteries;
 - (3) tires;
 - (4) yard waste;
 - (5) hazardous waste, including household hazardous waste;
 - (6) major appliances;
 - (7) Problem Materials; and
 - (8) other wastes designated by the District in regulation or ordinance.
- B. The Executive Director shall establish and post a list of additional Unacceptable Waste. The list may be revised as often as the Executive Director deems necessary. Each list shall be effective upon publication once in a newspaper having general circulation in the District.
- C. Presence of any of the above-mentioned Unacceptable Waste in Solid Waste Containers serving any property shall constitute conclusive evidence that the prohibited wastes in the containers were placed there by the Occupant of the property.

SECTION 4.45 OWNERSHIP OF RECYCLABLE MATERIALS AND YARD WASTE

All Yard Waste and Recyclable Materials aggregated and offered for Collection shall remain the property and responsibility of the Generator until said materials are collected by a Collector or hauled by the Generator to a Yard Waste Compost Site or Recycling Center, at which time they become the property of the Collector or Recycling Center,

respectively. Nothing in this Section shall limit the right to an individual or household to give or sell their Recyclable Materials to any recyclable materials program.

SECTION 4.5 COLLECTION AND TRANSPORTATION OF SOLID WASTE

- A. All Solid Waste collected and removed within the District shall be transported to the appropriate facility licensed and permitted to accept that waste.
- B. All Solid Waste which is hauled must be secured in covered, leak-proof vehicles or containers such that loads will not blow free or discharge liquids from the hauling vehicle. Where spillage does occur, the material will be picked up immediately by the Collector or Solid Waste transporter.
- C. Vehicles and containers for the transportation of Solid Waste shall be used in a manner that is safe, sanitary and does not create a nuisance. Such vehicles and containers shall be regularly cleaned to prevent nuisance, pollution or the attraction of insects or vermin.
- D. No person shall collect or transport Solid Waste that is burning, smoking, smoldering, or in any way creates a risk of fire unless it is in a container specifically designed and approved by the State Fire Marshall for that purpose.
- E. Solid Waste transported in a vehicle or container that does not properly protect such waste from spillage may be charged a tip fee at the Transfer Station equaling two times the posted disposal rate, as well as being subject to sanctions for violation of this Ordinance.
- F. Any Person delivering material for disposal, reuse or recycling to the Materials Recovery Center must cover and secure the load so that such materials will not blow out of the vehicle or trailer.
- G. Not including non-putrescible source-separated recyclable materials, Solid Waste may not be stored in any type of collection or transportation vehicle for a period of more than 48 hours. This period may be extended up to 72 hours if the waste cannot be disposed of or processed due to a legal holiday being celebrated on a Friday or a Monday. Non-putrescible source-separated Recyclable Materials may be stored in collection and/or transportation vehicles for no longer than 7 calendar days.
- H. Dust or small, dry solid particles which can become airborne in sufficient quantities to create a visible cloud must be contained in a manner that will prevent release on the Transfer Station tip floor.

- I. Title and ownership of non-hazardous Mixed Municipal Solid Waste shall remain with the Generator until it is collected by a licensed Collector, and thereby title and ownership transfers to the Collector.

SECTION 4.6 MANDATORY COLLECTION OF WASTE

- A. It shall be the duty of the Owner and Occupant of every residential structure containing four or fewer dwelling units to provide for not less frequent than weekly disposal of all Mixed Municipal Solid Waste generated by such dwelling units through employment of the services of a Collector; provided that collection may be less frequent than weekly where the volume of Mixed Municipal Solid Waste generated is sufficiently low to allow less frequent collection in compliance with all other provisions of this Ordinance. Owners of residential structures containing more than four dwelling units or of commercial or industrial establishments shall employ a Collector for the removal of all Mixed Municipal Solid Waste from their premises or provide such removal service themselves, provided that such Owner shall obtain a Collector's license under Section 6.2.
- B. For those residential or commercial structures not in compliance with the mandatory collection provisions of this Section, the District may assign Collectors on a rotating basis to collect Mixed Municipal Solid Waste from said structures. Prior to assignment of collection under this Section, written notice of the assignment shall be served upon the Owner and/or Occupant of the structure in question ten (10) days before commencement of service. If the Owner and/or Occupant assigned a Collector under this Section fails to pay the Collector for collection of Mixed Municipal Solid Waste, the District may require payment by the Owner and/or Occupant to the Collector, or the District may enforce this as a violation.
- C. No person or entity shall place Solid Waste in any Container unless authorized by the Owner, Occupant or Collector which provides collection services for such Container.
- D. An individual who owns a small business can request an exemption for the individual's residential structure, allowing the residential waste to be co-mingled with the business waste and collected at the business. The request will only be granted if there is no negative impact on health or safety. The exemption request must be submitted to the Executive Director in writing setting forth the reasons why the exemption should be granted. The Executive Director may grant or deny the request within 45 days of its receipt, in the sole discretion of the Executive Director.

- E. Upon request, the Owner or Occupant shall disclose the name of the Collector providing collection services and provide proof that collection services are being utilized.

SECTION 4.7 EXCEPTION

The provisions of Section 4.6 requiring mandatory collection of Mixed Municipal Solid Waste do not apply within Carlton County.

SECTION 4.8 UNAUTHORIZED DEPOSIT OF SOLID WASTE

No Person shall:

- A. Deposit Solid Waste, Recyclable Materials, Major Appliances, Tires, Demolition Debris, Household Hazardous Waste or Yard Waste upon any public or private highway, street, road or right-of-way; deposit Solid Waste, Recyclable Materials, Demolition Debris, Household Hazardous Waste or Yard Waste upon or within any river creek, stream, lake waterway or other body of water of any kind or character; or deposit Solid Waste, Recyclable Materials, Demolition Debris, Household Hazardous Waste or Yard Waste on the property of another; or
- B. Cause, maintain or permit the accumulation of Solid Waste which creates an unsanitary condition or permits or encourages the accumulation or breeding of rats, insects or other vermin; or
- C. Deposit Solid Waste, Recyclable Materials, Demolition Debris, Household Hazardous Waste or Yard Waste within the District in any manner that violates the provisions of this Ordinance.

SECTION 4.9 ENFORCEMENT AND INSPECTION

- A. Inspection and evaluation of Containers and Collectors shall be made by the District in such frequency as to insure consistent compliance by the Owners, Occupants and Collectors with the provisions of this Ordinance. Each Owner, Occupant or Collector shall be provided with written and documented notice of any deficiencies, recommendations for their correction and the date when the corrections shall be accomplished. Each Owner, Occupant or Collector shall be required to allow free access to authorized representatives of the District, or to authorized representatives of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, or any other applicable statute, ordinance or regulation.

- B. The District shall have the right to inspect private property to determine if a Container or Collector is in accordance with the provisions of this Ordinance or to determine if Solid Waste was burned in violation of this Ordinance.

SECTION 4.10 ORGANIC WASTE RECOVERY

4.10.1 Recovery

Every Person identified herein shall recover Organic Waste by removing it from the solid waste stream and segregating it for separate collection by a Recovery Service. All wrapping or packaging on the waste shall be removed prior to recovery of the waste. The Organic Waste shall be placed in a Container. The District may establish requirements for Containers for Organic Waste. Recovery of Organic Waste shall be in accordance with the requirements of this Ordinance.

- A. Pre-Consumer Organic Waste. The owners and operators of the following described commercial establishments located within the District shall separate Pre-Consumer Organic Waste for recovery:
1. Grocery Stores or commercial establishments with grocery departments that occupy 5,000 square feet or more of Floor Area.
 2. A Restaurant or Catering Business which is issued a Category 3 Establishment Food Handling License by the Minnesota Department of Health.
 3. Post Secondary institutions with enrollment of more than 1,000 full time students which provide meals prepared on-site for students.
 4. Hospital or Nursing Home providing prepared meals to employees, patients, guests, or residents.
 5. A food manufacturer or processor that occupies 5,000 square feet or more of Floor Area.
 6. An Assisted Living Facility.
 7. A Correctional Facility.
- B. Other Commercial establishments. The District may designate other commercial establishments to separate Pre-Consumer Organic Waste or other Organic Waste for recovery. Such a designation may be established by Board resolution and shall be effective upon publication once in a newspaper having general circulation in the District.

- C. Industrial Organic Waste. No Person shall deposit Industrial Organic Waste in the solid waste stream without prior approval of the Executive Director.
- D. Effective Date. The effective date(s) for this subsection shall be determined by subsequent board resolution(s), and shall be effective upon publication once in a newspaper having general circulation in the District.

4.10.2 Voluntary Participation

Any Person can voluntarily recover Organic Waste at an earlier date than is required by this Ordinance.

4.10.3 Prohibition

No Person other than the licensed Recovery Service which provides services to the particular structure shall collect or gather Organic Waste at the particular structure.

4.10.4 Limitation on Disposal and Co-Mingling

Source-separated Organic Waste shall not be deposited in the solid waste stream. The Executive Director in his or her sole discretion may waive this prohibition on a case by case basis for good cause. Organic Waste that has been source-separated must not be contaminated or co-mingled by the Collector in a manner which would make the Organic Waste unusable by the Recovery Facility. Restaurants and Catering Businesses required to separate Organic Waste for recovery shall post signage in a visible location in the food preparation areas. The signage will be provided by the District.

4.10.5 Recovery Service

For the health, safety, and welfare of the residents of the District, the following requirements applicable to the removal and disposal of all Organic Waste are established:

- A. License required. No Person shall collect or remove Organic Waste within the District without first obtaining a Recovery Service license from the District. The process for obtaining a license is set forth in Sections 6.2.1, 6.2.2, 6.2.4 – 6.2.8. At a minimum, the Recovery Service must meet the following standards:
 - 1. Transport the Organic Waste in a leak-proof container or vehicle and in a manner that prevents the release of liquids.
 - 2. Provide a letter of certification signed by the applicant verifying that the vehicle(s) to be utilized for collection conform to the requirements of the District.

3. Provide a certificate(s) of an insurance company authorized to do business in the State of Minnesota certifying that the applicant has in full force and effect a policy or policies of insurance insuring the applicant, its agents and employees, and its vehicle(s) in an amount of not less than One Hundred Thousand Dollars (\$100,000) for bodily injuries to any one person, not less than Two Hundred Fifty Thousand Dollars (\$250,000) for bodily injuries in any one accident, and not less than Fifty Thousand Dollars (\$50,000) for property damage in any one accident. Such insurance shall not be subject to cancellation or modification without fifteen (15) days advance written notice to the licensing authority.
4. The applicant shall maintain such vehicles in good repair and shall comply with all laws, rules and regulations applicable to such vehicles.
5. All such vehicles shall display identification numbers and in a color which contrasts with the color of the vehicle, on the sides and rear thereof.
6. Assure that the Organic Waste is transported to a Recovery Facility.
7. Comply with the all District regulations, ordinances and the Solid Waste Management Plan.
8. In order to minimize contamination of waste streams, a Collector shall on Containers of Organic Waste clearly display the label “food waste only” on the Container. The markings shall be legible from a reasonable distance and be displayed in a manner and location obvious to people using the Container.
9. Organic Waste Containers shall be maintained in a manner to reasonably prevent excessive odor and the leaking of liquids.

A Recovery Service license must contain the limitation that the license may be revoked at any time for violation of District regulations and ordinances.

- B. Licensed Collector. Any licensed Collector may provide Recovery Service, if the Collector meets all of the Recovery Service requirements. This provision is not intended to limit licenses to collect and transport Organic Waste to solid waste Collectors, or to require all solid waste Collectors to provide Recovery Service.
- C. Continuing obligations. All Persons providing Recovery Service, in addition to any other requirements contained in this Ordinance or other

District ordinance or regulation, shall assure that Organic Waste separated by the generator shall not be placed in the solid waste stream.

- D. Reports. Each Recovery Service shall provide all reports required under Section 4.10.7.
- E. Collection Frequency. A Recovery Service must collect recovered Organic Waste on a frequency of not less than once a week, except that during the months of November through March, the frequency can be extended to every other week.

4.10.6 Executive Director Discretion

- A. Any person required to recover Organic Waste may petition the Executive Director to suspend the provisions of this Ordinance if the petitioner demonstrates Recovery Service is not available to the petitioner. The Executive Director may impose conditions, such as a limitation of time, on the suspension as the Executive Director determines in his or her sole discretion. At any time during a suspension, the Executive Director may determine that Recovery Service is available to the petitioner and notify the petitioner in writing that the suspension is terminated.
- B. The Executive Director may, in his or her sole discretion, determine that a particular load of Organic Waste separated for Recovery, or a particular load of Industrial Organic Waste, be accepted at the Transfer Station for disposal due to contamination, rejection of the waste by all available Recovery Facilities or such other reasons which the Executive Director finds reasonable.
- C. The Executive Director may, in his or her sole discretion, may on good cause shown by an applicant vary the terms of this Ordinance as applied to a particular applicant. Any application for a variance must be in writing and set forth in detail the reasons in support of granting the variance.

4.10.7 Reports

Each Collector and Recovery Facility which collects or manages Organic Waste for beneficial reuse shall submit such reports to the District as the Executive Director determines are necessary. Failure to provide timely complete reports is grounds for suspension or termination of a license.

4.10.8 Enforcement and Inspection

- A. Inspection and evaluation of Containers and Recovery Service providers shall be made by the District in such frequency as to ensure consistent

compliance by owners, occupants, and Recovery Service providers with provisions of this Ordinance. Each owner, occupant or Recovery Service provider shall be required to allow free access to authorized representatives of the District, or to authorize representatives of any other governmental agency at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, or any other applicable statute, ordinance or regulation.

- B. The District shall have the right to inspect private property to determine if a Recovery Service provider or Container is in compliance with the provisions of this Ordinance.
- C. Suspension and revocation of a license shall follow the same procedure as set forth in Section 3.5.

4.10.9 Exclusion

- A. Quick-serve food service establishments that offer as the primary method of service, at all meal times, food and drink orders taken at and served to the customer at a self-service counter are excluded from the requirements in Section 4.10.1. A and B.
- B. Nothing in this Ordinance shall preclude a food establishment from donating to a food bank, shelter or Second Harvest left over or unsold food that is safe for human consumption.

SECTION 4.11 YARD WASTE COMPOSTING

4.11.1 General Rule

Every Person who composts Yard Waste shall do so in an environmentally sound manner and shall meet the standards set forth in this Section.

4.11.2 Containment Structure

All composting materials shall be contained in a structure constructed of durable material such as rot resistant wood, metal drum, block, sturdy metal fencing, or in commercially fabricated compost bins designed to contain composting material.

4.11.3 Containment Structure Location

Composting containment structures shall be at least 40 feet from an inhabited building not owned by the generator of the compost material, 6 feet from any public sidewalk or trail and shall otherwise be located in compliance with applicable zoning code requirements.

4.11.4 Materials Allowed in Containment Structure

Only acceptable materials generated from the contiguous legal boundaries of the property owned by the Person operating the containment structure on that site shall be allowed into the containment structure. “Acceptable Materials” as used herein means plant material consisting of grass clippings, leaves, weeds, small twigs, wood chips, raw fruit and vegetable food scraps, garden debris and commercial ingredients (mixed into the composting material) specifically designed to speed or enhance decomposition.

4.11.5 Compost Management

Standard compost management techniques shall be employed to enhance rapid biological degradation of the material without producing objectionable odors, including aeration, adding moisture, and providing a balance of composting materials, and shall be in compliance with all applicable ordinances or regulations.

SECTION 4.12 USE OF BAGS AT WLSSD RECOVERY FACILITY

A Person may not place Yard Waste or source-separated compostable materials in a plastic bag delivered to the WLSSD Recovery Facility unless the bag meets all the specifications in ASTM Standard Specifications for Compostable Plastics (D6400).

SECTION 5 SOLID WASTE MANAGEMENT CHARGES & FEES

SECTION 5.1 GENERAL PROVISIONS

5.1.1 Compliance

No Person shall collect, transport or dispose of Mixed Municipal Solid Waste generated in the District except in full compliance with this Ordinance. This Ordinance shall not prevent the transportation of Mixed Municipal Solid Waste through the District.

5.1.2 Solid Waste Management Fee

A Solid Waste Management Fee shall be imposed for Solid Waste Management Services provided by the District within a Service Area. Generators (owners, lessees, or occupants or property in the District, or any or all of them) shall pay the Solid Waste Management Fee imposed in the manner set forth herein in amounts as established by the Board.

5.1.3 Procedures for Establishing the Amount of Solid Waste Management Fee

The Board shall establish the amount of the Solid Waste Management Fee by resolution, following a public hearing, and shall state the effective date for the enactment of the Solid Waste Management Fee. The amount of the Solid Waste Management Fee may be different in each Service Area.

5.1.4 Procedures for Adjusting the Amount of Solid Waste Management Fee

The Board may adjust the amount of the Solid Waste Management Fee by resolution, following a public hearing, and shall state the effective date for the enactment of the adjusted Solid Waste Management Fee.

SECTION 5.2 SOLID WASTE MANAGEMENT FEE

5.2.1 Collection

- A. As a condition of its Operating License, each Collector shall bill and collect the Solid Waste Management Fee from the District Generators for whom they haul Mixed Municipal Solid Waste.
- B. Each Collector shall make reasonable efforts to collect the Solid Waste Management Fee.

5.2.2 Remittance By Collector

- A. The Solid Waste Management Fee billed by Collectors must be remitted to the District. A Collector shall remit the Solid Waste Management Fee billed to customers as provided in Section 5.2.2 (C), along with the Solid Waste Management Fee report as provided in Section 5.2.2 (D). A Collector may seek credit on uncollected Solid Waste Management Fees as follows:
 - a. By June 1 of each year, submit the Solid Waste Management Fee annual credit request report disclosing the Solid Waste Management Fees billed but not collected for the prior 15 months. Any uncollected fees must be aged at least 90 days to be included in the credit request report. For example, the first annual credit request report will be for fees billed but not collected for the period of March 1, 2014 to February 28, 2015.
 - b. The Solid Waste Management Fee annual credit request report will include, for each customer not promptly paying the Solid Waste Management Fee, the customer name, service address, a unique customer identification number, date of each past due billing, amount of the Solid Waste Management Fee billed, total amount billed, amount unpaid, as well as any other information reasonably deemed necessary by the District for proper administration of the Solid Waste Management Fee.
 - c. The Solid Waste Management Fee annual credit request report shall be accompanied by a verified statement that the indicated amounts are in fact due and owing and that the Collector has made a reasonable effort to collect such amounts. If a Generator makes partial payment to a Collector, the Collector shall then apply payment to the Solid Waste Management Fee proportionally.
 - d. The District will review each Solid Waste Management Fee annual credit request report and determine if all of the required documentation

has been submitted. If the report is found to be incomplete, the District will notify Collector in writing of which items are incomplete. If determined to be complete, the District will notify Collector in writing of the amount of the total approved credit to Collector. The credit will be applied to Collector's Solid Waste management Fee payments for the following 12 months, subtracting 1/12 of the total amount each month from the Solid Waste Management Fees remitted.

- e. Once the uncollected Solid Waste Management Fees are included in the annual credit request report and approved by the District, the Collector is prohibited from collecting the fee from the customer.
 - f. A Collector may appeal from the written decision of the District on the Solid Waste Management Fee annual credit request report pursuant to the provisions of Section 3.4 and 3.6 of the Solid Waste Management Ordinance.
- B. A Collector is permitted to advance Solid Waste Management Fees owed to WLSSD on behalf of a customer without seeking credit on the uncollected amounts. If not seeking credit, there is no requirement to submit the Solid Waste Management Fee annual credit request report or disclose the identity of a nonpaying Customer.
- C. Each Collector shall remit the Solid Waste Management Fee by noon the last day of the month following the month in which the Solid Waste Management Fee was billed to the customer by the Collector. Failure to remit the Solid Waste Management Fee as provided herein may result in the revocation of the Collectors Operating License. Each Self-Collector shall remit the Solid Waste Management Fee by noon the last day of the month following the month in which the Solid Waste Management Fee incurred.
- D. Each Collector shall complete a Solid Waste Management Fee Report in accordance with the instructions and on forms provided by the District. The Solid Waste Management Fee Report must be submitted with Solid Waste Management Fee payment. A Solid Waste Management Fee Report may include, but not be limited to, total gross billings and receipts for all collection and disposal services performed within the Service Area, the number of Residential and Non-Residential Generators within the Service Area, the number of tons collected within the Service Area and disposed of within and outside of the District and such other information as requested by the District.

5.2.3 Collector to Itemize Billing

Every Mixed Municipal Solid Waste disposal bill or invoice sent by a Collector to a customer, either commercial or residential, shall itemize the size and number of Mixed Municipal Solid Waste containers, the frequency or period of collection for the bill or invoice, and the amount of the Solid Waste Management Fee.

5.2.4 Proceeds of Solid Waste Management Fee are State Funds

The proceeds of the Solid Waste Management Fee are state funds, and failure to remit the proceeds to the District is subject to criminal prosecution pursuant to Minn. Stat. § 609.445, as amended.

5.2.5 Calculation of Solid Waste Management Fee

If the Executive Director determines, after review of the Solid Waste Management Fee report, or upon failure of a Collector to submit the Solid Waste Management Fee report, that the Collector has not supplied appropriate information, the Executive Director may recalculate the Collector's Solid Waste Management Fee in accordance with this Subsection. If the Executive Director finds that the information supplied by the Collector is inaccurate, incomplete or understated, the Executive Director, may in his or her sole discretion, determine an appropriate amount for the Solid Waste Management Fee due from the Collector. The Executive Director shall send the Collector a notice, by U.S. mail, setting forth the recalculated Solid Waste Management Fee amount. The notice shall include a statement of the reasons why the Solid Waste Management Fee has been recalculated. The Executive Director may base the recalculation on information in District records or on any data currently or previously supplied by Hauler. The written notice shall be deemed received by the Hauler three (3) days after the date of mailing.

5.2.6 Generators Without Collector Service

The District may require Collectors to provide Generator lists or otherwise cooperate to identify Generators within the District without Collector service. Such Generators will either be assigned a Collector in accordance with District Regulations or billed directly for the Solid Waste Management Fee in an amount determined in the sole discretion of the Executive Director of the District. The Executive Director, if assessing the Solid Waste Management Fee, shall send a written notice to the Generator by U.S. Mail advising the Generator of the amount of the Solid Waste Management Fee. The notice shall be deemed received by the Generator three (3) days after the date of mailing.

5.2.7 Examination of Records

The District or its duly authorized agent shall have the right to examine records, including access to computer records, maintained by a Collector. The term "record" shall include, but is not limited to, all accounts of a Collector. The District shall be allowed access at all reasonable times to inspect and copy at reasonable cost all business records related to a Collector's collection, transportation, and/or disposal of Mixed Municipal Solid Waste to the extent necessary to ensure that all fees required to be billed or paid have been remitted to the District. Such records shall be maintained by the Collector for no less than six (6) years.

5.2.8 Late Payment

A late payment penalty in the amount of one-half a percent (.5%) per month, or the maximum interest rate allowed by law, shall be imposed upon Solid Waste Management Fees not remitted by the Collector to the District on or before the last day of the month following the billing.

If a Collector fails to bill the Solid Waste Management Fee to a Generator, the Collector shall pay the Generator's Solid Waste Management Fee plus the late payment penalty. The late payment penalty shall be calculated from the date the Solid Waste Management Fee should have been billed.

5.2.9 Collection Actions

Exercise of any remedy under this subsection does not preclude exercise of other remedies.

A. If a Generator fails to pay to a Collector in a timely manner, the District may use any available legal remedies to collect the overdue, unpaid Solid Waste Management Fees from the Generator, including the provisions of Minnesota Statute Section 400.08, subdivision 4.

B. If a Collector has failed to remit the Solid Waste Management Fee to the District in a timely manner, the District may use any available legal remedies to collect the Solid Waste Management Fees from the Collector.

C. If a Self-Collector fails to pay the Solid Waste Management Fee to the District in a timely manner, the District may use any available legal remedies to collect the Solid Waste Management Fee from the Self-Collector.

5.2.10 Annual Report

Each Collector shall complete an annual report in accordance with instructions and on forms provided by the District. The annual report is due no later than March 1st of the subsequent year. The most recent report of the annual inspection required by Section 6.2.9.A. herein shall be attached to the annual report.

SECTION 5.3 VIOLATIONS

It is a violation of this Ordinance for any Person who hauls Mixed Municipal Solid Waste to willfully or negligently fail to bill, fail to collect, or fail to pay or remit to the District the Solid Waste Management Fee, or for any Generator without Collector service to fail to pay to the District the Solid Waste Management Fee in the amount determined by the Executive Director. The amount of the fine or civil penalty shall be determined in the sole discretion of the Executive Director.

For the purposes of this subsection, a Person who hauls Mixed Municipal Solid Waste for a Generator who subsequently fails to pay its bill has not acted negligently.

This subsection shall not preclude prosecution for any other misdemeanors, gross misdemeanor, or felony under State Minnesota law committed by such Person while hauling Mixed Municipal Solid Waste.

SECTION 6 COLLECTOR LICENSING PROVISIONS

SECTION 6.1 LICENSE REQUIRED; ACCESS TO TRANSFER STATION

No Person may collect or transport Mixed Municipal Solid Waste or Recyclable Materials within WLSSD without first being granted a license to do so by the District as specified in this Section. Only Collectors with a license issued by the District may deliver waste to the WLSSD Solid Waste Transfer Station.

Section 6.2 LICENSE REQUIREMENTS

Solid Waste Collectors shall comply with the following license requirements.

6.2.1 License Application

The Collector (Applicant) shall submit a completed application on a form provided by the District.

6.2.2 Vehicles Licensed

All vehicles used for the Collection and transportation of Solid Waste in WLSSD shall be listed on the license application. The applicant shall specify the make, model, year, and capacity, in cubic yards, as well as the tare weight of each vehicle. If a vehicle is put into service during the license year, the Collector shall submit the required information for the vehicle to the District and shall not use the vehicle until the District has added it to the Collector's licensed vehicles list.

6.2.3 Insurance

The Collector shall obtain, maintain, and submit with the license application certificates of insurance issued by insurers duly licensed by the State of Minnesota providing the following coverage, or a self-insurance plan certified by the Department of Commerce providing equivalent coverage:

- A. General liability coverage in the amount of \$1,000,000 for bodily injury per occurrence and \$250,000 for property damage per occurrence, or \$1,000,000 combined single limit,
- B. Automobile liability coverage in the amounts of \$500,000 for property damage, \$250,000 for bodily injury per person and \$500,000 for bodily injury per accident, or \$500,000 combined single limit.

6.2.4 License Term and Renewal

License renewal applications must be submitted to the District by March 15 of each even numbered year. License renewal applications received after that date shall be subject to a late fee. The term of the license shall be two years, expiring on April 30 of each even numbered year.

6.2.5 Late Fee

Complete applications containing all information required under Section 6.2.1 above submitted after the due date specified in Section 6.2.4 shall be subject to the following additional fees:

- A. One to seven days late: a fee of twenty-five percent (25%) of the license fee.
- B. Eight to thirty days late: a fee of fifty percent (50%) of the license fee.
- C. Thirty-one or more days late: a fee of one hundred percent (100%) of the license fee.

6.2.6 Incomplete or Non-Conforming Application

An application will be deemed incomplete if information is omitted, incomplete, inaccurate, or does not comply with the application requirements, or if the required fees do not accompany the application. If a license application is incomplete or otherwise does not conform to the requirements set forth in this Ordinance, the District shall advise the applicant of the reasons for non-acceptance and may request that the applicant resubmit, modify, or otherwise alter the application.

6.2.7 License Fees

The Collector shall pay all license fees to WLSSD with the license application and the license renewal application. The amounts of such license fees shall be established by the Board. No license fee shall be prorated for a portion of a year and no license fee shall be refunded, except that such license fee may be prorated for the first license term of this ordinance.

6.2.8 License Non-Transferable

Licenses granted by the District under this Section are not transferable to other Persons.

6.2.9 Continuing Obligations of a Collector

All Collectors, in addition to any other requirements contained in this Ordinance, shall comply with the following:

- A. Vehicles used by Collectors shall be inspected on an annual basis by the Minnesota State Patrol, Commercial Vehicle Inspection Division, the State District of Transportation, Motor Transport Division or any licensed commercial vehicle inspector. Inspection reports shall be forwarded to the Executive Director. The Collector shall maintain such vehicles in good repair and shall comply with all laws, rules and regulations applicable to such vehicle.

- B. Insurance specified in Section 6.2.3 above shall be maintained and the Collector shall provide evidence of maintenance of insurance upon request by the Executive Director.
- C. A Collector shall notify the Executive Director in writing immediately upon loss of liability insurance coverage.
- D. A Collector shall accept assignment of collection duties for residential and commercial structures as provided in Section 4.6 hereof.
- E. A Collector shall comply with the all standards for collection set forth in Section 4.5.
- F. A Collector shall comply with all District regulations, ordinances and the Solid Waste Management Plan.
- G. A Collector shall, within 30 days of distribution, provide the District with all educational or informational materials related to Solid Waste or recycling distributed by Collector to its customers.
- H. While Mixed Municipal Solid Waste, Recyclable Materials, including Organic Waste, are being accumulated and stored for Collection, the materials shall be stored in reusable, covered containers that are rust, impact, vermin and leak resistant. The Collector shall assure that:
 - 1. Containers for Recyclable Materials must be uniformly labeled to clearly identify intended contents, such as “Food Waste Only” and “Recycling Only”
 - 2. Labels shall be easily legible and replaced if damaged or faded.

6.2.10 Conditions of Collector License

In addition to conditions set forth elsewhere in this Ordinance, and any other ordinance or regulation adopted by the Board, as a condition of maintaining a valid District Collector License, a Collector must comply with the conditions set forth in this Section.

- A. Compliance With Laws. Collectors shall at all times operate in compliance with all state, federal, or district laws, rules or requirements, including the District Transfer Station Fee Schedule.
- B. Transfer of Ownership. No License shall be granted to any Collector for any vehicle which has had a transfer of ownership unless and until all Solid Waste Management Fees imposed by the District, and all Tip Fees, Special Fees, and all other charged due and owing to the District under previous ownership have been paid.

- C. Business Operation Changes. Prior to the effective date of a change in business operation, every Collector shall notify the District in writing of any change in its ownership, in location of its office(s), or the number of vehicles which it operates.
- D. Payment. Collectors shall promptly pay District tip fees and remit Solid Waste Management Fees.

6.2.11 Noncompliance

- A. Finding. A Collector violating any provision of its License is Noncompliant. The Board, upon written recommendation of the Executive Director, may find that any Collector is Noncompliant if the Collector has one or more continuing or on-going violations of its License. Upon written notice to the Collector of the finding of Noncompliance, the Collector must pay the additional Noncompliant tip fee established by the District.
- B. Appeal. Such written notice of Noncompliance shall contain the nature of the violation or violations constituting the basis for the finding, the facts which support the conclusion that a violation or violations has occurred and is continuing, and a statement that if the Licensee desires to appeal, Licensee must within ten (10) working days, exclusive of the day of service, file a request for an appeal hearing with the Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail to the District by midnight of the 10th working day following service of the Notice of Suspension. Following receipt of a request for a hearing, the Board shall set a time and place for the hearing to be held pursuant to Section 3.6. If the hearing results in a determination that the Collector was not Noncompliant at the time of the Board's finding, the additional Noncompliant tip fee paid by the Collector shall be refunded to the Collector.
- C. Correction of Violations. Upon written notification from the Collector that all violations for which the Noncompliance finding was issued have been corrected, the Executive Director shall review the matter within no more than three (3) working days after receipt of the notice from the Collector. If the Executive Director finds that the violations constituting the grounds for the Noncompliance determination have been corrected, the District shall immediately dismiss the Noncompliance, subject to Board ratification at its next meeting, by written notice to the Collector, served personally or by certified mail on the Licensee at the address designated in the license application, with a copy to the Board. The Board must make a determination at its next Board meeting about whether the violations have been corrected and whether the Executive Director's decision to dismiss the Noncompliance determination should be ratified.

6.2.12 Late Payment

A late payment penalty in the amount of \$5.00 (Five Dollars) a ton is imposed on a Collector for waste deposited at the Transfer Station if a Collector is more than 30 days in arrears on any amount due the District. Any Collector which is 90 days in arrears on payment of any amount in excess of \$100.00 due the District will have its Transfer Station access automatically revoked. Access to the Transfer Station will be reinstated upon payment in full or upon a District-approved payment plan. If the Collector fails to comply with the approved payment plan, access to the Transfer Station will be automatically revoked.

SECTION 6.3 EQUIPMENT & OPERATIONS REQUIREMENTS

6.3.1 Equipment Requirements

All Solid Waste Collection and Transportation vehicles shall be easily cleanable, leak-proof, and be covered with metal, canvas, or a mesh type material to prevent escape of Solid Waste while in transit.

6.3.2 Maintenance

The Collector shall maintain all Solid Waste Collection and Transportation vehicles in a safe and sanitary manner, and provide brooms and shovels on each vehicle for the purpose of cleaning up spilled material. All safety equipment including, but not limited to, horns, lights, and reflectors shall be operable.

6.3.3 Identification Numbers

Each vehicle used by a Collector for the Collection or Transportation of Solid Waste shall be identified by an identification number chosen by the Collector for that vehicle for the current license year.

The Collector shall also print or paint in legible characters the identification number, on the sides and rear of all vehicles used by the Collector to store, collect or transport Solid Waste in WLSSD. Letters and numbers shall be of sufficient size to be readily ascertained at a distance of 100 feet from the vehicle.

6.3.4 Inspection

The District may inspect and approve all Solid Waste Collection and transportation vehicles.

6.3.5 Protecting Private Property

The Collector shall take reasonable care to protect the property of customers being served. The Collector shall be responsible for any damage or spillage of Solid Waste as a result of the Collector or the Collector's employees or agent's actions.

6.3.6 Dumping in an Emergency

The Collector shall be responsible for the cleanup of any Solid Waste that must be dumped in an emergency. The operator of the vehicle shall immediately notify the District and the appropriate law enforcement agency and emergency service of such a Dumping and clean up the area within a time limit set by the District.

6.3.7 Unacceptable Wastes

Solid Waste Collectors shall not accept for Collection any Mixed Municipal Solid Waste that contains Yard Waste, Christmas trees, dry cell batteries (as prohibited by Minn. Stat. §115A.9155), Solid Wastes containing mercury (as prohibited by Minn. Stat. §115A.932), motor vehicle fluids and filters (as prohibited in Minn. Stat. §115A.916), or any material that has been banned from Solid Waste or Mixed Municipal Solid Waste as an Unacceptable Waste or banned by any State statute. Banned items include, but are not limited to, Waste Tires, Major Appliances, telephone directories, Medical Waste, and any other waste identified in Section 4.4.A.

6.3.8 Mixing of Mixed Municipal Solid Waste and Recyclables Prohibited

Collectors shall not mix Source Separated Recyclable Materials with Mixed Municipal Solid Waste or handle Source Separated Recyclable Materials in any way that reduces the reusability or marketability of the Source Separated Recyclable Materials.

6.3.9 Providing Recycling Opportunities to a Commercial Site

At least once each year Collectors collecting Mixed Municipal Solid Waste in WLSSD shall provide specific information concerning Recycling Opportunities available to their Commercial Site customers. A copy of all such documents sent to customers shall be provided to the District. A Collector must offer recycling to each customer at the customer's point of generation. If the customer rejects the offer, the Collector shall document the rejection.

6.3.10 Collection Fees

- A. Charges for the Collection of Mixed Municipal Solid Waste in WLSSD shall increase with the volume or weight of the waste collected,
- B. Collectors of Mixed Municipal Solid Waste in WLSSD are prohibited from imposing a greater charge on residents who recycle than on residents, who do not recycle,
- C. Fees for services that are not based on volume or weight are prohibited by this Ordinance; and
- D. Base Rate. The District Board finds that a solid waste collection rate structure shall be based on a unit of volume defined to be one 32 gallon container of solid waste collected once per week which shall be known as the *base rate*. Each collector shall set its own *base rate*, which shall in all cases be a reasonable amount which takes into consideration the collector's cost of operation, capital investment, and a reasonable rate of return on investment. Each collector shall file its base rate with the District at least thirty (30) days before the rate is to take effect.
- E. Monthly Rate. The monthly rate for solid waste collection services shall be calculated by multiplying the base rate by the percentage corresponding with the service level provided by the collector to the customer. The rate structure is as follows:

SERVICE LEVEL	PERCENT OF BASE RATE
One, 20-gallon can once every other week	50%
One, 20-gallon can every week	70%
One, 32-gallon can every week	100% (base rate)
Two, 32-gallon cans every week	135%
Three, 32-gallon cans every week	170%
Each addition 32 gallon can every week	+30%
Additional Solid Waste, up to 20 gallons	+10%

A Collector may establish one base rate for customers who receive Curbside Collection of recyclable materials and one base rate for all other customers within the District without curbside recycling.

SECTION 7 FACILITY LICENSING PROVISIONS

SECTION 7.1 GENERAL LICENSING PROVISIONS; EXCEPTION

The following general provisions shall apply to all licenses issued by WLSSD relating to any Solid Waste activities, services or Facilities within the jurisdiction of the Solid Waste Management Service Area. The provisions of Section 7 shall not apply in Carlton County.

7.1.1 Non-transferable

Any license obtained under this Ordinance shall be nontransferable. Licenses issued to corporations, partnerships or associations shall be valid only so long as there is no change in the ownership. Corporations, partnerships or associations holding licenses shall submit written notice to the District of any such changes in ownership on or before thirty (30) days prior to the effective date of any such change. In the case of a corporation, the Licensee shall notify the District when a Person or entity not listed in the application acquires an interest, and shall give all information about such Person as is required pursuant to the provisions of this Section.

SECTION 7.2 FACILITY LICENSES REQUIRED

It is unlawful for any Person to establish, operate, or maintain a Solid Waste Management Facility without a license from the District and in compliance with the requirements of this Article and any License conditions imposed by the District. No Person shall cause, permit, or allow land or property under that Person's control to be used for Solid Waste Processing or Disposal purposes, except at a Site which complies with all District ordinances, regulations, local, State, and federal guidelines, statutes, rules and regulations.

7.2.1 Disposal of Solid Waste

No Person shall make nor allow land or property under their control to be used for Intermediate or Final Disposal of any Solid Waste unless it is a Solid Waste Facility for which a license has been issued by the Board or renewed by the District, unless otherwise provided by this Ordinance. No Person shall dispose of any Solid Waste on any land or property, unless the District has issued a Solid Waste Facility license for that land or property, unless otherwise provided by this Ordinance.

7.2.2 Facility License Application

The following types of Facilities shall obtain a Solid Waste Management Facility License from WLSSD:

- A. Solid Waste Land Disposal Facilities
- B. Demolition Debris Land Disposal Facilities
- C. Industrial Solid Waste Land Disposal Facilities
- D. Transfer Stations
- E. Solid Waste Processing Facilities
- F. Waste Tire Facilities
- G. Recycling Facility

7.2.3 Prohibited Solid Waste Management Facilities

WLSSD prohibits development of Disposal Facilities for the following types of waste:

- A. Regulated Infectious Waste Land Disposal Facilities
- B. Hazardous Waste Disposal Facilities
- C. Radioactive Waste Management Facilities
- D. Any type of Solid Waste Management Facility that the current WLSSD Solid Waste Management Plan deems to be unnecessary or duplicative.

SECTION 7.3 REVIEW OF FACILITY LICENSE APPLICATION

After receiving a License application that complies with all of the requirements of this Ordinance for the operation of a Solid Waste Facility, WLSSD shall have 60 days to either grant or deny the license. If any applicant is denied a license, the applicant shall be notified in writing by WLSSD of the reasons for the denial of the license. A denial shall be without prejudice to the applicant's right to an appearance before the Board or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

7.3.1 Operational Conditions

The Licensee shall comply with the operational conditions stated in the WLSSD approved application. Major Modifications of the operation by the Licensee, as determined by the District, must be approved by the Board. Failure of the Licensee to comply with such

operational conditions or any Major Modifications to the same is a violation of this Ordinance.

7.3.2 Contingent License/Special Conditions

A license may be granted that is contingent upon compliance with special conditions specified in the license. Such conditions, if any, shall be designed to promote the health, welfare and safety of the public. Failure of the Licensee to comply with such special conditions is a violation of this Ordinance.

SECTION 7.4 FACILITY LICENSE APPLICATION REQUIREMENTS

An application for a license or license renewal shall be made to the District on forms furnished by the District. The application shall not be considered complete until the District has received all information, materials, plans, Financial Assurance, certificates of insurance, and fees required under this Ordinance. Each license granted pursuant to the provisions of this Ordinance shall expire within 10 years, on a date specified by the District, unless sooner revoked.

7.4.1 Financial Assurance

The Board may determine that Financial Assurance is appropriate for those Facilities listed in this Ordinance, based on their size, operating life, past and existing operational practices, and types of waste accepted at the Facility. Financial Assurance has the meaning outlined in MPCA rules (7035.2695).

7.4.2 Insurance

An applicant shall maintain insurance and furnish to the District certificates of insurance issued by insurers duly licensed to do business within the State of Minnesota evidencing insurance coverage and amounts, as established by the Ordinance. Certificates of insurance shall require that at least thirty (30) days notice be given to the Executive Director of cancellation of any insurance coverage specified therein.

SECTION 7.5 INSURANCE REQUIRED; SOLID WASTE FACILITY APPLICATION PROCESS

A Licensee shall provide and maintain at all times during the term of the license, such insurance coverage as set forth in this Section, and otherwise comply with the provisions that follow. Such policy(ies) of insurance shall apply to the extent of, but not as a limitation upon or in satisfaction of, the license indemnity provisions. The provisions of this Section shall also apply to all subcontractors, sub-subcontractors, and independent contractors engaged by the Licensee with respect to the license. The Licensee shall be entirely responsible for securing the compliance of all such Persons or parties with these provisions.

7.5.1 Worker's Compensation

- A. Worker's compensation insurance shall be in compliance with all applicable State Statutes. Such policy shall include Employer's liability coverage in at least such amount(s) as are required by Minnesota law.
- B. In the event a Licensee is a sole proprietor and has elected not to provide workers' compensation insurance, the Licensee shall be required to execute and submit to the District an affidavit of sole proprietorship in a form acceptable to the District.

7.5.2 General Liability

- A. Commercial General Liability Coverage (Insurance Services Office form title), providing coverage on an "occurrence", rather than on a "claims made" basis, which policy shall include, but shall not be limited to, coverage for bodily injury, property damage, personal injury, contractual liability (applying to this contract), independent Licensees, "XC&U" and products-completed operations liability (if applicable).
- B. The Licensee shall maintain at all times during the period of the license a total combined general liability policy limit of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate, applying to liability for bodily injury, personal injury, and property damage, which total limit may be satisfied by the limit afforded under its "Commercial General Liability" policy, or equivalent policy.

7.5.3 Automobile Liability

Business Automobile liability insurance shall be obtained and shall cover liability for bodily injury and property damage arising out of the ownership, use, maintenance, or operation of all owned, non-owned and hired automobiles and other motor vehicles utilized by the Licensee in connection with performance under this license agreement. Such policy shall provide total liability limits for combined bodily injury and/or property damage in the amount of at least \$1,000,000 per accident.

7.5.4 Additional Insurance

WLSSD may require a Licensee to undertake an annual insurance evaluation, conducted by an independent evaluator selected by WLSSD, which evaluator shall be reasonably acceptable to Licensee. WLSSD may, at any time during the period of the license, require that Licensee secure any additional insurance, or additional feature to existing insurance, as is recommended by such evaluation as reasonably required for the protection of WLSSD's interests or those of the public. In such event Licensee shall proceed with due diligence to make every good faith effort to promptly comply with such additional requirement(s).

7.5.5 Evidence of Insurance

A Licensee shall promptly provide the District with evidence that the insurance coverage required hereunder is in full force and effect at least twenty (20) days prior to the granting of a license by the Board. At least thirty (30) days prior to termination of any such coverage, Licensee shall provide the District with evidence that such coverage will be renewed or replaced upon termination with insurance that complies with these provisions. Such evidence of insurance shall be in the form of a "Certificate of Insurance", or in such other form as the District may reasonably request, and shall contain sufficient information to allow the District to determine whether there is compliance with these provisions. At the request of the District, the Licensee shall, in addition to providing such evidence of insurance, promptly furnish the District with a complete (and if so requested, insurer-certified) copy of each insurance policy intended to provide coverage required hereunder. All such policies shall be endorsed to require that the insurer provide at least a sixty (60) day notice to the District prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Licensee's insurance agent shall certify on the certificate of insurance, that he/she has error and omissions coverage.

7.5.6 Insurer Policies

All policies of insurance required by this Ordinance shall be issued by financially responsible insurers licensed to do business in the State of Minnesota, and all such insurers must be acceptable to the District. Such acceptance shall not be unreasonably withheld or delayed. An insurer with a current A.M. Best Company rating of at least A: VII shall be conclusively deemed to be acceptable. In all other instances, the District shall have twenty (20) business days from the date of receipt of a Licensee's evidence of insurance to advise the Licensee in writing of any insurer that is not acceptable to WLSSD. If the District does not respond in writing within such twenty (20) day period, the Licensee's insurer(s) shall be deemed to be acceptable to WLSSD.

7.5.7 Loss Information

At the request of the District, the Licensee shall promptly furnish loss information concerning all liability claims brought against a Licensee (or any other Insured under Licensee's required policies) that may affect the amount of liability insurance available for the benefit and protection of WLSSD under this Ordinance. Such loss information shall include such specifics and be in such form as the District may reasonably require.

7.5.8 Application Requirements

In addition to the general requirements in Section 7.4, the application for initial license shall include:

- A. Application Procedure. The required sequence for a person wishing to obtain a Solid Waste Management Facility Permit from the District Board is: a) local zoning approval, (at appropriate township, city or county level), b) Agency approval, if applicable, and c) final District approval. All Agency

technical standards will apply for District licensing review and approval except where requirements in this ordinance are more restrictive. If the Agency does not have a permitting process for the activity that is the subject of the application, or the facility is currently permitted by the MPCA as a permit-by-rule, the District may modify the required application information.

- B. Application. Any person wishing to submit an application for permit of a Solid Waste Management Facility in the District must submit the following information, unless modified by the District pursuant to Section 7.5.8 A.:
- (1) name and address of the project proposer, and site, including legal description, selected for the proposed project;
 - (2) geographic area and population to be served by the proposed project;
 - (3) a description of the process and expected life of the facility;
 - (4) the anticipated type, quantity and source of materials to be handled in the proposed facility;
 - (5) a description of the residues or waste discharges from the proposed facility and the environmental safeguards which will be incorporated into the project;
 - (6) the anticipated hours of operation of the proposed facility and the resulting traffic;
 - (7) a description of the adequacy of existing roadways to support the proposed facility;
 - (8) a description of the availability (or lack thereof) of similar facilities in the District or region and how the proposed facility and its operation is in compliance with the District Solid Waste Management Plan;
 - (9) an operating schedule;
 - (10) a schedule of fees to be charged at the facility;
 - (11) a notarized affidavit, signed by the applicant, stating the municipal or township governing body in which said solid waste management facility is to be located has considered and approved the establishment of the solid waste management facility with respect to zoning, impact on roads, and other applicable regulations;

- (12) a list from the county identifying all property owners located within one-quarter mile and a list of the ten (10) nearest property owners to the existing or proposed waste management activity or facility;
 - (13) a notarized affidavit, signed by the applicant, stating that the applicable local governments have been given at least thirty (30) days notice of the application for a facility permit;
 - (14) a letter from the County Zoning Administrator or relevant City Administrator that the proposed facility land use is in accordance with the established County or City Zoning Ordinance;
 - (15) sufficient documentation to enable the District Board to determine whether the applicant is financially and operationally capable to properly process the proposed waste types and amounts in the proposed facility;
 - (16) the application fee of \$500, and
 - (17) such additional information as may be required by the Solid Waste Administrator.
- C. Signatures. A permit application must be signed by the solid waste management activity or facility owner, landowner, and operator. If determined by the Solid Waste Administrator to be appropriate, the application may also require the signature of the Minnesota registered engineer of the firm that prepares the necessary reports and plans for a solid waste management activity or facility permit.
- D. Certification. A person who signs a permit application shall make the following certification: “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.”
- E. Application Review Process. Within 15 days of receipt by the Solid Waste Administrator of the permit application for a solid waste facility or activity, the Solid Waste Administrator shall notify the applicant in writing whether the application is complete and if not, what items are needed to make it complete. Submission of false information may constitute grounds for denying a permit or permit renewal, or suspension by revocation of an issued permit. A completed application, as determined by the Solid Waste

Administrator, shall be submitted to the District Board with a recommendation for approval or denial. A public hearing will be conducted before the District Board prior to the issuance of a permit for a solid waste management activity or facility. Notice of the public hearing shall be published once in a newspaper of general circulation in the District at least ten (10) days in advance of the hearing. Notice of the time, place and activity or facility to be considered at the public hearing shall be sent by mail to property owners within one-quarter (1/4) mile of the existing or proposed waste management activity or facility, or to the ten (10) property owners nearest to the waste management activity or facility, whichever would provide the greatest number of property owners. Written notices shall be mailed to the affected township board of supervisors and the municipal council of any municipality within one (1) mile of the existing or proposed waste management activity or facility. The applicant and all other interested parties shall be afforded the reasonable opportunity to be heard at the public hearing. Evidence may be introduced in a manner consistent with the rules of evidence applied in civil cases. Supplemental information and data may be submitted within ten (10) days of adjournment of the public hearing. A transcript of the hearing shall be made by recording or other suitable technique. All books, records, files and correspondence of the District Board pertaining to said application shall be made available for public inspection. The District Board shall review the testimony and evidence provided and issue a determination within thirty (30) days of adjournment of the public hearing.

The District Board shall refuse to issue any permit for any purpose which does not comply with local ordinances, state laws and rules, federal regulations, and the District Solid Waste Management Plan.

If an applicant is denied a permit, the applicant shall be notified in writing of the reasons therefore by the District Board. A denial shall be without prejudice to the applicant's right to file further application after revisions are made in order to satisfy objections specified in the denial. An aggrieved party may appeal the decision of the District Board to the state district court by filing a written notice of appeal, explaining the reasons for the appeal, with the Solid Waste Administrator no later than thirty (30) days after the decision of the District Board is released in writing, and thereafter commencing an action in state district court within thirty (30) days of filing the notice of appeal.

- F. Bond. Issuance or renewal of any permit pursuant to the provisions of this ordinance may be contingent upon the applicant furnishing to the District a bond in an amount to be set by the District Board. This bond shall name the District as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that, if the permittee fails to comply with any

requirements or fails to perform any of the acts required of the facility or ceases to operate a facility, and the District must expend any monies or expend any labor or material to restore the operation or facility to a condition in compliance with this ordinance, the bond holder and the sureties on its bond shall reimburse the District for any and all expenses incurred by the District to remedy failure of the permittee to comply with the terms of this ordinance, and the bond holder and its sureties shall indemnify and save the District harmless from all losses, costs, and charges that may occur to the bond holder or its sureties because of any default of the permittee under the terms of the bond to operate in compliance with the terms of the ordinances or regulations of the District.

- G. Letter of Credit. The District Board may accept in lieu of the bond described in Section 7.5.8.F, a letter of credit provided that the letter of credit names the District as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties, and that all of the conditions of the bond are met as described in Section 7.6.8.F. An updated letter of credit shall be required upon renewal of any permit granted pursuant to the provisions of this ordinance.
- H. Insurance. Issuance or renewal of a permit pursuant to the provisions of this ordinance shall be contingent upon the applicant securing insurance, and furnishing to the District a copy of a certificate therefor, the following types of insurance issued to the permittee and naming the District as insured, by insurers duly licensed within the State of Minnesota and in amounts set by the District Board; general liability including, but not limited to, bodily injury, property damage, motor vehicle, workers' compensation, or other insurance required by state law. The permittee shall provide 30 days written notice to the Solid Waste Administrator should any insurance policy be canceled before the expiration date of said policy.
- I. Fees. Issuance or renewal of any permit pursuant to the provision of this ordinance shall be contingent upon the applicant paying the application fee of \$500 and the annual permit fee of \$250, or such amount as set by District Board resolution. The annual permit fee is due on March 1.
- J. Permit Term. Unless otherwise provided by the District Board, each permit granted pursuant to the provisions of this ordinance shall be for a period not to exceed ten (10) years, unless earlier suspended or revoked. The length of the permit term shall be determined in the discretion of the District Board.
- K. Annual Report. Permitted solid waste management activities or facilities shall submit an annual report, to be submitted no later than March 1 of each year for the previous year that the permit was issued, that contains information, data, plans, and reports as required by the Agency. Along with

the annual report, permittee shall submit the annual permit fee set forth in Section 7.5.8.I.

- L. Change in Facility Construction or Operation. No change within the parameters of the facility's permit shall be made in the construction or operation of a solid waste management activity or facility unless such change is first approved by the Solid Waste Administrator and, if required, the Agency.
- M. Permit Modification. The District Board may modify existing licensing requirements due to information indicating that the original permit provisions were based on inadequate or erroneous information. Such changes in permit requirements can only be made after notification in writing to the permittee.
- N. Renewal Requirement. Renewal of any permit pursuant to the provisions of this ordinance shall be contingent upon the applicant submitting information required in the permit application that has changed since the previous submittal, such additional information as may be required by the Solid Waste Administrator, and information, data, plans, and reports as required by the Agency.
- O. Inspection. Routine inspection and evaluation of an operation shall be made by the Solid Waste Administrator at such frequency as to ensure consistent compliance by the permittee with the provisions of this ordinance. The permittee shall be provided with a written inspection report containing the precise description of any deficiencies, recommendations for the correction thereof and the date when the corrections shall be accomplished. Copies of said report(s) shall be furnished to the Agency. The permittee shall allow authorized representatives of the District or the Agency access to the facility at any time for the purpose of making such inspection as may be necessary to determine compliance with the requirements of the ordinance, and any other applicable statute, ordinance, or rule.
- P. Continuation of Expired Permit. A person who holds an expired permit and who has submitted a timely and complete application for reissuance of the permit may continue to conduct the permitted solid waste management activity until the District Board takes final action on the application, if the Solid Waste Administrator determines that both of the following are true:
 - 1. The permittee is in compliance with the terms and conditions of the expired permit, the District Ordinance Regulations Solid Waste Operations, and the District Solid Waste Management Plan;

2. The Solid Waste Administrator, through no fault of the permittee, has not taken action on the application on or before the expiration date of the permit; and
3. The permittee demonstrates that there is remaining permitted capacity.

7.5.9 Licensed Facilities

At any time the Licensee submits an application for renewal or modification of their MPCA Facility permit a copy of that application and all supporting documentation must be submitted to the District and the process for initial license application or a process for a major or minor modification for Solid Waste Management Facility license shall be followed.

7.5.10 License Holder

In each application for a Solid Waste Facility license the Operator shall be named as the proposed Licensee. The District may require the facility owner or landowner to be named as Co-Licensee. The facility owner or landowner may request to be named Co-Licensee. Co-Licensees are jointly and severally liable for Ordinance violations.

SECTION 7.6 MAJOR MODIFICATIONS

7.6.1 Request for Modification

Prior to undertaking any modifications to operations, a licensed solid waste facility must file a written request with the Solid Waste Administrator, who shall review the request and determine if the request is a major modification.

7.6.2 Major Modification Determination

Any of the following changes are considered a major modification:

- A. The addition or substitution of a waste type or quantity that represents the potential for a significant environment or public health impact; and
- B. An increase in the rate at which waste is accepted; and
- C. A change in the waste management method or addition of a new waste management or leachate management method used at a site or Solid Waste Facility beyond current permitted capacity or a change to the closure plan; and
- D. An expansion of a Solid Waste Facility.

Notwithstanding these criteria, a major modification does not include changes or modifications that:

- A. Are included in the license application and operations plan; and
- B. Are in conformance with the license; and
- C. Will not reduce the District's ability to monitor compliance with the Ordinance.

7.6.3 New License Required

If the Solid Waste Administrator determines that a modification to operations is a major modification, the Solid Waste Facility must apply for and obtain a new Solid Waste Facility license pursuant to section 3.02. Board approval is required for this new license. A minor modification can be issued by the Solid Waste Administrator.

SECTION 7.7 INSPECTIONS & ENFORCEMENT

All provisions of this Ordinance shall be enforced pursuant to this Article.

7.7.1 Inspections

Routine inspection of Solid Waste Facilities and/or a Licensee's premises shall be made by the District in such frequency as to insure consistent compliance by the Licensee with this Ordinance.

- A. The applicant or Licensee shall allow free access to Authorized Representatives of the District at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance.
- B. Failure of the applicant or Licensee to permit such inspection shall be grounds for denial, suspension or revocation of a license. The Licensee shall be provided with written documentation of any deficiencies and the date by which the corrections shall be completed.
- C. Whenever necessary to enforce any provision of this Ordinance, or whenever the District has reasonable cause to believe that a violation of this Ordinance exists, the District may enter premises or vehicles to inspect the same or to perform any duty incumbent upon the District, provided that if such building or premises be occupied, the Authorized Representative shall first present proper credentials and request entry; and if such building or premises be unoccupied, the District shall first make a reasonable effort to locate the Operator or other Persons having charge or control of the building or premises and request entry. If such entry is refused, the District may issue a summary suspension, suspension or revocation of a license and shall have recourse to other remedies provided by law.
- D. Whenever the District or its Authorized Representatives shall find in any building, vehicle, or on any premises any material, condition or activity endangering the health, welfare or safety of the public, the District shall issue such orders as may be necessary for the enforcement of this or other

applicable WLSSD ordinances governing and safeguarding the health, welfare and safety of the public.

- E. Repeated violations of this Ordinance or failure to comply with any order of the District, shall be grounds for summary suspension, suspension or revocation of a license.
- F. Any order or notice issued or served by the District shall be complied with by the Owner, Operator or other Person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance depending on the nature of and the danger created by the violation. In cases of extreme danger to health, welfare and safety of the public, immediate compliance shall be required.
- G. If a building or premises is owned by one Person and occupied by another, under lease or otherwise, and the order or notice requires immediate compliance for the health, welfare and safety of the public, such order or notice shall be served on the Owner, Operator or occupant and the Owner, Operator or occupant shall ensure compliance with the order or notice.

7.7.2 Re-inspections

Upon written notification from the Licensee that all the violations for which a suspension or emergency suspension has been issued have been corrected, the District shall re-inspect the property or activity within 15 days. If the District finds upon such re-inspection that the violation has been corrected, the District shall inform the Licensee of reinstatement of the License.

SECTION 7.8 GENERAL REQUIREMENTS FOR ALL FACILITIES

The following items shall be established, constructed, or provided for at all Solid Waste Management Facilities, unless specifically exempted by the District:

7.8.1 Design and Construction

- A. Sanitary Facilities and shelter shall be available for site.
- B. Effective litter control devices such as portable fences.
- C. Electrical service, as necessary for operations and repairs.
- D. Firefighting Facilities on site adequate to insure the safety of employees.
- E. Emergency first aid equipment to provide adequate treatment for all accidents.
- F. A potable water supply for site Personnel.
- G. Shelter for maintenance and storage of site equipment.
- H. Adequate Facilities to ensure that no vehicle desiring entry into the site may have to wait outside the perimeter of the site.
- I. Adequate communication Facilities shall be provided for emergency purposes.

- J. The site shall be fenced or secured to prevent unauthorized entry and a gate shall be provided at the entrance to the site and kept locked when an attendant is not on duty.
- K. An all-weather haul road to the unloading area.
- L. Visual screening of the site, as approved by the District, shall be provided by use of natural objects, trees, plants, seeded soil berms, fences, or other suitable means.
- M. An area designated to inspect and store Solid Waste to determine whether or not Unacceptable waste is contained in the Solid Waste deposited at the site.

7.8.2 Closure Requirements

In addition to Closure procedures required by the MPCA, the Operator shall submit a detailed map to the District upon Closure of a Disposal Facility. The map shall include the location of fill areas, buildings, roads, wells, hydro-geologic information, elevations, scales, and any other features of the site.

- A. Documents submitted must show the nature and location of the waste Disposed at the Facility.
 - 1. Complete location details of any regulated wastes such as asbestos shall be submitted to the District and recorded on the property deed.
 - 2. A complete list of Industrial Solid Waste customers and associated waste characterization data and Disposal location shall be submitted.
- B. Documents submitted must show the property lines of the Facility and all adjacent property ownership at the time of Closure.
- C. A letter from the Operator shall be sent to all adjacent property owners notifying them of the Closure requirements and the ultimate use of the land on which the Disposal Facility is located. This letter must be sent by certified mail within 30 days of the completion of Closure requirements with a copy sent to the Solid Waste Administrator at the same time.

SECTION 7.9 SOLID WASTE LAND DISPOSAL FACILITIES

This section applies to Solid Waste Facilities designed, constructed, maintained, or operated as a Solid Waste Land Disposal Facility.

7.9.1 State Rule Adopted

The design, construction, and operation of Solid Waste Land Disposal Facilities shall be in accordance with Minnesota Rules Part 7035.2815 which is hereby adopted by reference as part of this Ordinance.

7.9.2 License Required

It is unlawful for any Person to establish, operate, or maintain a Mixed Municipal Solid Waste Land Disposal Facility without first being licensed to do so by the District. The District may, at its discretion, issue a license for the operation of a Mixed Municipal Solid

Waste Land Disposal Facility when the following materials prepared by a registered professional engineer of Minnesota are submitted to the District for consideration.

- A. Licensing Requirements. The following information shall be submitted to the District as part of the application process for a Mixed Municipal Solid Waste Land Disposal Facility License.
1. Application and Fees. An applicant for a Mixed Municipal Solid Waste Land Disposal Facility License shall complete and submit to the District an application on a form provided by the District. The application shall not be considered complete until the District receives the signed and dated application form, all applicable fees, and all materials required by this Article.
 2. Existing Conditions Plan. A current map or aerial photograph of the area showing land use and zoning with 1/4 mile of the Solid Waste Land Disposal Site. The map or aerial photography shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photography, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.
 3. Plot Plan. A plot plan which includes legal description of the site and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including but not limited to roads, fencing and cover stockpiles. The plan of development including any excavation, trenching and fill shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching and fill. The scale of the plot plan should not be greater than 200 feet per inch.
 4. Land Use Plan. An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.
 5. Report. A report shall accompany the plans indicating:
 - a. Population and areas expected to be served by the proposed site.
 - b. Anticipated type, quantity and source of material to be Disposed of at the site.
 - c. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the site, including the high-water table. Such data shall be obtained by soil borings or other appropriate means.

- d. Source and characteristic of cover material and method for protecting cover material for winter operation.
- e. Type and amount of equipment to be provided at the site for excavating, earth moving, spreading, compacting and other needs.
- f. Area of site in acres.
- g. Owner of site.
- h. Persons responsible for actual operation and maintenance of the site and intended operating procedures.

7.9.3 General Design and Construction Requirements

The following items shall be established, constructed, maintained, or provided for at the site, in addition to the requirements as set forth in this Ordinance and in the Minnesota Rules Part 7035.2815:

- A. Equipment sufficient for spreading, compacting, and covering operations to include sufficient reserve equipment or arrangements to provide for all operations within 24 hours of equipment breakdown.
- B. At each entrance to the site the Licensee shall erect and maintain a sign stating the name of the Solid Waste Management Facility, the schedule of days and hours the Solid Waste Management Facility is open to the public, prices for use of the Solid Waste Management Facility, the types of waste accepted, and Minnesota Pollution Control Agency permit number and penalty for nonconforming Dumping. Plans and specifications for the sign wordage and its proposed placement shall be submitted to the District for its approval prior to the sign's installation. Any changes to the sign after initial installation are also subject to approval by the District.
- C. Suitable accommodations shall be provided for individuals who wish to transport and Dispose of their own Solid Waste provided said Solid Waste has been determined by the District to be acceptable at the Facility.

7.9.4 General Operating Procedures

Any Person who has been granted a license by the District to operate a Mixed Municipal Solid Waste Land Disposal Facility shall comply with the following operation regulations, in addition to the requirements in the Minnesota Rules Part 7035.2815:

- A. Open Burning, Animal Feeding and Scavenging. Open Burning of Mixed Municipal Solid Waste is prohibited. No scavenging shall be allowed. Salvaging shall be allowed only upon conditions approved in writing by the District. Animal feeding within the site is prohibited.
- B. Wind-Blown Material. Unloading of Mixed Municipal Solid Waste shall be confined to as small an area as practicable and surrounded with appropriate materials to prevent wind-blown material within the area. At the conclusion of each day of operation, all wind-blown material resulting from

the operation shall be collected and returned to the designated area by the Owner or Operator.

- C. Cover and Compaction of Putrescible Material. Putrescible Material, which has reached a foul state of decay or decomposition, shall be immediately covered and compacted.
- D. Public Nuisance Control. Control of vectors, such as rodents and flies, and of odors, dust, wind-blown material and other potential public nuisances shall be sufficient to prevent or eliminate any public nuisance. Should the District so prescribe, an exterminator or pest control agent, at the Licensee's expense, shall be engaged to inspect the Solid Waste Land Disposal Facility on at least a monthly basis. A copy of each inspection report shall be sent to the District immediately upon its receipt by the Licensee.

SECTION 7.10 DEMOLITION DEBRIS LAND DISPOSAL FACILITIES LICENSE

This section applies to all Solid Waste Facilities designed, constructed, or operated for the land Disposal of Demolition Debris, regardless of size or duration of operation.

7.10.1 State Rule Adopted

The design, construction, and operation of Demolition Debris land Disposal Facilities shall be in accordance with Minnesota Rules Part 7035.2825 which is hereby adopted by reference as part of this Ordinance.

7.10.2 License Required

It is unlawful for any Person to establish, operate, or maintain a Demolition Debris Land Disposal Facility without first being licensed to do so by the District.

- A. Licensing Requirements. The following information shall be submitted to the District as part of the application process for a Demolition Debris Land Disposal Facility License.
 - 1. **Application and Fees.** An applicant for a Demolition Debris Land Disposal Facility License shall complete and submit to the District an application on a form provided by the District. The application shall not be considered complete until the District receives the signed and dated application form, all applicable fees and all materials required by this section.
 - 2. **Existing Conditions Plan.** A current map or aerial photograph of the area showing land use and zoning within 1/4 mile of the Solid Waste land Disposal site. The map or aerial photography shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photography, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.

3. Plot Plan. A plot plan including legal description of the site and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including but not limited to roads, fencing and cover stockpiles. The plan of development including any excavation, trenching and fill shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching and fill. The scale of the plot plan should not be greater than 200 feet per inch.
4. Land Use Plan. An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.
5. Report. A report shall accompany the plans indicating:
 - a. Population and areas expected to be served by the proposed site.
 - b. Anticipated type, quantity and source of material to be Disposed of at the site.
 - c. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the site, including the high-water table. Such data shall be obtained by soil borings or other appropriate means.
 - d. Source and characteristic of cover material and method for protecting cover material for winter operation.
 - e. Type and amount of equipment to be provided at the site for excavating, earth moving, spreading, compacting and other needs.
 - f. Area of site in acres.
 - g. Owner of site.
 - h. Persons responsible for actual operation and maintenance of the site and intended operating procedures.

7.10.3 General Design and Construction Requirements

The general design and construction requirements shall be in accordance with this Ordinance and the Minnesota Rules Part 7035.2825:

- A. Equipment sufficient for spreading, compacting and covering operations to include sufficient reserve equipment or arrangements to provide for all operations within 24 hours of equipment breakdown.
- B. Specific requirements regarding liner requirements and waste screening shall be determined based upon the site conditions and the projected waste composition.

7.10.4 General Operating Procedures

In addition to the following requirements, the general operating procedures shall be in accordance with the Minnesota Rules Part 7035.2825.

- A. Public Use Prohibited. No public usage will be allowed except where specifically approved by the District.
- B. Pest Eradication. Before any materials from demolished structures may be deposited, the Licensee must submit proof acceptable to the District that the demolished structure has been subjected to satisfactory pest eradication prior to demolition.
- C. Prohibited Wastes. No paper, plastic, cardboard, cans, bottles, Waste Tires, Major Appliances, vehicles, or other materials not specifically permitted by this Ordinance shall be deposited. This prohibition includes: Chemicals, dead animals, small appliances, ashes, large pieces of carpet and padding, fluorescent lights, ballasts, food waste, high intensity discharge lamps, household refuse, liquids, machinery, medical waste, mercury containing waste, paint containers, brushes, oil, grease, fuels, uncured sealants, sludges, coal tar, tires, unrecognizable waste, yard waste, sandblasting waste, grit/bar screen residue, street sweepings, paper mill waste, lead paint waste, railroad ties, foundry waste, contaminated soil, regulated asbestos waste, and any Industrial Solid Waste.

SECTION 7.11 INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITIES

This section applies to all Solid Waste Facilities designed, constructed, maintained, or operated as an Industrial Solid Waste Land Disposal Facility.

7.11.1 State Rule Adopted

The design, construction, and operation of industrial Solid Waste land Disposal Facilities shall be in accordance with Minnesota Rules Parts 7035.1590 - 7035.2500 which are hereby adopted by reference as part of this Ordinance.

7.11.2 License Required

It is unlawful for any Person to establish, operate, or maintain an Industrial Solid Waste Land Disposal Facility without first being licensed to do so by the District.

- A. Licensing Requirements. The following information shall be submitted to the District as part of the application process for an Industrial Solid Waste Land Disposal Facility License.
 - 1. Application and Fees. An applicant for an Industrial Solid Waste Land Disposal Facility License shall complete and submit to the District an application on a form provided by the District. The application shall not be considered complete until the District receives the signed and dated application form, all applicable fees and all materials required by this section.
 - 2. Existing Conditions Plan. A current map or aerial photograph of the area showing land use and zoning within 1/4 mile of the Solid Waste

land Disposal site. The map or aerial photography shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photography, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.

3. Plot Plan. A plot plan including legal description of the site and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including but not limited to roads, fencing and cover stockpiles. The plan of development including any excavation, trenching and fill shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching and fill. The scale of the plot plan should not be greater than 200 feet per inch.
4. Land Use Plan. An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.
5. Report. A report shall accompany the plans indicating:
 - a. Population and areas expected to be served by the proposed site.
 - b. Anticipated type, quantity and source of material to be Disposed of at the site.
 - c. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the site, including the high-water table. Such data shall be obtained by soil borings or other appropriate means.
 - d. Source and characteristic of cover material and method for protecting cover material for winter operation.
 - e. Type and amount of equipment to be provided at the site for excavating, earth moving, spreading, compacting and other needs.
 - f. Area of site in acres.
 - g. Owner of site.
 - h. Persons responsible for actual operation and maintenance of the site and intended operating procedures.

7.11.3 General Design and Construction Requirements

The general design and construction requirements shall be in accordance with this Ordinance and the Minnesota Rules Part 7035.1590 - 7035.2500.

- A. Equipment sufficient for spreading, compacting and covering operations to include sufficient reserve equipment or arrangements to provide for all operations within 24 hours of equipment breakdown.
- B. Specific requirements regarding liner requirements and waste screening shall be determined based upon the site conditions and the projected waste composition.

7.11.4 General Operating Procedures

In addition to the following requirements, the general operating procedures shall be in accordance with the Minnesota Rules Part 7035.1590 - 7035.2500, unless otherwise waived in writing by the District:

- A. Public Use Prohibited. No public usage will be allowed except where specifically approved.
- B. Refuse Prohibited. No paper, plastic, cardboard, cans, bottles, Waste Tires, Major Appliances, vehicles, or other materials not specifically permitted by this Ordinance shall be deposited.

SECTION 7.12 TRANSFER STATIONS

This section applies to Transfer Stations designed, constructed, established, maintained and operated in accordance with the following provisions. If the MPCA has determined that a Transfer Station is eligible for a permit-by-rule, the Solid Waste Administrator may accept the completed permit-by-rule notification form as its application for facility licensing.

7.12.1 State Rule Adopted

The design, construction, and operation of Transfer Stations shall be in accordance with Minnesota Rules Part 7035.2870 which is hereby adopted by reference as part of this Ordinance.

7.12.2 License Required

It is unlawful for any Person to establish, operate, or maintain a Transfer Station without first being licensed to do so by the District.

- A. Licensing Requirements. The following information shall be submitted to the District as part of the application process for a Transfer Station License.
 - 1. All Transfer Stations shall be categorized as to type and amount of Solid Waste transferred at the Facility. The following categories shall be established:
 - a. Large Mixed Waste: This Facility has an on-site storage capacity of greater than 30 cubic yards and handles a variety of Solid Waste types, to include Mixed Municipal Solid Waste.

- b. Small Mixed Waste: This Facility has an on-site storage capacity of no more than 30 cubic yards and handles a variety of Solid Waste types, to include Mixed Municipal Solid Waste.
 - c. Demolition Debris: This Facility handles Demolition Debris only.
 - d. Medical Waste: This Facility handles Medical Waste only.
2. Application and Fees. An applicant for a Transfer Station License shall complete and submit to the District an application on a form provided by the District. The application shall not be considered complete until the District receives the signed and dated application form, all applicable fees, and all materials required by this section, to include:
- a. Location, size and ownership of the land upon which the Transfer Station will operate.
 - b. General description of property use in the immediate vicinity of the Transfer Station.
 - c. Complete plans and specifications and proposed operating procedures for the Transfer Station.
 - d. Rates and charges for the use of Transfer Station.
 - e. A statement of the ultimate destination of Solid Waste delivered to the Transfer Station and subsequently transported to another Solid Waste Management Facility.

7.12.3 General Design and Construction Requirements

The following general design and construction requirements shall be in accordance with this Ordinance and the Minnesota Rules Part 7035.2870:

- A. Entrance Sign. At each entrance to the site the Licensee shall erect and maintain a sign stating the name of the Facility, the schedule of days and hours the Facility is open to the public, prices for use of the Facility and Minnesota Pollution Control Agency permit number and penalty for nonconforming Dumping. Plans and specifications for the sign wording and its proposed placement shall be submitted to the District for its approval prior to the sign's installation. Any changes to the sign after initial installation are also subject to approval by the District.
- B. Residential Disposal Facilities. For Transfer Stations open to the public, suitable Disposal Facilities shall be provided for individuals who wish to transport and Dispose of their own Solid Waste.
- C. Minimal Interference with Other Activities. The Transfer Station shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.

7.12.4 General Operating Procedures

Any Person who has been granted a license by the District to operate a Transfer Station shall comply with the following operation regulations, in addition to the requirements in the Minnesota Rules Part 7035.2870:

- A. Waste Removal and Clean-up. When stated in and as a part of the license, the Licensee shall take away all Solid Waste, clean, and maintain the Transfer Station at the end of each day of use.
- B. Orderly Maintenance. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
- C. Traffic Control. All incoming and outgoing traffic shall be controlled by the Licensee in such a manner as to provide orderly and safe ingress and egress.
- D. Unloading. All unloading of Solid Waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the Transfer Station.
- E. Liquids. All liquids shall be captured, contained, and treated without discharging to the environment.

SECTION 7.13 SOLID WASTE PROCESSING FACILITIES

This section applies to Solid Waste Processing Facilities designed, constructed, established, maintained and operated in accordance with the following provisions. If the MPCA has determined that a Solid Waste Processing Facility is eligible for a permit-by-rule, the Solid Waste Administrator may accept the completed permit-by-rule notification form as its application for facility licensing.

7.13.1 State Rule Adopted

The design, construction, and operation of Solid Waste Processing Facilities shall be in accordance with Minnesota Rules Parts 7035.2525 - 7035.2655, 7035.2845, and 7035.2875 which are hereby adopted by reference as part of this Ordinance.

7.13.2 License Required

It is unlawful for any Person to establish, operate, or maintain a Solid Waste Processing Facility without first being licensed to do so by the District.

- A. Licensing Requirements. The following information shall be submitted to the District as part of the application process for a Solid Waste Processing Facility License.
 - 1. Application and Fees. An applicant for a Solid Waste Processing Facility License shall complete and submit to the District an application on a form provided by the District. The application shall not be considered complete until the District receives the signed and dated application form, all applicable fees, and all materials required by this section, to include:

- a. Location, size, and ownership of the land the Solid Waste Processing Facility will operate on.
- b. General description of property use in the immediate vicinity of the Solid Waste Processing Facility.
- c. Complete plans and specifications and proposed operating procedures for the Solid Waste Processing Facility.

7.13.3 General Design and Construction Requirements

The following general design and construction requirements shall be in accordance with this Ordinance and the Minnesota Rules as listed in Section 7.12.1 of this section:

- A. The Solid Waste Processing Facility shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.
- B. Storage Facilities for by-products, to include residuals and recyclables, shall be provided to prevent vector intrusion and aesthetic degradation.
- C. The site shall be sized, or a separate area provided, for a location for Transportation vehicles to park while waiting to unload or load material without having to wait on a public thoroughfare.
- D. A Solid Waste delivery area shall be designated and all Solid Waste delivered to the Solid Waste Management Facility shall be confined to that area until incorporated into the Processing system.
- E. If the Processing Facility is a Solid Waste composting Facility, a Leachate Management System shall be provided for the Compost Facility and shall be designed and constructed so to be able to handle any run-off or run-on water that has made contact with the composted waste, materials stored for composting or residual waste.

7.13.4 General Operating Procedures

Any Person who has been granted a license by the District to operate a Solid Waste Processing Facility shall comply with the following operation regulations, in addition to the requirements in the Minnesota Rules.

- A. Quarterly Reports. Quarterly Reports shall be submitted to the Division covering the following areas:
 - 1. The source, quantity and characteristics of the Solid Waste being processed;
 - 2. The source, quantity and characteristics of any other material added to the Solid Waste, such as bulking, catalyst, or nutrient agents,
 - 3. A description of the process to reduce pathogens, if required by MPCA rules,
 - 4. Records of daily temperature readings, chemical additions, retention times, or other information as may be required by the District,

5. Records of the quantity and classification of the processed Solid Waste,
 6. Records of the quantity and type of by-products removed from the Solid Waste; and
 7. A description of the end-product distribution and Disposal system.
- B. Orderly Maintenance. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
- C. Traffic Control. All incoming and outgoing traffic shall be controlled by the Licensee in such a manner as to provide orderly and safe ingress and egress.
- C. Unloading. All unloading of Solid Waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the Processing Facility.

SECTION 7.14 WASTE TIRE FACILITIES

This section applies to Waste Tire collection sites and Processing Facilities designed, constructed, maintained, and operated in accordance with the following provisions. If the MPCA has determined that a Waste Tire Facility is eligible for a permit-by-rule, the Solid Waste Administrator may accept the completed permit-by-rule notification form as its application for facility licensing.

7.14.1 State Rule Adopted

The design, construction, and operation of Solid Waste Processing Facilities shall be in accordance with Minnesota Rules Parts 9220.0220 – 9220.0680 which are hereby adopted by reference as part of this Ordinance.

7.14.2 License Required

It is unlawful for any Person to establish, operate, or maintain a Waste Tire Collection site and Processing Facility without first being licensed to do so by the District, except that a license shall not be required for the following:

- A. A retail tire seller for the retail selling site if no more than 500 Waste Tires are kept on the business premises.
- B. An Owner or Operator of a tire retreading business for the business site if no more than 3,000 Waste Tires are kept on the business premises.
- C. An Owner or Operator of a business who, in the ordinary course of business, removes tires from motor vehicles if no more than 500 Waste Tires are kept on the premises.
- D. A licensed and permitted Solid Waste Management Facility Operator with less than 10,000 Waste Tires stored above ground at the licensed and permitted site.

- E. A Person using Waste Tires for agricultural purposes if the Waste Tires are kept on the site of use.

7.14.3 Licensing Requirements

The following information shall be submitted to the District as part of the application process for a Waste Tire Collection Site and/or Processing Facility License.

- A. Application and Fees. An applicant for a Waste Tire Collection Site and/or Processing Facility License shall complete and submit to the District an application on a form provided by the District. The application shall not be considered complete until the District receives all applicable fees and all materials required by this section, to include:
 - 1. Location, size and Ownership of the land of the Waste Tire Collection site and/or Processing Facility will operate.
 - 2. General description of property use in the immediate vicinity of the Waste Tire Collection site and/or Processing Facility.
 - 3. Complete plans and specifications and proposed operating procedures for the Waste Tire Collection site and/or Processing Facility.

7.14.4 General Design and Construction Requirements

The following general design and construction requirements shall be in accordance with this Ordinance, in addition to the Minnesota Rules Parts 9220.0200 – 9220.0680:

- A. The Licensee shall maintain a minimum separating distance of fifty (50) feet between the Waste Tire Collection site or Processing Facility operations and the adjacent property line.
- B. The Licensee shall divert surface water drainage around and away from the Collection area.
- C. The Licensee shall provide adequate visual screening 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 District.
- D. The Waste Tire Collection site and/or Processing Facility shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.

7.14.5 General Operating Procedures

Any Person who has been granted a license by the District to operate a Waste Tire Collection site and/or Processing Facility shall comply with the following operation regulations, in addition to the requirements in the Minnesota Rules Parts 9220.0200 – 9220.0680:

- A. The Licensee shall accept only Waste Tires at the Collection site.
- B. The Licensee shall prohibit piling of Waste Tires within the following regions:

1. Shore land
 2. Regional flood plain for a 100-year flood.
 3. Wetlands
- C. The Licensee shall:
1. Confine Waste Tires to as small an area as practical with individual piles not more than 2500 square feet in area and 20 feet in height;
 2. Provide a minimum twelve (12) foot separation between the piles of Waste Tires to allow access for trucks and emergency vehicles;
 3. Provide trenching or other adequate measures to minimize the potential for fire spreading; and
 4. Construct piles of Waste Tires to minimize the accumulation of stagnant water.

7.14.6 Waste Tire Reduction

Waste Tire Collection sites, Processing Facilities, and Waste Tire Dumps in existence prior to the effective date of this provision shall reduce the accumulation of Waste Tires by Processing and/or marketing to amounts, and within time limits established by the District, and shall be approved by the local zoning authority.

7.14.7 Cessation of Operation

Upon cessation of Waste Tire Processing Facility operations, the Licensee, Owner, and Operator shall be responsible for removing all Waste Tires and tire products from the site and ensure their proper management pursuant to this Ordinance and Minnesota Statute 115A.90 - 115A.914.

SECTION 7.15 RECYCLING FACILITIES

This section applies to Recycling Facilities designed, constructed, maintained, and operated in accordance with the following provisions. If the MPCA has determined that a Recycling Facility is eligible for a permit-by-rule, the Solid Waste Administrator may accept the completed permit-by-rule notification form as its application for facility licensing.

7.15.1 State Rule Adopted

The design, construction, and operation of Recycling Facilities shall be in accordance with Minnesota Rules Parts 7035.2845 which is hereby adopted by reference as part of this Ordinance.

7.15.2 License Required

It is unlawful for any Person to establish, operate, or maintain a Recycling Facility without first being licensed to do so by the District. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that

residential property, business or manufacturer. Recycling facilities may include collection facilities.

7.15.3 Licensing Requirements

The following information shall be submitted to the District as part of the application process for a Recycling Facility License.

- A. Application and Fees. An applicant for a Recycling Facility License shall complete and submit to the District an application on a form provided by the District. The application shall not be considered complete until the District receives all applicable fees and all materials required by this section, to include:
 - 1. Location, size and Ownership of the land of the Recycling Facility will operate.
 - 2. General description of property use in the immediate vicinity of the Recycling Facility.
 - 3. Complete plans and specifications and proposed operating procedures for the Recycling Facility.

7.15.4 General Design and Construction Requirements

The following general design and construction requirements shall be in accordance with this Ordinance, in addition to the Minnesota Rules Parts 7035.2845:

- A. The Licensee shall maintain a minimum separating distance of fifty (50) feet between the Recycling Facility operations and the adjacent property line.
- B. The Licensee shall divert surface water drainage around and away from the Collection area.
- C. The Licensee shall provide adequate visual screening 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 District.
- D. The Recycling Facility shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.

7.15.5 General Operating Procedures

Any Person who has been granted a license by the District to operate a Recycling Facility shall comply with the following operation regulations, in addition to the requirements in the Minnesota Rules Part 7035.2845:

- A. The Licensee shall accept only Recyclable Materials at the Collection site.
- B. The Licensee shall effectively control dust and vermin on the Facility Site.

7.15.6 Cessation of Operation

Upon cessation of Recycling Facility operations, the Licensee, Owner, and Operator shall be responsible for removing all Recyclable Materials from the site and ensure their proper management pursuant to this Ordinance and Minnesota Statutes.

SECTION 7.16 REPORTING & RENEWAL

It shall be the obligation of the Operator of a Solid Waste Management Facility to maintain accurate operation records, pay the annual permit fee and to renew the license prior to expiration. To be considered for renewal the Licensee must submit reports as required by the District.

7.16.1 Daily Records

Accurate daily records of Site operations shall be maintained and made available upon request to the District or Authorized Representatives including:

- A. Intake of Solid Waste in tons and cubic yards shall be recorded daily in a manner acceptable to the District. This information shall provide statistics on the types and quantities of Solid Waste received including, but not limited to Residential Solid Waste, Non-Residential/Institutional waste, and Industrial Solid Waste.
- B. General areas in which a particular type of Solid Waste Disposal takes place within a Solid Waste Land Disposal Facility shall be recorded.
- C. Detailed information on waste composition received at the Facility derived from actual measurements. The District may require a specific waste composition analysis for any waste materials that may contain hazardous chemicals or that may pose a risk to health and safety. Once information is general or specific composition analysis is approved by the District, they may be submitted with the annual report for a period of up to five years. If the composition of waste received by the Facility significantly changes, then the District may require an up to date composition analysis to be performed.
- D. Information that identifies the types and quantities of waste Released from the site or transported to other Solid Waste Facilities. This information includes but is not limited to Solid Waste, ash, Leachate, and residual materials derived from waste Processing.
- E. Copies of reports and data related to environmental monitoring including but not limited to groundwater testing, Leachate analysis, methane monitoring, and air emission data.
- F. Disposal of Hazardous Waste is prohibited. All Hazardous Wastes Generated by the Facility operation or delivered to the Facility by other Persons must be recorded, and documentation of management in accordance with State of Minnesota and Federal regulations and as set out in the Facility's operations plan must be reported.

7.16.2 Facility's Annual Report

The Licensee shall submit a copy of the Facility's annual report required by the MPCA to the District by March 1 of each year.

7.16.3 Facility Service Area

The Licensee shall submit records of population and areas served by the Facility on an annual basis.

7.16.4 Emergency Incidents

Within 24 hours of an emergency incident that results in conditions, which may be adverse to public or environmental health, the Licensee shall submit oral notification to the Solid Waste Administrator.

- A. This report shall be followed with written notification within 48 hours of the incident.
- B. When corrective actions are required by County, State or Federal agencies, a report of the incident and actions taken shall be submitted to the Solid Waste Administrator within 15 days of completion of the action.

SECTION 8 ADDITIONAL REQUIREMENTS & PROVISIONS

SECTION 8.1 WAIVERS OR MODIFICATIONS

Due to the great variability in the types of Solid Wastes and their existing and potential management methods, the District may waive or modify the strict application of the provisions of this Ordinance by reducing or waiving certain requirements when, in the discretion of the District, such requirements are unnecessary or impractical, provided such a waiver or modification will not endanger the health, safety, and welfare of the public, or the environment. The District may impose additional requirements through Solid Waste Management activity or Facility specific license conditions when deemed necessary to protect the health, safety, and welfare of the public, or the environment.

SECTION 8.2 AGENCY APPROVAL

No modification or waiver may be granted if it would result in noncompliance with State and Federal laws, unless such modification or waiver has been granted by the Minnesota Pollution Control Agency.

SECTION 8.3 JURISDICTION OF THE SOLID WASTE MANAGEMENT PLAN

A public entity within the District may not enter into a binding agreement nor develop nor implement a Solid Waste Management activity that is inconsistent with the Solid Waste Management Plan, unless it obtains the express consent of the District.

SECTION 8.4 PROMOTION OF PUBLIC HEALTH, SAFETY, & WELFARE

Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance, or any other applicable law, ordinance, rule, and regulation, the provision which establishes the higher standard for the promotion and protection of the health, safety, and welfare of the public shall prevail.

SECTION 8.5 INDEMNIFICATION

This Ordinance shall not be construed to hold the District or any District officer or employee responsible for any damage to Persons or property by reason of the inspection or re-inspection authorized herein; or by reason of the approval or disapproval of equipment or licensing herein; nor for any action in connection with the inspection or control of Solid Waste or in connection with any other official duties.

SECTION 8.6 NO CONSENT

Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate, or maintain any Solid Waste Management Facility, or to carry on any activity prior to issuance of a license hereunder.

SECTION 8.7 SEVERABILITY

It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 8.8 EFFECTIVE DATE

The effective date of this revised Ordinance shall be the day after its publication.