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# EXHIBIT 1

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.

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**

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), Rechargeable Batteries (as prohibited by Minn. Stat. §115A.9157), 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. Rubbish Service Providers may collect and transport to the Materials Recovery Center certain banned wastes if they are accepted at the Materials Recovery Center.

### **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.

## EXHIBIT 2

WLSSD TRANSFER STATION  
VIOLATION TICKET



DATE 1/31/25 TIME 4:10

- WASTE MANAGEMENT
- AA ROLLOFF
- CLOQUET SANITARY
- DEMOLITIONS
- HARTEL'S
- VEIT
- OTHER \_\_\_\_\_

TRUCK NO. 105490 DRIVER NAME Andy *(signature)*

TRUCK TYPE:  ROLL-OFF  SIDE LOADER  REAR LOADER  FRONT LOADER OR COMPACTOR  
GENERATOR OF UNACCEPTABLE WASTE (FROM DRIVER): Duluth

✓/X	MATERIAL	AMOUNT (Cubic Yards or Item Count)
	ALUMINUM/TIN	
	APPLIANCES	(Type and quantity of each)
	CARDBOARD	
	ELECTRONICS	(Type and quantity of each)
	GLASS	
X	MIXED RECYCLABLES	
	NEWSPAPER/PAPER	
	PLASTIC	
	TIRES	
	YARD WASTE	
	MISCODE (Handler Code Entry)	
	DUST	(Type and photo)
	MATTRESSES	
	OTHER*, SPECIFY	

\*ASBESTOS, EXPLOSIVES, HAZARDOUS WASTE, MEDICAL WASTE, FOOD WASTE, RAILROAD TIES  
ZIP CODE 55811

ADDITIONAL INFORMATION: \_\_\_\_\_  
SIGNATURE OF CONTRACTOR REP: *(signature)*

25145

WHILE WLSSD, FOLLOW TO HALLS PRIOR TO LEAVING STATION



31-25145 A



31-25145 B

**WLSSD TRANSFER STATION VIOLATION TICKET**

DATE 3-6-25 TIME 12:30 PM

WASTE MANAGEMENT  HAZTEL'S  
 AA ROLL-OFF  VERT  
 CLOQUEL SANITARY  OTTER  
 DEMOLITION

TRUCK No. 106034 DRIVER NAME [Signature] (print) (signature)

TRUCK TYPE:  ROLL-OFF  SIDE LOADER  REAR LOADER  FRONT LOADER  
OR COMPACTOR

GENERATOR OF UNACCEPTABLE WASTE (FROM DRIVER):  
Driver says he was told to dump all ahead

✓/X MATERIAL	AMOUNT (Cubic Yards or Item Count)
ALUMINUM/TIN	(Type and quantity of each)
APPLIANCES	(Type and quantity of each)
CARDBOARD	(Type and quantity of each)
ELECTRONICS	(Type and quantity of each)
GLASS	
<input checked="" type="checkbox"/> MIXED RECYCLES	<u>7 cu yds</u>
NEWSPAPER/PAPER	
PLASTIC	
TIRES	
YARD WASTE	
MISCODE (Hazard Code Entry)	(Type and photo)
DUST	
MATTRESSES	
OTHER*, SPECIFY	

\*ASBESTOS, EXPLOSIVES, HAZARDOUS WASTE, MEDICAL WASTES, FOOD WASTE, BATTERIES, MOTORS

ZIP CODE X

ADDITIONAL INFORMATION: That it was Recycle

SIGNATURE OF CONTRACTOR REP. [Signature] 25172

©2004 WLSSD ST 3900 REV 12/17  
WHITE WLSSD YELLOW-G PALLETS PRIOR TO LEAVING STATION

06-25172 VT



06-25172 A

WSSSD TRANSFER STATION  
 WASHINGTON COUNTY

DATE: 4/9/25 TIME: 3:57

WASTE MANAGEMENT     HAZARDOUS  
 AA ROLL-OFF             TIRE  
 CLOSURE SANITARY       OTHER  
 DEMOLITION

TRUCK No. 105499 DRIVER NAME: Andy

TRUCK TYPE:  ROLL-OFF  SIDE LOADER  REAR LOADER  FRONT LOADER  
 OR CONTRACTOR

GENERATOR OF UNACCEPTABLE WASTE (FROM TRUCK): Plush

✓/X	MATERIAL	AMOUNT (Cubic Yards or Item Count)
	ALUMINUM	(Type and quantity of item)
	APPLIANCES	(Type and quantity of item)
	CARDBOARD	(Type and quantity of item)
	ELECTRONICS	
	GLASS	
X	MIXED RECYCLABLE	<u>3.5 yards</u>
	NEWSPAPER/PAPER	
	PLASTIC	
	TIRES	
	YARD WASTE	
	MISCODE (Hazardous Waste)	(Type and amount)
	DUST	
	MATTRESSES	
	OTHER*, SPECIFY	

\*ASBESTOS, EXPLOSIVES, HAZARDOUS WASTE, MEDICAL WASTE, FOOD WASTE, PALETTES/TIES

ZIP CODE: 811

ADDITIONAL INFORMATION:

SIGNATURE OF CONTRACTOR REP: [Signature] 25195

WSSSD TRANSFER STATION

09-25195 VT



09-25195 A

WLSDD TRANSFER STATION  
VIOLATION TICKET



DATE 4/21/25 TIME 3:46

- WASTE MANAGEMENT
- AA ROLLOFF
- CLOQUET SANITARY
- DEMOLICIOUS
- HARTEL'S
- VRII
- OTHER

TRUCK No. 105495 DRIVER NAME X [Signature]  
(print) (sign)

TRUCK TYPE:  ROLL-OFF  SIDE LOADER  REAR LOADER  FRONT LOADER  
OR COMPACTOR

GENERATOR OF UNACCEPTABLE WASTE (FROM DRIVER): Depth

✓/X	MATERIAL	AMOUNT (Cubic Yards or Item Count)
	ALUMINUM/TIN	
	APPLIANCES	(Type and quantity of each)
	CARDBOARD	
	ELECTRONICS	(Type and quantity of each)
	GLASS	
X	MIXED RECYCLABLES	
	NEWSPAPER/PAPER	
	PLASTIC	
	TIRES	
	YARD WASTE	
	MISCODE (Hauler Code Entry)	
	DUST	(Type and photo)
	MATTRESSES	
	OTHER*, SPECIFY	

\*ASBESTOS, EXPLOSIVES, HAZARDOUS WASTE, MEDICAL WASTES, FOOD WASTE, RAILROAD TIES

ZIP CODE 55811

ADDITIONAL INFORMATION: \_\_\_\_\_

SIGNATURE OF CONTRACTOR REP. [Signature]

2006 WLSDD ST 3200 RV 12/19

WHITE: WLSDD YELLOW: TO HAULER PRIOR TO LEAVING STATION

23208




21-23208 B



21-23208 A

WISSD TRANSFER WASTE RECYCLING & SOLID WASTE DEPARTMENT  
 VIOLATION TICKET

DATE: 5-30-25 TIME: 11:06  
 WASTE STATION: 


HOUSEHOLD WASTE  
 BUSINESS/INDUSTRIAL WASTE  
 HAZARDOUS WASTE  
 OTHER

HOUSEHOLD WASTE  
 BUSINESS/INDUSTRIAL WASTE  
 HAZARDOUS WASTE  
 OTHER

DEPARTMENT: 126411 DRIVER NAME: Jon Rowe  
 TRUCK TYPE:  TRUCK  TRAILER  TRUCK TRAILER  
 OTHER:  OTHER

✓/X	MATERIAL	AMOUNT (Cubic Yards or Item Count)
	ALUMINUM TINS	(SEE AMOUNT ABOVE)
	APPLIANCES	(SEE AMOUNT ABOVE)
	CARDBOARD	(SEE AMOUNT ABOVE)
	ELECTRONICS	(SEE AMOUNT ABOVE)
	GLASS	
✓	MIXED RECYCLABLES	10 cubic yards
	NEWSPAPER/PAPER	
	PLASTIC	
	TIRES	
	YARD WASTE	
	MIXED WASTE (OTHER)	(SEE AMOUNT ABOVE)
	DOIT	(SEE AMOUNT ABOVE)
	MATTRESSES	
	OTHER, SPECIFY	

HAZARDOUS, EXPLOSIVE, FLAMMABLE IS WASTE, FEDERAL WASTE, TOXIC WASTE, SOLID WASTE  
 ZIP CODE: 55411  
 ADDITIONAL INFORMATION:

SIGNATURE OF CONTRACTOR:   
WISSD TRANSFER  
 WISSD TRANSFER, 126411, 25209

30-25209 VT



30-25209 A



30-25209 B

WLSST TRANSFER STATION  
VIOLATION TICKET



DATE 6-9-25 TIME 6:45

- WASTE MANAGEMENT
- AA ROLLOFF
- CLOSURE SANITARY
- DISMOUNTS
- HAZTEL'S
- VEIT
- OTHER

TRUCK NO. 105 495 DRIVER NAME William [Signature]

TRUCK TYPE:  ROLL-OFF  SIDE LOADER  REAR LOADER  FRONT LOADER  
OR COMPACTOR

GENERATOR OF UNACCEPTABLE WASTE (ENGINE DRIVER) Driver Robert [Signature]

✓ **MATERIAL** AMOUNT (Cubic Yards or Item Count)

ALUMINUM TIN	(Type and quantity of each)
APPLIANCES	(Type and quantity of each)
CARDBOARD	<u>711</u> (Type and quantity of each)
ELECTRONICS	(Type and quantity of each)
GLASS	
✓ MIXED RECYCLABLES	<u>full load</u>
NEWSPAPER/PAPER	
PLASTIC	
TIRES	
YARD WASTE	
MISCODE (Hauler Code Entry)	
DUST	(Type and photos)
MATTRESSES	
OTHER*, SPECIFY	

\*ASBESTOS, EXPLOSIVES, HAZARDOUS WASTE, MEDICAL WASTES, FOOD WASTE, RAILROAD TIES

ZIP CODE 05411

ADDITIONAL INFORMATION: [scribble]

SIGNATURE OF CONTRACTOR REP: [Signature]

WHSR-WSSD \*YELLOW TRAILER FROM TO LEAVING STATION 25216

04 25216 VT



04 25216 A

**WLSSD TRANSFER STATION**  
**VIOLATION TICKET**

DATE 7-24-25 TIME 1 pm

WASTE MANAGEMENT     HAZTEL'S  
 AA ROLLOFF             VET  
 CLOQUET SANITARY     OTHER \_\_\_\_\_  
 DEMOLICIOUS

TRUCK NO 106034 DRIVER NAME Shirley [Signature]

TRUCK TYPE:  ROLL-OFF OR COMPACTOR     SIDE LOADER     REAR LOADER     FRONT LOADER

GENERATOR OF UNACCEPTABLE WASTE (FROM DRIVER):  
driver doesn't know where it came from

<input checked="" type="checkbox"/> MATERIAL	AMOUNT (Cubic Yards or Item Count)
ALUMINUM/TIN	
APPLIANCES	(Type and quantity of each)
CARDBOARD	
ELECTRONICS	(Type and quantity of each)
GLASS	
<input checked="" type="checkbox"/> MIXED RECYCLABLES	<u>Full load</u>
NEWSPAPER/PAPER	
PLASTIC	
TIRES	
YARD WASTE	
MISCODE <small>(Include Code Book)</small>	
DUST	(Type and amount)
MATRESSER	
OTHER*, SPECIFY	

\*ASBESTOS, HAP, PCB'S, HAZARDOUS WASTE, MEDICAL WASTE, FORMAL WASTE, WASTE WAREHOUSE

ZIP CODE

ADDITIONAL INFORMATION: driver doesn't know where it came from

SIGNATURE OF CONTRACTOR REP: [Signature]

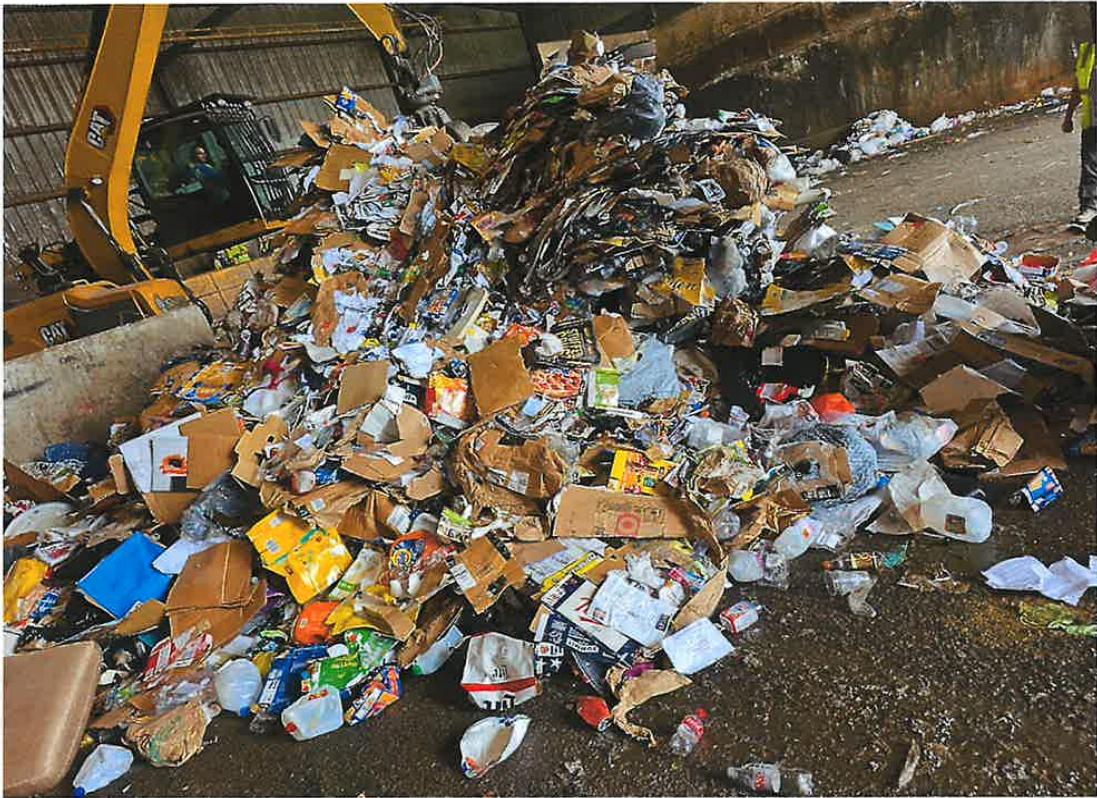
© 2006 WLSSD 100 10/21/06  
DATE THIS TICKET IS ISSUED MUST BE TO THE TRANSFER STATION

25311

24-25311 VT



24-25311 A



24-25311 B

# EXHIBIT 3



2626 Courtland Street  
Duluth, MN 55806-1894  
phone 218.722.3336  
fax 218.721.7471  
www.wlssd.com

---

Western Lake Superior Sanitary District

5/6/2025

Mr. Ryan Lang  
District Manager I, Upper Midwest Area  
Waste Management  
3101 W Superior Street  
Duluth, MN 55806

**RE: VIOLATION OF WLSSD SOLID WASTE ORDINANCE SECTION 4.2.A, 4.2.F.1, and 6.3.8  
(LICENSE REQUIRED; Mixing of Mixed Municipal Solid Waste and Recyclables Prohibited)**

Dear Mr. Lang:

On 4/9/2025 and 4/21/2025 a load of solid waste was delivered to the Western Lake Superior Sanitary District (WLSSD)/Resource Renew Transfer Station by Waste Management truck 105495 that contained an unacceptable amount of mixed recycling. These items are recyclable materials and are banned by the WLSSD Solid Waste Ordinance from entering the solid waste stream.

This appeared to be almost completely composed of recyclables materials, which indicate the loads consisted of already separated recyclable materials from multiple generators.

There have been consistent violations from Waste Management regarding depositing recyclable materials into the waste stream at the District Transfer Station, though the events on the 9<sup>th</sup> and 21<sup>st</sup> were volumes that were particularly egregious. This is unacceptable. All Collectors of Solid Waste, including Waste Management, are required to understand and abide by all state statutes, rules, and local ordinances regarding Collection and Disposal of Solid Waste.

With regard to Waste Management truck #105495 delivering an unacceptable amount of mixed recycling to the WLSSD Transfer Station, this act is a direct violation of the following sections of the WLSSD Solid Waste Ordinance:

*4.2.A Separate Recyclable Materials. Every Person or entity disposing of Solid Waste in the District shall separate Recyclable Materials from Solid Waste.*

*4.2.F.1 Limitation on Disposal and Damage. Source-separated Recyclable Materials shall not be deposited in the Waste Stream.*

*6.3.8 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.*

The WLSSD Solid Waste Ordinance establishes standards for regulating solid waste management and was enacted pursuant to Chapters 400, 458D, and 115A, and Section 115A.554 of the Minnesota Statutes. The specific Ordinance language regarding this requirement is attached with this letter for your review.

Moving forward, any trucks delivering mixed recyclable materials to the WLSSD transfer station will be subject to an administrative citation in addition to transfer station violation fines, loads may be rejected then required by Waste Management to be removed from the tipping floor. Continued delivery of mixed recyclable materials may also result in implementation of a Noncompliant tip fee as established in section 6.2.11.A.

Your prompt attention to this matter is appreciated. I can be reached at 218-740-4889 or [Peter.Douglas@wlssd.com](mailto:Peter.Douglas@wlssd.com) with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pete Douglas", with a long horizontal flourish extending to the right.

Pete Douglas

Planner

### **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.

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**

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), Rechargeable Batteries (as prohibited by Minn. Stat. §115A.9157), 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. Rubbish Service Providers may collect and transport to the Materials Recovery Center certain banned wastes if they are accepted at the Materials Recovery Center.

### **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.

# EXHIBIT 4



Western Lake Superior Sanitary District  
2626 Courtland Street, Duluth, MN 55806  
resourcerenew.com

June 9, 2025

Mr. Ryan Lang  
District Manager I  
Waste Management  
3101 W. Superior Street  
Duluth, MN 55806

**RE: Administrative Citation:**

Violation of Solid Waste Ordinance Section 4.2.F.1 Limitation on Disposal and Damage, and 6.3.8 Mixing of Mixed Municipal Solid Waste and Recyclables Prohibited

Dear Mr. Lang,

On 05/06/2025 a compliance letter was sent regarding two instances of loads consisting of unacceptable amounts of recycling. In this letter it was stated that moving forward any trucks delivering mixed recyclable materials to the District transfer station would be subject to and administrative citation in addition to transfer station violation fines. On 05/30/2025 a load of solid waste containing an unacceptable amount of recyclable materials was delivered to the District transfer station, then on 06/04/2025 another load containing an unacceptable amount of recyclable materials was delivered the District transfer station. This is in violation of the Solid Waste Ordinance. Compliance with the Ordinance is a condition of Waste Management's license.

Section 4.2.F.1 of the Solid Waste Ordinance states *"Source-separated Recyclable Materials shall not be deposited in the Waste Stream."*

Section 6.3.8 of the Solid Waste Ordinance states *"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."*

**Because this is a reoccurring violation that has not been corrected by Waste Management an Administrative Citation is being assessed in the amount of \$250.00 pursuant to Section 3.3.2 of the WLSSD Solid Waste Ordinance. The payment of this penalty is due and payable to WLSSD within thirty (30) days following receipt of this letter.**

This violation of the Solid Waste Ordinance and the amount of the citation may be contested as provided in Section 3.6 (see attached) by notifying me in writing within ten (10) days upon receipt of this letter. If the validity of this violation is contested and Waste Management is found by the hearing examiner to be in violation, Waste Management will pay \$100 toward the cost of the hearing. Subsequent violations of this nature may result in further administrative citations, or the implementation of the Noncompliant Tip Fee as described in sections 3.3.2 and 6.2.11, respectively. The Noncompliant Tip Fee has been established by the District as an additional \$10/ton.

If you have any questions please do not hesitate to contact Pete Douglas at 218-740-4889, or Chase Poppenhagen at 218-740-4865.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Clement', with a stylized flourish at the end.

Carrie Clement

Executive Director

**WESTERN LAKE SUPERIOR SANITARY DISTRICT  
SOLID WASTE ORDINANCE ADMINISTRATIVE CITATION**

**Responsible Party:** Waste Management  
**Violation Address:** 3101 W Superior Street  
**Violation Location:** Duluth MN  
**Violation Description:** Limitation on Disposal and Damage, Mixing of Mixed Municipal Solid waste and Recyclables Prohibited

**Citation#:** 2025-1  
**Violation Date:** 06-04-25  
**Issuance Date:** 06-09-25

This Citation requires that you pay the total due in fines shown below for the listed violation(s) of the WLSSD Solid Waste Ordinance. You are further required to refrain from additional violations of this Ordinance section(s). Repeated violations will result in additional and/or increased fines.

Offense #	WLSSD Ordinance Section(s)	Description of Violations	Fine Amount
1	4.2.F.1	Source-separated Recyclable Materials shall not be deposited in the Waste Stream.	
	6.3.8	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.	

**Total Due: \$250.00**  
**Due Date: 07/09/2025**

**FAILURE TO PAY AN ADMINISTRATIVE FINE WHEN DUE IS A MISDEMEANOR**

**NOTICE:** An Administrative Citation may also be issued independently or concurrent to any other legal action taken By WLSSD.

**Fine Payment:** Fines may be paid in person at the WLSSD Administration Building at 2626 Courtland Street, Duluth, MN, 55806. Fines may be paid by mail (see Remittance Form).

**Right to Appeal:** On the reverse side of this form is summary information on the appeal process. Complete information on the appeal process can be found in Section Three of the WLSSD Solid Waste Ordinance. Copies of this Ordinance are available at the WLSSD Administration Building at 2626 Courtland Street, Duluth, MN or online at <https://wlssd.com/about-us/wastewater-solid-waste-authority>. **If you need further information, contact Peter Douglas at (218) 740-4889 or Peter.Douglas@wlssd.com.**

  
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 Carrie Clement, WLSSD Executive Director

## **WLSSD Solid Waste Ordinance Administrative Citation Appeal Process**

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 appealing party (“Appellant”) must notify the Executive Director in writing within ten (10) calendar days after the citation is mailed or personally served on you stating that the Appellant contests the alleged violation, the amount of the penalty or both. Below is a summary of the Appeal process. The entire Appeal process is found in Section 3.6 of the WLSSD Solid Waste Ordinance.**

- 1) **Hearings:** 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. Even if an extension is granted, such hearing must 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.
- 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 statement of time, place and nature of the hearing, a statement of the legal authority and jurisdiction under which the hearing is to be held, and a reference to the particular Section of the Ordinance and rules involved.
- 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.
- 4) **Conduct of the Hearing:** The Appellant and the District may be represented by legal 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.
- 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.
- 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 administrative citation or in the appellant’s written request for a hearing.
- 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.
- 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.
- 9) **Appeal of Board Decision:** Any Appellant aggrieved by the decision of the Board, excluding a failure to appear, may appeal that decision to any Court with appropriate jurisdiction.

**WLSSD Administrative Citation Payment Remittance Form**  
(Return this stub along with your payment by the due date listed)



**Mail To:**

Western Lake Superior Sanitary District  
Attn: Peter Douglas  
2626 Courtland Street  
Duluth, MN 55806

**Citation Number:** 2025-1  
**Violation Date:** 06-04-25  
**Issue Date:** 06-09-25

**Total Due:** \$250.00  
**Due Date:** 07/09/25

**Responsible Party:**

Ryan Lang  
Waste Management  
3101 W Superior Street  
Duluth, MN 55806

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### 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.

## **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.

### 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.

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**

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), Rechargeable Batteries (as prohibited by Minn. Stat. §115A.9157), 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. Rubbish Service Providers may collect and transport to the Materials Recovery Center certain banned wastes if they are accepted at the Materials Recovery Center.

### **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.

# EXHIBIT 5



Western Lake Superior Sanitary District  
2626 Courtland Street, Duluth, MN 55806  
resourcerenew.com

July 30, 2025

Mr. Eric Towley  
Senior District Manager  
Waste Management  
3101 W. Superior Street  
Duluth, MN 55806

**RE: Administrative Citation:**

Violation of Solid Waste Ordinance Section 4.2.F.1 Limitation on Disposal and Damage, and 6.3.8 Mixing of Mixed Municipal Solid Waste and Recyclables Prohibited

Dear Mr. Towley,

On 06/09/2025 an administrative citation was sent regarding an instance of a load consisting of unacceptable amounts of recycling. The letter warned that moving forward any trucks delivering mixed recyclable materials to the District transfer station would be subject to an administrative citation in addition to transfer station violation fines. On 07/24/2025 a load of solid waste containing an unacceptable amount of recyclable materials was delivered to the District transfer station by truck #106034. This is in violation of the Solid Waste Ordinance. Compliance with the Ordinance is a condition of Waste Management's Collector license.

Section 4.2.F.1 of the Solid Waste Ordinance states *"Source-separated Recyclable Materials shall not be deposited in the Waste Stream."*

Section 6.3.8 of the Solid Waste Ordinance states *"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."*

**Because this is a reoccurring violation that has not been corrected by Waste Management an Administrative Citation is being assessed in the amount of \$250.00 pursuant to Section 3.3.2 of the WLSSD Solid Waste Ordinance. The payment of this penalty is due and payable to WLSSD within thirty (30) days following receipt of this letter.**

This violation of the Solid Waste Ordinance and the amount of the citation may be contested as provided in Section 3.6 (see attached) by notifying me in writing within ten (10) days upon receipt of

this letter. If the validity of this violation is contested and Waste Management is found by the hearing examiner to be in violation, Waste Management will pay \$100 toward the cost of the hearing.

This is the second Administrative Citation issued within 60 days, and as stated in the Administrative Citation dated June 9, 2025, subsequent violations of this nature may result in further Administrative Citations, or the implementation of the Noncompliant Tip Fee as described in sections 3.3.2 and 6.2.11, respectively. The Noncompliant Tip Fee has been established by the District Board as an additional \$10/ton.

**In addition to payment of this Administrative Citation, Waste Management must meet with District staff within 2 weeks of the date of this letter and present a plan to address these ongoing violations.**

**If Waste Management fails to meet within the deadline or fails to present a plan that adequately addresses ongoing violations, the issue will be brought by staff to the WLSSD Operations and Planning Committee meeting on 8/19/25 with a recommendation for the Board of Directors to implement the following at the 8/25/25 Board Meeting:**

- 1) Finding Waste Management non-compliant with the provisions of its WLSSD Solid Waste Hauler License and establishing a \$10/ton non-compliance fee until such time that it is determined that Waste Management is in compliance as outlined in Section 6.2.11 of the Solid Waste Ordinance (Non-Compliance).**

If you have any questions, please do not hesitate to contact Pete Douglas at 218-740-4889, or Chase Poppenhagen at 218-740-4865.

Sincerely,



Carrie Clement

Executive Director

**WESTERN LAKE SUPERIOR SANITARY DISTRICT  
SOLID WASTE ORDINANCE ADMINISTRATIVE CITATION**

**Responsible Party:** Waste Management  
**Violation Address:** 3101 W Superior Street  
**Violation Location:** Duluth MN

**Citation#:** 2025-2  
**Violation Date:** 07-24-25  
**Issuance Date:** 07-30-25

**Violation Description:** Limitation on Disposal and Damage, Mixing of Mixed Municipal Solid waste and Recyclables Prohibited

This Citation requires that you pay the total due in fines shown below for the listed violation(s) of the WLSSD Solid Waste Ordinance. You are further required to refrain from additional violations of this Ordinance section(s). Repeated violations will result in additional and/or increased fines.

Offense #	WLSSD Ordinance Section(s)	Description of Violations	Fine Amount
1	4.2.F.1	Source-separated Recyclable Materials shall not be deposited in the Waste Stream.	
	6.3.8	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.	


**Total Due: \$250.00  
Due Date: 08/29/2025**

**FAILURE TO PAY AN ADMINISTRATIVE FINE WHEN DUE IS A MISDEMEANOR**

**NOTICE:** An Administrative Citation may also be issued independently or concurrent to any other legal action taken By WLSSD.

**Fine Payment:** Fines may be paid in person at the WLSSD Administration Building at 2626 Courtland Street, Duluth, MN, 55806. Fines may be paid by mail (see Remittance Form).

**Right to Appeal:** On the reverse side of this form is summary information on the appeal process. Complete information on the appeal process can be found in Section Three of the WLSSD Solid Waste Ordinance. Copies of this Ordinance are available at the WLSSD Administration Building at 2626 Courtland Street, Duluth, MN or online at <https://wlssd.com/about-us/wastewater-solid-waste-authority>. **If you need further information, contact Peter Douglas at (218) 740-4889 or Peter.Douglas@wlssd.com.**

  
 Carrie Clement, WLSSD Executive Director

## **WLSSD Solid Waste Ordinance Administrative Citation Appeal Process**

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 appealing party (“Appellant”) must notify the Executive Director in writing within ten (10) calendar days after the citation is mailed or personally served on you stating that the Appellant contests the alleged violation, the amount of the penalty or both. Below is a summary of the Appeal process. The entire Appeal process is found in Section 3.6 of the WLSSD Solid Waste Ordinance.**

- 1) **Hearings:** 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. Even if an extension is granted, such hearing must 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.
- 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 statement of time, place and nature of the hearing, a statement of the legal authority and jurisdiction under which the hearing is to be held, and a reference to the particular Section of the Ordinance and rules involved.
- 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.
- 4) **Conduct of the Hearing:** The Appellant and the District may be represented by legal 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.
- 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.
- 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 administrative citation or in the appellant's written request for a hearing.
- 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.
- 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.
- 9) **Appeal of Board Decision:** Any Appellant aggrieved by the decision of the Board, excluding a failure to appear, may appeal that decision to any Court with appropriate jurisdiction.

**WLSSD Administrative Citation Payment Remittance Form**  
(Return this stub along with your payment by the due date listed)



**Mail To:**

Western Lake Superior Sanitary District  
Attn: Peter Douglas  
2626 Courtland Street  
Duluth, MN 55806

**Citation Number:** 2025-2  
**Violation Date:** 07-24-25  
**Issue Date:** 07-30-25

**Total Due:** \$250.00  
**Due Date:** 08/29/25

**Responsible Party:**

Waste Management  
3101 W Superior Street  
Duluth, MN 55806

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### 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.

## **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.

### 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.

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**

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), Rechargeable Batteries (as prohibited by Minn. Stat. §115A.9157), 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. Rubbish Service Providers may collect and transport to the Materials Recovery Center certain banned wastes if they are accepted at the Materials Recovery Center.

### **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.

# EXHIBIT 6

WLSSD TRANSFER STATION  
VIOLATION TICKET



DATE 10-1-25 TIME 2:28

- WASTE MANAGEMENT
- AA ROLLOFF
- CLOQUET SANITARY
- DEMOLICIOUS
- HARTEL'S
- VEIT
- OTHER \_\_\_\_\_

TRUCK NO. 166035 DRIVER NAME [Signature] (print) [Signature] (sign)

TRUCK TYPE:  ROLL-OFF  SIDE LOADER  REAR LOADER  FRONT LOADER  
OR COMPACTOR

GENERATOR OF UNACCEPTABLE WASTE (FROM DRIVER): Duplicate

<input checked="" type="checkbox"/> MATERIAL	AMOUNT (Cubic Yards or Item Count)
ALUMINUM/TIN	(Type and quantity of each)
APPLIANCES	(Type and quantity of each)
CARDBOARD	(Type and quantity of each)
ELECTRONICS	(Type and quantity of each)
GLASS	
<input checked="" type="checkbox"/> MIXED RECYCLABLES	<u>picture / all Recyclables</u>
NEWSPAPER/PAPER	
PLASTIC	
TIRES	
YARD WASTE	
MISCODE (Hauler Code Entry)	(Type and photo)
DUST	
MATTRESSES	
OTHER*, SPECIFY	

\*ASBESTOS, EXPLOSIVES, HAZARDOUS WASTE, MEDICAL WASTES, FOOD WASTE, RAILROAD TIES

ZIP CODE 55811

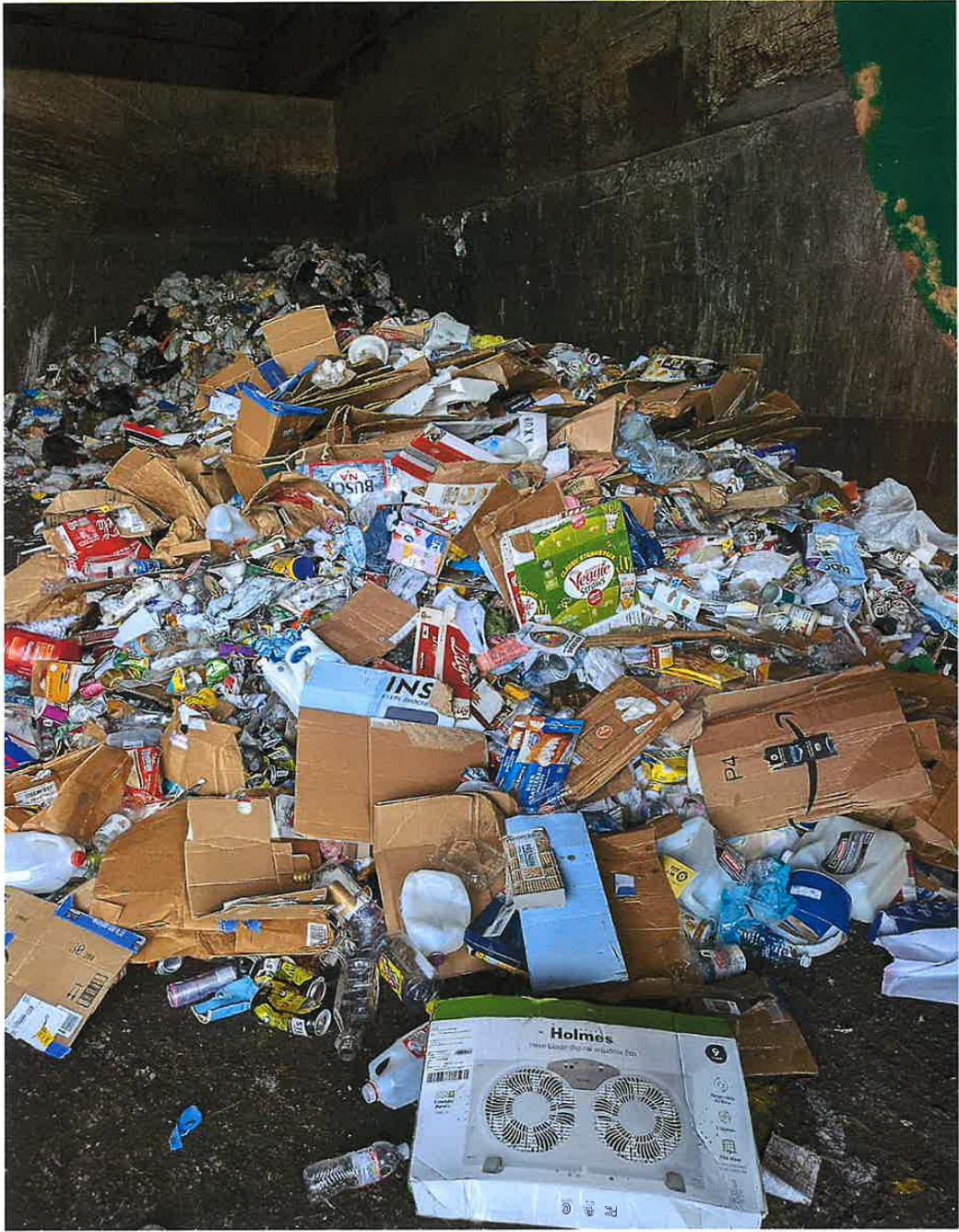
ADDITIONAL INFORMATION: \_\_\_\_\_

SIGNATURE OF CONTRACTOR REP. [Signature]

©2006, WLSSD ST 3000 RV 12/19

WHITE-WLSSD YELLOW-TO HAULER PRIOR TO LEAVING STATION

22636



# EXHIBIT 7



Western Lake Superior Sanitary District  
2626 Courtland Street, Duluth, MN 55806  
resourcerenew.com

October 9, 2025

Ms. Jaime Voeks  
District Manager  
Waste Management  
3101 W. Superior Street  
Duluth, MN 55806

**RE: Administrative Citation: Violation of WLSSD Solid Waste Ordinance**  
Section 4.2.F.1, Limitation on Disposal and Damage,  
Section 6.3.8, Mixing of Mixed Municipal Solid Waste and Recyclables Prohibited

Dear Ms. Voeks,

On 07/30/2025 an Administrative Citation was issued to Waste Management regarding an instance of a load delivered to the WLSSD Transfer Station consisting of 100% source-separated mixed recyclable materials. Notification was given that moving forward any trucks delivering additional loads of this nature to the District's Transfer Station would be subject to an administrative citation in addition to the Transfer Station unacceptable load fines.

On 10/01/2025 a subsequent load of solid waste containing 100% source-separated recyclable materials was delivered to the Transfer Station by Waste Management truck #106035. This was the 8<sup>th</sup> load of this nature since delivered to the Transfer Station since 1/31/2025. This ongoing issue is in direct violation of the Solid Waste Ordinance. Compliance with the Ordinance is a condition of Waste Management's Solid Waste Collector License.

Specifically, Section 4.2.F.1 of the Ordinance states; "*Source-separated Recyclable Materials shall not be deposited in the Waste Stream.*"

Furthermore, Section 6.3.8 of the Solid Waste Ordinance states; "*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.*"

District staff met with you and Eric Towley to discuss this ongoing issue on 8/8/2025. At this meeting Waste Management stated they would initiate proactive communication prior to dumping if contamination has been identified and coach drivers on proper disposal locations.

**Because this is a chronic violation that has not been corrected by Waste Management an additional Administrative Citation is being assessed in the amount of \$250.00 pursuant to Section 3.3.2 of the WLSSD Solid Waste Ordinance. The payment of this penalty is due and payable to WLSSD within thirty (30) days following receipt of this letter.**

This violation of the Solid Waste Ordinance and the amount of the citation may be contested as provided in Section 3.6 (see attached) by notifying me in writing within ten (10) days upon receipt of

this letter. If the validity of this violation is contested and Waste Management is found by the hearing examiner to be in violation, Waste Management will pay \$100 toward the cost of the hearing.

**Additionally, this letter serves as notice that the ongoing issue of Solid Waste Ordinance violations by Waste Management will be brought to the WLSSD Board Operations and Planning Committee meeting on 10/21/25 with the following recommendations:**

- 1) Finding of non-compliance for Waste Management with the provisions of its WLSSD Solid Waste Hauler License and applying the \$10/ton non-compliance fee on all waste delivered by side-load (100000 numbered) trucks effective November 1, 2025 until such time that it is determined that Waste Management is in compliance as outlined in Section 6.2.11 of the Solid Waste Ordinance (Non-Compliance).**

The determination to remove the non-compliance fee will be made after written notification and proof of compliance

If Waste Management is found to be Non-Compliant and wishes to appeal, Waste Management may file a request for a hearing with the District Board of Directors after notification of the finding. The hearing request must be in writing stating the grounds for the appeal and served personally or by certified mail to the District within 10 working days following written notice of Non-Compliance. Following the 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 of the Solid Waste Ordinance.

If you have any questions, please do not hesitate to contact Pete Douglas at 218-740-4889, or Chase Poppenhagen at 218-740-4865.

Sincerely,



Carrie Clement

Executive Director

**WESTERN LAKE SUPERIOR SANITARY DISTRICT  
SOLID WASTE ORDINANCE ADMINISTRATIVE CITATION**

**Responsible Party:** Waste Management  
**Violation Address:** 3101 W Superior Street  
**Violation Location:** Duluth MN  
**Violation Description:** Limitation on Disposal and Damage, Mixing of Mixed Municipal Solid waste and Recyclables Prohibited

**Citation#:** 2025-3  
**Violation Date:** 10-01-25  
**Issuance Date:** 10-09-25

This Citation requires that you pay the total due in fines shown below for the listed violation(s) of the WLSSD Solid Waste Ordinance. You are further required to refrain from additional violations of this Ordinance section(s). Repeated violations will result in additional and/or increased fines.

Offense #	WLSSD Ordinance Section(s)	Description of Violations	Fine Amount
1	4.2.F.1	Source-separated Recyclable Materials shall not be deposited in the Waste Stream.	
	6.3.8	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.	

<b>Total Due: \$250.00</b> <b>Due Date: 11/10/2025</b>
---

**FAILURE TO PAY AN ADMINISTRATIVE FINE WHEN DUE IS A MISDEMEANOR**

**NOTICE:** An Administrative Citation may also be issued independently or concurrent to any other legal action taken By WLSSD.

**Fine Payment:** Fines may be paid in person at the WLSSD Administration Building at 2626 Courtland Street, Duluth, MN, 55806. Fines may be paid by mail (see Remittance Form).

**Right to Appeal:** On the reverse side of this form is summary information on the appeal process. Complete information on the appeal process can be found in Section Three of the WLSSD Solid Waste Ordinance. Copies of this Ordinance are available at the WLSSD Administration Building at 2626 Courtland Street, Duluth, MN or online at <https://wlssd.com/about-us/wastewater-solid-waste-authority>. **If you need further information, contact Peter Douglas at (218) 740-4889 or Peter.Douglas@wlssd.com.**

  
 \_\_\_\_\_  
 Carrie Clement, WLSSD Executive Director

## **WLSSD Solid Waste Ordinance Administrative Citation Appeal Process**

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 appealing party ("Appellant") must notify the Executive Director in writing within ten (10) calendar days after the citation is mailed or personally served on you stating that the Appellant contests the alleged violation, the amount of the penalty or both. Below is a summary of the Appeal process. The entire Appeal process is found in Section 3.6 of the WLSSD Solid Waste Ordinance.**

- 1) **Hearings:** 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. Even if an extension is granted, such hearing must 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.
- 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 statement of time, place and nature of the hearing, a statement of the legal authority and jurisdiction under which the hearing is to be held, and a reference to the particular Section of the Ordinance and rules involved.
- 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.
- 4) **Conduct of the Hearing:** The Appellant and the District may be represented by legal 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.
- 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.
- 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 administrative citation or in the appellant's written request for a hearing.
- 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.
- 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.
- 9) **Appeal of Board Decision:** Any Appellant aggrieved by the decision of the Board, excluding a failure to appear, may appeal that decision to any Court with appropriate jurisdiction.

**WLSSD Administrative Citation Payment Remittance Form**  
(Return this stub along with your payment by the due date listed)



**Mail To:**

Western Lake Superior Sanitary District  
Attn: Peter Douglas  
2626 Courtland Street  
Duluth, MN 55806

**Citation Number:** 2025-3

**Violation Date:** 10-01-25

**Issue Date:** 10-09-25

**Total Due:** \$250.00

**Due Date:** 11/10/25

**Responsible Party:**

Waste Management  
3101 W Superior Street  
Duluth, MN 55806

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### 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.

## **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.

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**

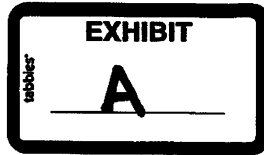
Collectors shall not accept for Collection any Mixed Municipal Solid Waste that contains Yard Waste, Christmas trees, dry cell batteries (as prohibited by Minn. Stat. §115A.9155), Rechargeable Batteries (as prohibited by Minn. Stat. §115A.9157), Solid Wastes containing mercury (as prohibited by Minn. 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. Rubbish Service Providers may collect and transport to the Materials Recovery Center certain banned wastes if they are accepted at the Materials Recovery Center.

### **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.

### 6.2.11 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.



Western Lake Superior Sanitary District  
2626 Courtland Street, Duluth, MN 55806  
resourcerenew.com

October 9, 2025

Ms. Jaime Voeks  
District Manager  
Waste Management  
3101 W. Superior Street  
Duluth, MN 55806

**RE: Administrative Citation: Violation of WLSSD Solid Waste Ordinance**  
Section 4.2.F.1, Limitation on Disposal and Damage,  
Section 6.3.8, Mixing of Mixed Municipal Solid Waste and Recyclables Prohibited

Dear Ms. Voeks,

On 07/30/2025 an Administrative Citation was issued to Waste Management regarding an instance of a load delivered to the WLSSD Transfer Station consisting of 100% source-separated mixed recyclable materials. Notification was given that moving forward any trucks delivering additional loads of this nature to the District's Transfer Station would be subject to an administrative citation in addition to the Transfer Station unacceptable load fines.

On 10/01/2025 a subsequent load of solid waste containing 100% source-separated recyclable materials was delivered to the Transfer Station by Waste Management truck #106035. This was the 8<sup>th</sup> load of this nature since delivered to the Transfer Station since 1/31/2025. This ongoing issue is in direct violation of the Solid Waste Ordinance. Compliance with the Ordinance is a condition of Waste Management's Solid Waste Collector License.

Specifically, Section 4.2.F.1 of the Ordinance states; *"Source-separated Recyclable Materials shall not be deposited in the Waste Stream."*

Furthermore, Section 6.3.8 of the Solid Waste Ordinance states; *"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."*

District staff met with you and Eric Towley to discuss this ongoing issue on 8/8/2025. At this meeting Waste Management stated they would initiate proactive communication prior to dumping if contamination has been identified and coach drivers on proper disposal locations.

**Because this is a chronic violation that has not been corrected by Waste Management an additional Administrative Citation is being assessed in the amount of \$250.00 pursuant to Section 3.3.2 of the WLSSD Solid Waste Ordinance. The payment of this penalty is due and payable to WLSSD within thirty (30) days following receipt of this letter.**

This violation of the Solid Waste Ordinance and the amount of the citation may be contested as provided in Section 3.6 (see attached) by notifying me in writing within ten (10) days upon receipt of

this letter. If the validity of this violation is contested and Waste Management is found by the hearing examiner to be in violation, Waste Management will pay \$100 toward the cost of the hearing.

**Additionally, this letter serves as notice that the ongoing issue of Solid Waste Ordinance violations by Waste Management will be brought to the WLSSD Board Operations and Planning Committee meeting on 10/21/25 with the following recommendations:**

- 1) Finding of non-compliance for Waste Management with the provisions of its WLSSD Solid Waste Hauler License and applying the \$10/ton non-compliance fee on all waste delivered by side-load (100000 numbered) trucks effective November 1, 2025 until such time that it is determined that Waste Management is in compliance as outlined in Section 6.2.11 of the Solid Waste Ordinance (Non-Compliance).**

The determination to remove the non-compliance fee will be made after written notification and proof of compliance

If Waste Management is found to be Non-Compliant and wishes to appeal, Waste Management may file a request for a hearing with the District Board of Directors after notification of the finding. The hearing request must be in writing stating the grounds for the appeal and served personally or by certified mail to the District within 10 working days following written notice of Non-Compliance. Following the 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 of the Solid Waste Ordinance.

If you have any questions, please do not hesitate to contact Pete Douglas at 218-740-4889, or Chase Poppenhagen at 218-740-4865.

Sincerely,



Carrie Clement

Executive Director

**WESTERN LAKE SUPERIOR SANITARY DISTRICT  
SOLID WASTE ORDINANCE ADMINISTRATIVE CITATION**

**Responsible Party:** Waste Management  
**Violation Address:** 3101 W Superior Street  
**Violation Location:** Duluth MN  
**Violation Description:** Limitation on Disposal and Damage, Mixing of Mixed Municipal Solid waste and Recyclables Prohibited

**Citation#:** 2025-3  
**Violation Date:** 10-01-25  
**Issuance Date:** 10-09-25

This Citation requires that you pay the total due in fines shown below for the listed violation(s) of the WLSSD Solid Waste Ordinance. You are further required to refrain from additional violations of this Ordinance section(s). Repeated violations will result in additional and/or increased fines.

Offense #	WLSSD Ordinance Section(s)	Description of Violations	Fine Amount
1	4.2.F.1	Source-separated Recyclable Materials shall not be deposited in the Waste Stream.	
	6.3.8	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.	


<b>Total Due: \$250.00</b> <b>Due Date: 11/10/2025</b>
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**FAILURE TO PAY AN ADMINISTRATIVE FINE WHEN DUE IS A MISDEMEANOR**

**NOTICE:** An Administrative Citation may also be issued independently or concurrent to any other legal action taken By WLSSD.

**Fine Payment:** Fines may be paid in person at the WLSSD Administration Building at 2626 Courtland Street, Duluth, MN, 55806. Fines may be paid by mail (see Remittance Form).

**Right to Appeal:** On the reverse side of this form is summary information on the appeal process. Complete information on the appeal process can be found in Section Three of the WLSSD Solid Waste Ordinance. Copies of this Ordinance are available at the WLSSD Administration Building at 2626 Courtland Street, Duluth, MN or online at <https://wlssd.com/about-us/wastewater-solid-waste-authority>. If you need further information, contact Peter Douglas at (218) 740-4889 or [Peter.Douglas@wlssd.com](mailto:Peter.Douglas@wlssd.com).

  
 \_\_\_\_\_  
 Carrie Clement, WLSSD Executive Director

## **WLSSD Solid Waste Ordinance Administrative Citation Appeal Process**

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 appealing party ("Appellant") must notify the Executive Director in writing within ten (10) calendar days after the citation is mailed or personally served on you stating that the Appellant contests the alleged violation, the amount of the penalty or both. Below is a summary of the Appeal process. The entire Appeal process is found in Section 3.6 of the WLSSD Solid Waste Ordinance.**

- 1) **Hearings:** 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. Even if an extension is granted, such hearing must 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.
- 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 statement of time, place and nature of the hearing, a statement of the legal authority and jurisdiction under which the hearing is to be held, and a reference to the particular Section of the Ordinance and rules involved.
- 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.
- 4) **Conduct of the Hearing:** The Appellant and the District may be represented by legal 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.
- 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.
- 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 administrative citation or in the appellant's written request for a hearing.
- 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.
- 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.
- 9) **Appeal of Board Decision:** Any Appellant aggrieved by the decision of the Board, excluding a failure to appear, may appeal that decision to any Court with appropriate jurisdiction.

**WLSSD Administrative Citation Payment Remittance Form**  
(Return this stub along with your payment by the due date listed)



**Mail To:**

Western Lake Superior Sanitary District  
Attn: Peter Douglas  
2626 Courtland Street  
Duluth, MN 55806

**Citation Number:** 2025-3  
**Violation Date:** 10-01-25  
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**Responsible Party:**

Waste Management  
3101 W Superior Street  
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### 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.
  
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  - 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;
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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.
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  - a. A description or address of the property on which the violation occurred;
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  - 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.

## **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.

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**

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), Rechargeable Batteries (as prohibited by Minn. Stat. §115A.9157), 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. Rubbish Service Providers may collect and transport to the Materials Recovery Center certain banned wastes if they are accepted at the Materials Recovery Center.

### **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.

### 6.2.11 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.

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS  
INVESTIGATION DIVISION

INVESTIGATION REPORT (Use for all cases)

Case No.	10000000000000000000
Date	01/01/00
Investigator	XXXXXX
Supervisor	XXXXXX
Officer	XXXXXX
Case No.	XXXXXX
Case Name	XXXXXX
Case Address	XXXXXX
Case City	XXXXXX
Case State	XXXXXX
Case Zip	XXXXXX
Case Phone	XXXXXX
Case Fax	XXXXXX
Case E-mail	XXXXXX
Case Website	XXXXXX
Case Other	XXXXXX

Investigation Type: *parole / revocation*

Investigation Date: *01/01/00*

Investigation Time: *10:00 AM*

Investigation Location: *XXXXXX*

Investigation Status: *Completed*

Investigation Result: *XXXXXX*

Investigation Notes: *XXXXXX*

Investigation Signature: *XXXXXX*

Investigation Title: *XXXXXX*

Investigation Agency: *XXXXXX*

Investigation Reference: *XXXXXX*

Investigation Contact: *XXXXXX*

Investigation Phone: *XXXXXX*

Investigation Fax: *XXXXXX*

Investigation E-mail: *XXXXXX*

Investigation Website: *XXXXXX*

Investigation Other: *XXXXXX*

Investigation Date: *01/01/00*

Investigation Time: *10:00 AM*

Investigation Location: *XXXXXX*

Investigation Status: *Completed*

Investigation Result: *XXXXXX*

Investigation Notes: *XXXXXX*

Investigation Signature: *XXXXXX*

Investigation Title: *XXXXXX*

Investigation Agency: *XXXXXX*

Investigation Reference: *XXXXXX*

Investigation Contact: *XXXXXX*

Investigation Phone: *XXXXXX*

Investigation Fax: *XXXXXX*

Investigation E-mail: *XXXXXX*

Investigation Website: *XXXXXX*

Investigation Other: *XXXXXX*





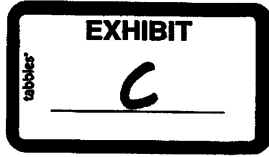
Statement of incident

Cody Simonson  
WM  
Lead Technician  
3101, W Superior St.  
Duluth, MN 55803  
(218) 393-3772

To whom it may concern:

On 10/01/2025 sometime in the morning, I Cody Simonson went to WLSSD to empty one of the WM trucks. When I arrived, I backed into the unloading zone. I opened the gate and a lady with a clipboard came up and said this is recycling. I said I am very sorry if you'd like I will close the gate and dump it at the proper location. She stated no go ahead and dump it and had me sign a piece of paper. I left WLSSD and hadn't heard anything else about it. I was accompanied by a coworker Andrew Anderson.

*Cody Simonson* 11/17/2025



**WESTERN LAKE SUPERIOR SANITARY  
DISTRICT**

**SOLID WASTE ORDINANCE**

**REVISED JANUARY 2025**

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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, also known as a Solid Waste Collector. A Collector which is specially licensed to haul limited Solid Waste collects, disposes of only Rubbish, miscellaneous materials from residential cleanouts, or furniture, must comply with the requirements of a Rubbish Service Provider.

**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, root balls, 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, root balls, 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.

**Dispose or Disposal:** 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.

**District Transfer Station:** means the Facility located on Courtland Street which accepts Mixed Municipal Solid Waste, Demolition Debris and Construction Debris to be transported to another site for disposal.

**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.

**Materials Recovery Center:** means the District Facility located on Rice Lake Road which is a self-service Facility. Customers are responsible for unloading their own materials, including appliances, Construction and Demolition Debris, tires, electronics and household junk.

**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, Rechargeable 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 ( $\frac{1}{4}$ " 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.

**Rechargeable Battery:** means a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery, including but not limited to lithium-ion batteries.

**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, rags, boxes, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind. Rubbish does not include Recyclable Materials or sand, earth, trees, tree branches, or Yard Waste.

**Rubbish Service Providers:** Collectors who are specially licensed to haul limited Solid Waste to the District Transfer Station, including Rubbish, miscellaneous materials from residential cleanouts, and furniture, as well as other items that may be hauled to the Materials Recovery Center.

**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
  - I. 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**

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.

#### **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 Solid Waste 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. Solid Waste 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. Except as specifically allowed by Minn. Stat. §17.135, no Person shall bury Solid Waste Generated from the Person’s household or business operation.
- E. 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) Rechargeable Batteries
  - (4) tires;
  - (5) yard waste;
  - (6) hazardous waste, including household hazardous waste;
  - (7) major appliances;
  - (8) Problem Materials; and
  - (9) 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 District 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, Mixed Municipal 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 District Transfer Station tip floor.
- I. Title and ownership of non-hazardous Mixed Municipal Solid Waste or Rubbish 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 Solid Waste 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 Solid Waste 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 Solid Waste 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 Solid Waste 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 commingled 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 Solid Waste 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 Dispose of Solid Waste within the District at any place except at a Solid Waste Facility authorized by this Ordinance or the MPCA.
- 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 Solid Waste 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 District 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 Solid Waste Collector shall bill and collect the Solid Waste Management Fee from the District Generators for whom they haul Mixed Municipal Solid Waste.
- B. Each Solid Waste Collector shall make reasonable efforts to collect the Solid Waste Management Fee.

### **5.2.2 Remittance By Solid Waste Collector**

- A. The Solid Waste Management Fee billed by Solid Waste 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:
  - 1. 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.
  - 2. 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.

3. 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.
  4. 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.
  5. 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.
  6. 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 Solid Waste 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 Solid Waste 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 Solid Waste 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 annual rate equal to one half percent (0.5%) per month or six percent (6%) per annum, 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, Rubbish or Recyclable Materials for profit 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 District Transfer Station. Any Collector using the District Transfer Station must use a vehicle which mechanically self-unloads the waste. Rubbish Service Providers shall comply with all requirements of Section 6 except Section 6.2.9, subsections A, D, G, and H, and Sections 6.3.9 and 6.3.10.

### **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 District 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 District Transfer Station access automatically revoked. Access to the District 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 District 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**

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), Rechargeable Batteries (as prohibited by Minn. Stat. §115A.9157), 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. Rubbish Service Providers may collect and transport to the Materials Recovery Center certain banned wastes if they are accepted at the Materials Recovery Center.

### **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.

Dated: 1/27/ , 2025.

SANITARY BOARD OF THE WESTERN  
LAKE SUPERIOR SANITARY DISTRICT

By:   
Julie Boe, Chair

By:   
Marcia Podratz, Secretary

## **WLSSD Administrative Citation Appeal**

**Date of Citation: October 9, 2025**  
**Ordinance Provisions at Issue: Sections 4.2.F.1 and 6.3.8**  
**Appellant: Waste Management**

### **Procedural Discussion**

The Western Lake Superior Sanitary District (the "District") issued Waste Management ("WM") an Administrative Citation dated October 9, 2025 ("Citation").

WM is a Solid Waste Collector licensed by the District. Solid waste collection and disposal is regulated by the District Solid Waste Ordinance ("Ordinance").

The District issued the Citation for violations of Sections 4.2.F.1 and 6.3.8 of the Ordinance. WM was assessed a financial penalty of \$250.00 pursuant to Section 3.3.2 of the Ordinance.

WM appealed the Citation on October 20, 2025, and requested a hearing pursuant to Section 3.6 of the Ordinance.

According to Section 3.6.3 of the Ordinance, the District Board, by resolution 25-23 named Jack Ezell as the hearing examiner for the appeal.

An appeal hearing was set for November 21, 2025 at 10:00 a.m. The District sent WM appropriate notice of the appeal hearing via U.S. Mail and email by letter dated October 23, 2025.

The appeal hearing occurred on November 21, 2025 at the District's administrative offices. Attendance is as noted on the attached sign in sheet. WM was represented by attorney Jesse W. Smith of the Hanft Fride Law Firm. The District was represented by attorney Matthew H. Hanka of the Fryberger Law Firm. Pursuant to Section 3.6.5, the District has the burden of proving its position by a preponderance of the evidence.

Witnesses were sworn in, and the proceedings were recorded. Exhibits referenced herein, and attached hereto, were submitted and accepted into the record of the proceedings.

### **Findings of Fact**

Peter Douglas began the testimony on behalf of the District. Mr. Douglas outlined the purpose of the Ordinance provisions at issue. Section 4.2.F.1 (District's Ex. 1) provides that "Source-separated Recyclable Materials shall not be deposited in the Waste Stream. Section 6.3.8 (District's Ex. 2) provides that "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."

Mr. Douglas testified about WM violations of these sections over the past few months. Copies of the transfer station tickets and photos for violations occurring on January 31, 2025, March 6, 2025, April 9, 2025, April 21, 2025, May 30, 2025, June 4, 2025 and July 24, 2025 were submitted by the District (District's Ex. 2).

The District sent a non-compliance letter to WM dated May 6, 2025 (District's Ex. 3). The letter outlined episodes of WM's mixing of municipal solid waste and recyclable materials. The letter warned that further violations would be subject to an administrative citation.

The District sent two prior administrative citations for mixing of municipal solid waste and recyclable materials dated June 9, 2025 (District's Ex. 4) and July 30, 2025 (District's Ex. 5).

Mr. Douglas testified that District staff met with WM on August 8, 2025 to discuss the ongoing issues.

Then, on October 1, 2025, a load of 100% recyclable materials was delivered to the District's solid waste transfer station by WM truck #106035. This was a violation of the Ordinance. Transfer station personnel Crystal Dzeigler (Floor Inspector) and Dylan Carlson (Transfer Station Manager) testified about what they observed and photographed. The violation led to a transfer station ticket (District's Ex. 6). The ticket and photos were submitted into evidence. Of note, the WM driver signed the ticket.

On October 9, 2025, the District issued the Administrative Citation for the October 1, 2025 violation (District's Ex. 7). The Citation outlines the facts and Ordinance sections violated. The Citation assessed WM a \$250.00 fine, and outlined the appeal process.

WM made a timely appeal.

WM then offered testimony through 3 witnesses. Andrew Anderson testified that he was in the WM truck for the October 1, 2025 violation. He recalls that he and the driver began to dump the recyclable materials, but they were stopped by the transfer station personnel. WM submitted a statement from WM driver Cody Simonson that recounts the episode (WM Ex. B.) Both Anderson and Simonson recount being told to continue dumping the recyclable materials at the transfer station. They were given the violation ticket after dumping the materials (District's Ex. 6).

WM employee Jamie Voeks testified that she recently became the District Manager for WM. She acknowledged that there had been violations in the past, but she was working hard to train drivers, and smooth out their logistics. She hopes things will improve.

The transfer station personnel then testified that they have no authority to grant permission to a driver to violate the Ordinance. Ms. Dzeigler specifically denied any allegation that she granted permission to the WM driver to dump recyclable materials on the transfer station floor. Indeed, the transfer station personnel testified that recyclables have never been dumped on the floor intentionally, to be picked up for processing later because of contamination issues. The transfer

station personnel gave the ticket to the WM employees because of the violation on October 1, 2025.

**Conclusion**

The District's Ordinance Sections 4.2.F.1 and 6.3.8 are clear in their requirements. And it is WM's responsibility to follow the Ordinance. It was a violation once any of the materials were dumped. Therefore, it is my conclusion that WM violated the Ordinance sections when it dumped source separated mixed recyclable materials at the transfer station on October 1, 2025.

That said, it is encouraging to hear that WM is taking this violation and the past violations seriously. I am sure the District is hopeful for full compliance in the future.

I recommend that the Board affirm the Administrative Citation dated October 9, 2025, including the \$250 fine.

Dated: 12/16/25

  
\_\_\_\_\_  
Jack Ezell  
Hearing Examiner





**Minutes**  
**Regular Board Meeting**  
Monday, November 24, 2025  
5:00 PM

Board Members Present: Jack Ezell, Jim Aird, Laura Ness, Loren Lilly, Marcia Podratz, Rob Schilling, Carrie Schneider, and Nathan Johnson

Board Members Absent: Ben Mathews

Staff Present: Chuck Kimball, Cathy Remington, Tim Lundell, AJ Axtell, Brandon Kohlts, Carrie Clement, and Lauri Amundson

Legal Present: Dave Oberstar/Fryberger Law Office

Chair Schilling called the meeting to order at 5:00 PM.

**1. Agenda Review**

**2. Old Business**

**3. Approval of Consent Agenda Items**

3.1 Regular Board Minutes dated October 27, 2025  
[October 27, 2025 Board Meeting Minutes.pdf](#)

3.2 Board Member vouchers for October  
[Board Voucher October.pdf](#)

3.3 Payment Vouchers dated October 22, through November 18, 2025.  
[Board Voucher October.pdf](#)

**To approve the Consent Agenda Items**

*Moved by:* Jim Aird

*Seconded by:* Jack Ezell

**Motion Passes**

**4. New Business Items for Discussion and Approval**

**Operations and Planning**

4.1 [Approval of Knowlton Creek Forcemain Rehabilitation Phase 3 Project Professional Services](#) 

Brandon Kohlts discussed the professional services for the design of the Knowlton Creek FM Rehabilitation Project Phase 3 - Air release vaults C003 and C004.

**The Operations and Planning Committee recommends that the Board approve a professional services agreement with CDM Smith for the Knowlton Creek Forcemain Rehabilitation Phase 3 project in the amount of \$163,000. This project is funded from the approved 2026 wastewater capital budget - Knowlton Creek Forcemain Rehabilitation Project (#101270).**

*Moved by:* Laura Ness


*Seconded by:* Marcia Podratz

**Motion Passes**

4.2 [Approval of Lakeside Interceptor Relocation Agreement with MNDOT](#) 

[6925-145 \(TH61\) Agmt 1059500-WLSSD Agency Relocation-draft.pdf](#) 

Brandon Kohlts discussed the relocation agreement with MNDOT associated with the Lakeside Interceptor Rehabilitation Project.


4.3 [Approval of Dewatering System Improvements - Change Order #1](#) 

Brandon Kohlts reviewed the amendment to the professional services agreement with Donohue and Associates as part of the Dewatering System Improvements Project.

**The Operations and Planning Committee recommends that the Board approve entering into a relocation agreement with MNDOT and approve payment of \$641,918.14. This project is funded from the approved 2026 wastewater capital budget - Lakeside Interceptor Rehabilitation Project (#101267).**

*Moved by:* Jack Ezell  
*Seconded by:* Jim Aird

**Motion Passes**

4.4 [Approval of Final Effluent Sample Building Design - Change Order #1](#) 

Brandon Kohlts reviewed the amendment to the professional services agreement with Donohue and Associates as part of the Effluent Sample Building Replacement Project.

**The Operations and Planning recommends that the Board approve issuing Change Order #1 to Donohue & Associates for additional design fees for the Final Effluent Sample Building in the amount not to exceed \$15,575.**

**This is funded from the approved Final Effluent Sample Building Replacement Project (#101117)**

*Moved by:* Laura Ness  
*Seconded by:* Nathan Johnson

**Motion Passes**

**The Operations and Planning Committee recommends that the Board approve issuing Change Order #1 to Donohue & Associates to include an evaluation of class A biosolids as part of the Dewatering System Improvements Facility Plan, not to exceed \$23,900. This work will be funded from the approved Dewatering System Improvements Capital project (#100568).**

*Moved by:* Marcia Podratz  
*Seconded by:* Nathan Johnson

**Motion Passes**

4.5 [Approval of Resolution 25-24 to apply for the MN Sea Grant Fast Track Grant.pdf](#) 

AJ Axtell reviewed the approval request for the Sea Grant Fast Track Grant and outlined how the District would utilize it.

**The Operations and Planning Committee recommends that the Board approve Resolution 25-24 to apply for the**

**MN Sea Grant Fast Track Grant.**

*Moved by:* Marcia Podratz

*Seconded by:* Carrie Schneider

**Aye** Jack Ezell, Jim Aird, Laura Ness, Loren Lilly,  
Marcia Podratz, Rob Schilling, Carrie  
Schneider, and Nathan Johnson

**Motion Passes with 8 ayes and 1 absent 8-0**

**Finance**

4.6 [Approval of Resolution 25-15 Resolution Authorizing Loan Agreement - Misc Forcemain \(Knowlton Creek\).pdf](#) 

**The Finance Committee recommends that the Board approve Resolution 25-15; PFA Loan Agreement - Misc Forcemain Improvements Phase 2**

*Moved by:* Jim Aird

*Seconded by:* Jack Ezell

**Aye** Jack Ezell, Jim Aird, Laura Ness, Loren Lilly,  
Marcia Podratz, Rob Schilling, Carrie  
Schneider, and Nathan Johnson

**Motion Passes with 8 ayes and 1 absent 8-0**

4.7 [Approval of Resolution 25-16 Authorizing Loan Agreement - Carlton Pump Station Change Order.pdf](#) 

**The Finance Committee recommends that the Board approve Resolution 25-16; PFA Loan Agreement - Carlton Pump Station Change Order**

*Moved by:* Laura Ness

*Seconded by:* Jim Aird

**Aye** Jack Ezell, Jim Aird, Laura Ness, Loren Lilly,  
Marcia Podratz, Rob Schilling, Carrie

Schneider, and Nathan Johnson

**Motion passes with 8 ayes and 1 absent 8-0**

4.8 [Approval of Resolution 25-17 Authorizing Loan Agreement - Misc Gravity \(Lakeside\).pdf](#) 


**The Finance Committee recommends that the Board approve Resolution 25-17; PFA Loan Agreement - Misc Gravity Interceptor (Lakeside)**

*Moved by:* Jim Aird

*Seconded by:* Laura Ness

**Aye** Jack Ezell, Jim Aird, Laura Ness, Loren Lilly, Marcia Podratz, Rob Schilling, Carrie Schneider, and Nathan Johnson

**Motion Passes with 8 ayes and 1 absent 8-0**

4.9 [Approval of Resolution 25-18 Authorizing Loan Agreement - Secondary Clarifiers.pdf](#) 

**The Finance Committee recommends that the Board approve Resolution 25-18; PFA Loan Agreement - Secondary Clarifier.**

*Moved by:* Marcia Podratz

*Seconded by:* Loren Lilly

**Aye** Jack Ezell, Jim Aird, Laura Ness, Loren Lilly, Marcia Podratz, Rob Schilling, Carrie Schneider, and Nathan Johnson

**Motion Passes with 8 ayes and 1 absent 8-0**

## Legislative

4.10 [Approval of 2026 Legislative Priorities.pdf](#) 

AJ Axtell reviewed the Legislative priorities for 2026.

The Legislative Committee recommends that the Board approve the 2026 Legislative priorities

*Moved by:* Jim Aird  
*Seconded by:* Jack Ezell

**Motion Passes**

## **Governance**

### 4.11 [Approval of the 2026 Board Calendar .pdf](#)

Carrie Clement reviewed the 2026 Board Calendar with the suggested modifications made and discussed at the Committee meeting.

The Governance Committee recommends that the Board approve the 2026 Board Calendar

*Moved by:* Laura Ness  
*Seconded by:* Carrie Schneider

**Motion Passes**

### 4.12 [Approval of the 2025- 2026 Board Officers and Committee Assignments.pdf](#)

Carrie Clement reviewed the 2025-2026 Board Officers and Committee assignments, including the changes discussed at the Committee meeting.


**The Governance Committee recommends that the Board approve the updated Board Officer and Committee assignments.**

*Moved by:* Marcia Podratz  
*Seconded by:* Loren Lilly

**Motion Passes**

## **5. Committee Reports**

- 5.1 Committee of the Whole
- 5.2 Finance


[Finance and Personnel Committee - Nov 19, 2025 - Nov 19, 2025 - Minutes - Pdf.pdf](#) 

5.3 Operations and Planning

[Operations and Planning Committee - Nov 18 ,2025 - Minutes - Pdf.pdf](#) 

5.4 Personnel

5.5 Legislative

[Legislative & Governance Committee - Nov 20, 2025 - Minutes - Public \(1\).pdf](#) 

5.6 Board Governance

5.7 Board Member Comments

**6. Reporting**

6.1 Communications

6.2 Monthly Financials

[October 2025 Financials.pdf](#) 

Cathy Remington presented the financial report for October 2025.

6.3 NPDES

Tim Lundell delivered the NPDES report for October, highlighting a minor leak from a water pipe at the plant. He also reported an increase in mercury levels for the month. The source was traced and quickly resolved, and the mercury levels have since returned to normal.

[NPDES Report.pdf](#) 

6.4 Executive Director

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Recording Secretary

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Board Secretary, Loren Lilly

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Board Chair, Rob Schilling

The meeting was adjourned at 5:33 p.m.

**WLSSD VOUCHER**

**BOARD MEMBER'S PER DIEM & EXPENSE CLAIM**

**TO: WLSSD BOARD**

Approval for the following claims is hereby requested for per diem compensation and expenses as follows:

(Authority: Minnesota 1971 Laws, Chapter 478, Section 3, Sub 9):

**Jim Aird**

11/18/25 Operations and Planning Committee	\$50.00
11/20/25 Legislative and Governance Committee	\$50.00
11/24/25 Regular Board Meeting	\$50.00

Committee Meeting Mileage:	2.0 @	16.0 miles =	32.00 miles @	0.700 /mile	\$22.40
Board Meeting Mileage:	1.0 @	16.0 miles =	16.00 miles @	0.700 /mile	\$11.20
TOTAL CLAIM					\$183.60

**Jack Ezell**

11/18/25 Operations and Planning Committee	\$50.00
11/19/25 Finance & Personnel Committee	\$50.00
11/20/25 Legislative and Governance Committee	\$50.00
11/21/25 WLSSD/WM Hearing	\$50.00
11/24/25 Regular Board Meeting	\$50.00

Committee Meeting Mileage:	4 @	52.0 miles =	208.00 miles @	0.700 /mile	\$145.60
Board Meeting Mileage:	1 @	52.0 miles =	52.00 miles @	0.700 /mile	\$36.40
TOTAL CLAIM					\$432.00

**Nathan Johnson**

11/18/25 Operations and Planning Committee	\$50.00
11/19/25 Finance & Personnel Committee	\$50.00
11/24/25 Regular Board Meeting	\$50.00

Committee Meeting Mileage:	2.0 @	12.0 miles =	24.00 miles @	0.700 /mile	\$16.80
Board Meeting Mileage:	1.0 @	14.0 miles =	14.00 miles @	0.700 /mile	\$9.80
TOTAL CLAIM					\$176.60

**Loren Lilly**

11/18/25 Operations and Planning Committee	\$50.00
11/19/25 Finance & Personnel Committee	\$50.00
11/20/25 Legislative and Governance Committee	\$50.00
11/24/25 Regular Board Meeting	\$50.00

Committee Meeting Mileage:	3.0 @	42.0 miles =	126.00 miles @	0.700 /mile	\$88.20
Board Meeting Mileage:	1.0 @	42.0 miles =	42.00 miles @	0.700 /mile	\$29.40
TOTAL CLAIM					\$317.60



# Cash Payment Register

Job Submission Parameters

Date: 12/17/2025

Time: 7:50 AM CST

Username: jamie.carlson@wlssd.com

<b>Vendor Group:</b> 1 Western Lake Superior Sanitary District	<b>Company:</b> 1 Western Lake Superior Sanitary District
<b>Pay Group:</b> 1 Western Lake Superior Sanitary District	<b>Process Level:</b>
<b>Cash Code:</b> 10225 US Bank Or <b>Cash Code Group:</b>	
<b>From Payment Date:</b> 11/19/2025 <b>To Payment Date:</b> 12/16/2025	
<b>Report Option:</b> All	<b>Document Currency:</b> Account Currency
<b>Payment Code:</b>	
<b>Use Cash Requirements Sort Options:</b> No	
<b>Format Option:</b> Standard	
<b>Report Distribution</b>	
<b>Cash Payment Register Report:</b>	<b>Report Export Type:</b>

Cash Payment Register continued...

Date 12/17/25 Pay Group 1 Western Lake Superior Sanitary District USD  
 Time 7:50 AM CST Post Company 1 Western Lake Superior Sanitary District USD  
 Cash Payment Register for 11/19/25 thru 12/16/25 Page 1

All Report Account Currency

Company 1 Western Lake Superior Sanitary District  
 Cash Code 10225 US Bank Currency USD  
 Payment Code ACH

Payment Number	Identifier	Co	Vendor Number	Remit To	Name	City	Payment Date	Status	Payment Amount	Curr
300616	P9855	1	216		Commissioner Of Revenue	St Paul	11/25/25	Issued	3,491.17	USD
300617	P9856	1	948	48MN	PERA	St Paul	11/25/25	Issued	11,156.31	USD
300618	P9857	1	1392		United States Treasury	Kansas City	11/25/25	Issued	19,683.23	USD
300619	P9858	1	2676		Minnesota Dept Of Revenue	St Paul	11/25/25	Issued	1,417.00	USD
300620	P9859	1	5996		MSRS	St Paul	11/25/25	Issued	4,013.00	USD
300621	P9860	1	6586		WLSSD Cafeteria Plan - US Bank	.	11/25/25	Issued	950.85	USD
300622	P9866	1	216		Commissioner Of Revenue	St Paul	11/26/25	Issued	3,534.49	USD
300623	P9867	1	948	48MN	PERA	St Paul	11/26/25	Issued	11,156.31	USD
300624	P9868	1	1392		United States Treasury	Kansas City	11/26/25	Issued	19,897.18	USD
300625	P9869	1	2688		Delta Dental Plan Of Minnesota	Minneapolis	11/26/25	Issued	11,490.49	USD
300626	P9870	1	2688		Delta Dental Plan Of Minnesota	Minneapolis	11/26/25	Issued	985.60	USD
300627	P9871	1	5996		MSRS	St Paul	11/26/25	Issued	4,013.00	USD
300628	P9872	1	6586		WLSSD Cafeteria Plan - US Bank	.	11/26/25	Issued	950.85	USD
300629	P9936	1	190	90MN	AFSCME Council 5	St Paul	11/26/25	Issued	6,051.76	USD
300630	P9937	1	216		Commissioner Of Revenue	St Paul	11/26/25	Issued	14,507.70	USD
300631	P9938	1	948	48MN	PERA	St Paul	11/26/25	Issued	46,368.92	USD
300632	P9939	1	1392		United States Treasury	Kansas City	11/26/25	Issued	78,068.39	USD
300633	P9940	1	4098		Minnesota Child Support	St Paul	11/26/25	Issued	397.32	USD
300634	P9941	1	5996		MSRS	St Paul	11/26/25	Issued	10,594.00	USD
300635	P9942	1	6586		WLSSD Cafeteria Plan - US Bank	.	11/26/25	Issued	3,417.11	USD

\*\*\* Payment Code ACH Totals  
 Total Open Payments 20 252,144.68  
 Total Reconciled Payments 0.00  
 Total Void Payments 0.00  
 Total Stale Dated Payments 0  
 Total Escheated Payments 0

Cash Payment Register continued...

Date 12/17/25 Pay Group 1 Western Lake Superior Sanitary District USD  
 Time 7:50 AM CST Post Company 1 Western Lake Superior Sanitary District USD  
 Cash Payment Register for 11/19/25 thru 12/16/25 Page 2

All Report Account Currency

Company 1 Western Lake Superior Sanitary District  
 Cash Code 10225 US Bank Currency USD  
 Payment Code APC

Payment Number	Identifier	Co	Vendor Number	Remit To	Name	City	Payment Date	Status	Payment Amount	Curr
400866	P9750	1	305	05MN	SPS Companies, Inc	St. Paul	11/20/25	Issued	20.44	USD
400867	P9751	1	395		Fryberger Buchanan	Duluth	11/20/25	Issued	8,112.50	USD
400868	P9752	1	1012		Northstar Ford	Duluth	11/20/25	Issued	555.22	USD
400869	P9753	1	1440		Guardian Pest Control Inc	Superior	11/20/25	Issued	110.55	USD
400870	P9754	1	1507		NACWA	Baltimore	11/20/25	Issued	14,020.00	USD
400871	P9755	1	3766		Portable John	Hibbing	11/20/25	Issued	472.50	USD
400872	P9756	1	4903		Liberty Tire Recycling, Llc-Mn	Pittsburgh	11/20/25	Issued	3,232.75	USD
400873	P9757	1	4986		Agvise Laboratories	Northwood	11/20/25	Issued	183.80	USD
400874	P9758	1	6037		Michaud Distributing	Duluth	11/20/25	Issued	48.00	USD
400875	P9908	1	1012		Northstar Ford	Duluth	11/26/25	Issued	1,008.00	USD
400876	P9909	1	1440		Guardian Pest Control Inc	Superior	11/26/25	Issued	36.85	USD
400877	P9910	1	3428		Mellin Promotional Advertising	Duluth	11/26/25	Issued	1,740.00	USD
400878	P9911	1	3838	38GA	Polydyne Inc	Atlanta	11/26/25	Issued	67,701.90	USD
400879	P9912	1	4903		Liberty Tire Recycling, Llc-Mn	Pittsburgh	11/26/25	Issued	918.00	USD
400880	P9913	1	6037		Michaud Distributing	Duluth	11/26/25	Issued	147.00	USD
400881	P9914	1	6101	01	Msc Industrial Supply Co	Saint Louis	11/26/25	Issued	294.96	USD
400882	P9915	1	6365		Vonco V LLC Duluth	Becker	11/26/25	Issued	753.04	USD
400883	P9978	1	6299		Bear Shoe Works	Superior	12/4/25	Issued	462.55	USD
400884	P10045	1	395		Fryberger Buchanan	Duluth	12/11/25	Issued	12,631.50	USD
400885	P10046	1	1440		Guardian Pest Control Inc	Superior	12/11/25	Issued	36.85	USD
400886	P10047	1	2032		Shel-Don Reproduction Centre	Duluth	12/11/25	Issued	413.42	USD
400887	P10048	1	2512	12MN	Culligan Of Cloquet	Minneapolis	12/11/25	Issued	276.85	USD
400888	P10049	1	3428		Mellin Promotional Advertising	Duluth	12/11/25	Issued	902.36	USD
400889	P10050	1	4903		Liberty Tire Recycling, Llc-Mn	Pittsburgh	12/11/25	Issued	3,704.00	USD
400890	P10051	1	6037		Michaud Distributing	Duluth	12/11/25	Issued	165.00	USD
400891	P10052	1	6101	01	Msc Industrial Supply Co	Saint Louis	12/11/25	Issued	133.10	USD
400892	P10053	1	6335		Air Fiber Inc.	Superior	12/11/25	Issued	500.00	USD
400893	P10054	1	6365		Vonco V LLC Duluth	Becker	12/11/25	Issued	292.53	USD

\*\*\* Payment Code APC Totals  
 Total Open Payments 28 118,873.67  
 Total Reconciled Payments 0.00  
 Total Void Payments 0.00  
 Total Stale Dated Payments 0  
 Total Escheated Payments 0

Cash Payment Register continued...

Date 12/17/25 Pay Group 1 Western Lake Superior Sanitary District USD  
 Time 7:50 AM CST Post Company 1 Western Lake Superior Sanitary District USD  
 Cash Payment Register for 11/19/25 thru 12/16/25 Page 3

All Report Account Currency

Company 1 Western Lake Superior Sanitary District  
 Cash Code 10225 US Bank Currency USD  
 Payment Code CHK

Payment Number	Identifier	Co	Vendor Number	Remit To	Name	City	Payment Date	Status	Payment Amount	Curr
504138	P9719	1	449	49CO	Hach Company	Chicago	11/20/25	Issued	2,768.00	USD
504139	P9720	1	482	82MN	Hawkins, Inc	Minneapolis	11/20/25	Issued	10,923.84	USD
504140	P9721	1	821	21MN	Airgas North Central	Chicago	11/20/25	Issued	60.77	USD
504141	P9722	1	1195		Todd Signs	Duluth	11/20/25	Issued	800.00	USD
504142	P9723	1	1319		Hawkins, Inc.	Minneapolis	11/20/25	Issued	10,128.03	USD
504143	P9724	1	1352	52MN	Graybar Electric Co, Inc.	Chicago	11/20/25	Issued	1,960.36	USD
504144	P9725	1	1709		LHB Engineers & Architects Inc	Duluth	11/20/25	Issued	6,073.20	USD
504145	P9726	1	1866		Carlton County Zoning Office	Carlton	11/20/25	Issued	20,331.07	USD
504146	P9727	1	1966	66MN	Fastenal Company	Winona	11/20/25	Issued	114.86	USD
504147	P9728	1	2017	17IL	Waste Management Of WI-MN	Carol Stream	11/20/25	Issued	6,502.04	USD
504148	P9729	1	2186		Ulland Bros, Inc.	Cloquet,	11/20/25	Issued	1,110.86	USD
504149	P9730	1	2646	47PA	A/C Service and Repair, Inc.	York	11/20/25	Issued	769.00	USD
504150	P9731	1	2651		SEH Engineers Architects Inc	St Paul	11/20/25	Issued	21,926.80	USD
504151	P9732	1	6542	37	Chris Rank	Springbrook	11/20/25	Issued	89.92	USD
504152	P9733	1	6590		Brayden Johnson	Duluth	11/20/25	Issued	500.00	USD
504153	P9734	1	6684		Mavo Concrete Sawing Services	White Bear Lake	11/20/25	Issued	7,500.00	USD
504154	P9735	1	6712		John Erickson	South Range	11/20/25	Issued	250.00	USD
504155	P9736	1	6937		Garett Egeland	Duluth	11/20/25	Issued	224.46	USD
504156	P9737	1	6951		Clarke Energy USA, Inc	Waukesha	11/20/25	Issued	26,364.13	USD
504157	P9738	1	6956		Superior Fuel Company	Duluth	11/20/25	Issued	824.01	USD
504158	P9739	1	6968	01CA	TPx Communications	Pasadena	11/20/25	Issued	800.69	USD
504159	P9740	1	7023		EJ Equipment, Inc.	Manteno	11/20/25	Issued	76.68	USD
504160	P9875	1	424		True North Goodwill	Duluth	11/26/25	Issued	14,125.00	USD
504161	P9876	1	449	49CO	Hach Company	Chicago	11/26/25	Issued	3,159.30	USD
504162	P9877	1	482	82MN	Hawkins, Inc	Minneapolis	11/26/25	Issued	10,883.01	USD
504163	P9878	1	557		Jamar Company	Duluth	11/26/25	Issued	2,025.72	USD
504164	P9879	1	838		Northwest Outlet	Superior	11/26/25	Issued	218.37	USD
504165	P9880	1	902		PFC Equipment	Maple Grove	11/26/25	Issued	86.05	USD
504166	P9881	1	1175	75TX	United Rentals Inc.	Dallas	11/26/25	Issued	61.00	USD
504167	P9882	1	1222		Twin Ports Testing Inc	Superior	11/26/25	Issued	423.34	USD
504168	P9883	1	1352	52MN	Graybar Electric Co, Inc.	Chicago	11/26/25	Issued	9,008.57	USD
504169	P9884	1	1362		McMaster Carr Supply	Chicago	11/26/25	Issued	136.70	USD
504170	P9885	1	1377		Minnesota Life Insurance Co	St Paul	11/26/25	Issued	3,938.22	USD
504171	P9886	1	1488		Itasca County Treasurer	Grand Rapids	11/26/25	Issued	582.92	USD
504172	P9887	1	1866		Carlton County Zoning Office	Carlton	11/26/25	Issued	2,612.59	USD
504173	P9888	1	2096		Lake County Auditor	Two Harbors	11/26/25	Issued	120.59	USD
504174	P9889	1	2508	08MN	Russell-Seik-Steel	Duluth	11/26/25	Issued	1,116.66	USD
504175	P9890	1	2651		SEH Engineers Architects Inc	St Paul	11/26/25	Void	18,957.90	USD
504176	P9891	1	2794		USA Bluebook	Gurnee	11/26/25	Issued	643.65	USD
504177	P9892	1	3044		Retrofit Recycling Inc	Owatonna	11/26/25	Issued	303.60	USD
504178	P9893	1	3865		St. Louis County Env Serv	Virginia	11/26/25	Issued	10,164.09	USD
504179	P9894	1	4560		Centurylink	Phoenix	11/26/25	Issued	13,341.16	USD
504180	P9895	1	4785		North Shore Analytical, Inc.	Duluth	11/26/25	Issued	6,425.00	USD
504181	P9896	1	5137	37MN	Twin Ports Paper & Supply Inc.	Duluth	11/26/25	Issued	796.15	USD
504182	P9897	1	5491	01MW	Pomp's Tire Service	Milwaukee	11/26/25	Issued	84.00	USD
504183	P9898	1	6453	FD01	Faegre Drinker Biddle & Reath	Minneapolis	11/26/25	Issued	4,833.33	USD
504184	P9899	1	6454		Citon / Telcologix / TLX	Buffalo Grove	11/26/25	Issued	125.72	USD
504185	P9900	1	6454	IL01	Acp Creativit, LLC	Carol Stream	11/26/25	Issued	1,514.00	USD

Cash Payment Register continued...

Date 12/17/25 Pay Group 1 Western Lake Superior Sanitary District USD  
 Time 7:50 AM CST Post Company 1 Western Lake Superior Sanitary District USD  
 Cash Payment Register for 11/19/25 thru 12/16/25 Page 4

All Report Account Currency

Company 1 Western Lake Superior Sanitary District  
 Cash Code 10225 US Bank Currency USD  
 Payment Code CHK

Payment Number	Identifier	Co	Vendor Number	Remit To	Name	City	Payment Date	Status	Payment Amount	Curr
504186	P9901	1	6596	01IL	Kodru Equipment, LLC	Chicago	11/26/25	Issued	622.00	USD
504187	P9902	1	6655		SEK Designs	Duluth	11/26/25	Issued	580.00	USD
504188	P9903	1	6689	01TX	Insight Public Sector	Dallas	11/26/25	Issued	2,589.28	USD
504189	P9904	1	6956		Superior Fuel Company	Duluth	11/26/25	Issued	4,035.29	USD
504190	P9905	1	6959	01TX	Alliance Technical Group	Dallas	11/26/25	Issued	354.30	USD
504191	P9906	1	7023		EJ Equipment, Inc.	Manteno	11/26/25	Issued	2,437.18	USD
504192	P9907	1	7029		Twin Ports Recycling	Duluth	11/26/25	Issued	1,075.00	USD
504193	P9944	1	449	49CO	Hach Company	Chicago	12/4/25	Issued	9,899.00	USD
504194	P9945	1	526	26NE	Teledyne ISCO, Inc.	Chicago	12/4/25	Issued	1,797.00	USD
504195	P9946	1	819	01MN	Viking Electric	Chicago	12/4/25	Issued	284.14	USD
504196	P9947	1	821	21MN	Airgas North Central	Chicago	12/4/25	Issued	481.59	USD
504197	P9948	1	874	74MN	Pace Analytical Services LLC	Chicago	12/4/25	Issued	4,428.00	USD
504198	P9949	1	1022		City Of Scanlon Water Dept	Scanlon	12/4/25	Issued	51.53	USD
504199	P9950	1	1062	62WI	Fcx Performance, Inc.	Cincinnati	12/4/25	Issued	119.20	USD
504200	P9951	1	1241		United Way Of Duluth	Duluth	12/4/25	Issued	532.00	USD
504201	P9952	1	1352	52MN	Graybar Electric Co, Inc.	Chicago	12/4/25	Issued	386.47	USD
504202	P9953	1	1600	01ND	Flint Group	Fargo	12/4/25	Issued	293.75	USD
504203	P9954	1	1818	18WI	Hydrite Chemical Company	Chicago	12/4/25	Issued	7,747.00	USD
504204	P9955	1	1966	66MN	Fastenal Company	Winona	12/4/25	Issued	727.12	USD
504205	P9956	1	2017	17IL	Waste Management Of WI-MN	Carol Stream	12/4/25	Issued	27,795.00	USD
504206	P9957	1	2075		City Of Hermantown	Hermantown	12/4/25	Issued	34.28	USD
504207	P9958	1	2924		Vulcan Industries Inc	Missouri Valley	12/4/25	Issued	551.23	USD
504208	P9959	1	2926		Grussendorf Tree & Shrub Care	Esko	12/4/25	Issued	19,375.00	USD
504209	P9960	1	3044		Retrofit Recycling Inc	Owatonna	12/4/25	Issued	1,234.60	USD
504210	P9961	1	4166		Madison National Life Ins Co.	Carol Stream	12/4/25	Issued	2,129.73	USD
504211	P9962	1	4389	01MN	Metro Sales Inc.	Minneapolis	12/4/25	Issued	2,730.97	USD
504212	P9963	1	5073	73MN	Blaine Brothers	Minneapolis	12/4/25	Issued	591.07	USD
504213	P9964	1	5409	09MN	Digi-Key Corp. 1879901	Thief River Falls	12/4/25	Issued	99.03	USD
504214	P9965	1	5837		Lake Superior Consulting, LLC	Duluth	12/4/25	Issued	6,490.00	USD
504215	P9966	1	5845	46MA	CDM Smith	Boston	12/4/25	Issued	18,408.75	USD
504216	P9967	1	6394	01IL	Msdsonline DBA Velocityehs	Chicago	12/4/25	Issued	769.97	USD
504217	P9968	1	6465	01CA	Chicobag Company	Chico	12/4/25	Issued	6,244.16	USD
504218	P9969	1	6726	01IA	Involta	Cedar Rapids	12/4/25	Issued	6,090.00	USD
504219	P9970	1	6782	01IL	Eurofins Environment Testing	Carol Stream	12/4/25	Issued	641.00	USD
504220	P9971	1	6900	01OH	Fidelity Security Life Insuran	Cincinnati	12/4/25	Issued	632.93	USD
504221	P9972	1	6922		Unison Solutions	Dubuque	12/4/25	Issued	795.00	USD
504222	P9973	1	6956		Superior Fuel Company	Duluth	12/4/25	Issued	2,083.75	USD
504223	P9974	1	6961		Arrowhead Printing	Duluth	12/4/25	Issued	2,676.00	USD
504224	P9975	1	6998	01GA	Call2Recycle, Inc.	Atlanta	12/4/25	Issued	18.75	USD
504225	P9976	1	7011	02PA	Comcast	Philadelphia	12/4/25	Issued	2,089.04	USD
504226	P9977	1	7025		Koflo Corporation	Cary	12/4/25	Issued	959.02	USD
504227	P9993	1	320		Duncan Co	Minneapolis	12/11/25	Issued	1,100.23	USD
504228	P9994	1	394	12MN	Kurita America Inc	Minneapolis	12/11/25	Issued	864.89	USD
504229	P9995	1	411	01MN	General Cleaning Corporation	Duluth	12/11/25	Issued	6,783.00	USD
504230	P9996	1	838		Northwest Outlet	Superior	12/11/25	Issued	621.11	USD
504231	P9997	1	1034		Vessco Inc	Chanhassen	12/11/25	Issued	1,137.23	USD
504232	P9998	1	1091	91MN	Ferguson Enterprises LLC #1657	Chicago	12/11/25	Issued	1,625.11	USD
504233	P9999	1	1324	24WI	Motion Industries Inc	Chicago	12/11/25	Issued	266.51	USD

Cash Payment Register continued...

Date 12/17/25 Pay Group 1 Western Lake Superior Sanitary District USD Page 5  
 Time 7:50 AM CST Post Company 1 Western Lake Superior Sanitary District USD  
 Cash Payment Register for 11/19/25 thru 12/16/25

All Report Account Currency

Company 1 Western Lake Superior Sanitary District  
 Cash Code 10225 US Bank Currency USD  
 Payment Code CHK

Payment Number	Identifier	Co	Vendor Number	Remit To	Name	City	Payment Date	Status	Payment Amount	Curr
504234	P10000	1	1352	52MN	Graybar Electric Co, Inc.	Chicago	12/11/25	Issued	1,670.26	USD
504235	P10001	1	1966	66MN	Fastenal Company	Winona	12/11/25	Issued	60.17	USD
504236	P10002	1	1978		Hartel's Disposal	Proctor	12/11/25	Issued	8,166.58	USD
504237	P10003	1	2017	17IL	Waste Management Of WI-MN	Carol Stream	12/11/25	Issued	874.24	USD
504238	P10004	1	2075		City Of Hermantown	Hermantown	12/11/25	Issued	37.60	USD
504239	P10005	1	2459		Compensation Consultants, Ltd	Cloquet	12/11/25	Issued	748.00	USD
504240	P10006	1	2794		USA Bluebook	Gurnee	12/11/25	Issued	1,458.75	USD
504241	P10007	1	4009		Viele Contracting Inc	Duluth	12/11/25	Issued	1,035.00	USD
504242	P10008	1	4663		Engineered Sales Company	Bloomington	12/11/25	Issued	1,780.55	USD
504243	P10009	1	4665	65GA	Environmental Express	Atlanta	12/11/25	Issued	326.36	USD
504244	P10010	1	4827		Stack Bros.	Superior	12/11/25	Issued	24,740.00	USD
504245	P10011	1	5073	73MN	Blaine Brothers	Minneapolis	12/11/25	Issued	6,102.93	USD
504246	P10012	1	5299		Sinnott Blacktop	Proctor	12/11/25	Issued	69,850.00	USD
504247	P10013	1	5660		Minnesota Energy Resources	Glenview	12/11/25	Issued	350.36	USD
504248	P10014	1	5923		AFL-CIO Community Svcs Program	Duluth	12/11/25	Issued	176.05	USD
504249	P10015	1	5961		James E Aird	Proctor	12/11/25	Issued	183.60	USD
504250	P10016	1	6086		Thomas Scientific	Pittsburgh	12/11/25	Issued	259.63	USD
504251	P10017	1	6211		Marcia Podratz	Duluth	12/11/25	Issued	176.46	USD
504252	P10018	1	6453	FD01	Faegre Drinker Biddle & Reath	Minneapolis	12/11/25	Issued	4,833.33	USD
504253	P10019	1	6495		QED Environmental Systems Inc	Atlanta	12/11/25	Issued	1,755.00	USD
504254	P10020	1	6517		Kwik Trip Inc	La Crosse	12/11/25	Issued	218.36	USD
504255	P10021	1	6533		Loren Lilly	Cloquet	12/11/25	Issued	317.60	USD
504256	P10022	1	6547		Laura Ness	Duluth	12/11/25	Issued	113.72	USD
504257	P10023	1	6560		Brooke Harrison	Esko	12/11/25	Issued	250.00	USD
504258	P10024	1	6653		Saginaw Power & Automation LLC	Saginaw	12/11/25	Issued	5,061.73	USD
504259	P10025	1	6690		Bert's Truck Equip Of Moorhead	Moorhead	12/11/25	Issued	32,486.11	USD
504260	P10026	1	6732		Geislinger & Sons, Inc	Watkins	12/11/25	Issued	134,239.76	USD
504261	P10027	1	6755		Robert Schilling	Duluth	12/11/25	Issued	401.50	USD
504262	P10028	1	6782	01IL	Eurofins Environment Testing	Carol Stream	12/11/25	Issued	297.00	USD
504263	P10029	1	6791		Sir Benedict's Tavern	Duluth	12/11/25	Issued	262.15	USD
504264	P10030	1	6801		Carlson Timber Products, Inc.	Sandstone	12/11/25	Issued	166,605.26	USD
504265	P10031	1	6825		Bolton And Menk Inc.	Mankato	12/11/25	Issued	35,279.50	USD
504266	P10032	1	6833		John Ezell	Carlton	12/11/25	Issued	432.00	USD
504267	P10033	1	6922		Unison Solutions	Dubuque	12/11/25	Issued	795.00	USD
504268	P10034	1	6931		Andrew Barnebey	Duluth	12/11/25	Issued	301.00	USD
504269	P10035	1	6951		Clarke Energy USA, Inc	Waukesha	12/11/25	Issued	24,087.31	USD
504270	P10036	1	6956		Superior Fuel Company	Duluth	12/11/25	Issued	2,612.43	USD
504271	P10037	1	6964	01MI	Park Place Technologies	Detroit	12/11/25	Issued	6,462.72	USD
504272	P10038	1	6978		EPIC iO Technologies	Fort Mill	12/11/25	Issued	1,515.70	USD
504273	P10039	1	7003		Ben Mathews	Hermantown	12/11/25	Issued	144.80	USD
504274	P10040	1	7005		North Central Bus & Equipment,	St. Cloud	12/11/25	Issued	2,598.63	USD
504275	P10041	1	7007		Carrie Schneider	Duluth	12/11/25	Issued	218.20	USD
504276	P10042	1	7008		Nathan Johnson	Duluth	12/11/25	Issued	176.60	USD
504277	P10043	1	7011	01TX	Masergy Communications, Inc.	Dallas	12/11/25	Issued	342.94	USD
504278	P10044	1	7032	01IL	Mettler Toledo	Chicago	12/11/25	Issued	1,923.00	USD

Cash Payment Register continued...

Date 12/17/25 Pay Group 1 Western Lake Superior Sanitary District USD  
 Time 7:50 AM CST Post Company 1 Western Lake Superior Sanitary District USD  
 Cash Payment Register for 11/19/25 thru 12/16/25  
 All Report Account Currency

Company 1 Western Lake Superior Sanitary District  
 Cash Code 10225 US Bank Currency USD  
 Payment Code CHK

Payment Number	Identifier	Co	Vendor Number	Remit To	Name	City	Payment Date	Status	Payment Amount	Curr	
							***	Payment Code	CHK	Totals	
									Total Open Payments	140	901,832.56
									Total Reconciled Payments		0.00
									Total Void Payments	1	18,957.90
									Total Stale Dated Payments		0
									Total Escheated Payments		0

Cash Payment Register continued...

Date 12/17/25 Pay Group 1 Western Lake Superior Sanitary District USD  
 Time 7:50 AM CST Post Company 1 Western Lake Superior Sanitary District USD  
 Cash Payment Register for 11/19/25 thru 12/16/25 Page 7

All Report Account Currency

Company 1 Western Lake Superior Sanitary District  
 Cash Code 10225 US Bank Currency USD  
 Payment Code PCR

Payment Number	Identifier	Co	Vendor Number	Remit To	Name	City	Payment Date	Status	Payment Amount	Curr
200735	P9820	1	194		City Of Cloquet	Cloquet	11/20/25	Issued	1,935.05	USD
200736	P9821	1	296		City Of Duluth Comfort Systems	Minneapolis	11/20/25	Issued	763.70	USD
200737	P9822	1	376		Fedex	Palatine	11/20/25	Issued	217.60	USD
200738	P9823	1	762 62MN		Swagelok Minnesota	Minneapolis	11/20/25	Issued	273.03	USD
200739	P9824	1	1711 11L		Grainger	Palatine	11/20/25	Issued	811.55	USD
200740	P9825	1	3471 IL71		AT&T Mobility	Carol Stream	11/20/25	Issued	2,973.14	USD
200741	P9826	1	6034 01MN		Innovative Office Solutions	Minneapolis	11/20/25	Issued	29.53	USD
200742	P9827	1	6504		Fueling Minnesota	St Paul	11/20/25	Issued	40.00	USD
200743	P9828	1	6540 40MA		Cintas Corporation	Dallas	11/20/25	Issued	873.91	USD
200744	P9829	1	6662 D101		Doorco Inc.	Duluth	11/20/25	Issued	350.00	USD
200745	P9830	1	6881 01SP		CTC	St. Paul	11/20/25	Issued	405.00	USD
200746	P9874	1	6599		US Bank Credit Card	.	11/26/25	Issued	23,338.53	USD
200747	P9927	1	296		City Of Duluth Comfort Systems	Minneapolis	11/26/25	Issued	18,714.85	USD
200748	P9928	1	376		Fedex	Palatine	11/26/25	Issued	280.52	USD
200749	P9929	1	1711 11L		Grainger	Palatine	11/26/25	Issued	3,943.69	USD
200750	P9930	1	3697 01LL		Linde Gas & Equipment Inc.	Palatine	11/26/25	Issued	56.46	USD
200751	P9931	1	4836 36NJ		Verizon	Newark	11/26/25	Issued	56.10	USD
200752	P9932	1	6034		Innovative Office Solutions	Burnsville	11/26/25	Issued	207.20	USD
200753	P9933	1	6034 01MN		Innovative Office Solutions	Minneapolis	11/26/25	Issued	1,097.10	USD
200754	P9934	1	6440		Stone River Wildlife Control	Culver	11/26/25	Issued	1,150.00	USD
200755	P9935	1	6540 40MA		Cintas Corporation	Dallas	11/26/25	Issued	1,118.12	USD
200756	P9988	1	296		City Of Duluth Comfort Systems	Minneapolis	12/4/25	Issued	213.06	USD
200757	P9989	1	376		Fedex	Palatine	12/4/25	Issued	257.16	USD
200758	P9990	1	1711 11L		Grainger	Palatine	12/4/25	Issued	1,233.44	USD
200759	P9991	1	6034 01MN		Innovative Office Solutions	Minneapolis	12/4/25	Issued	268.15	USD
200760	P9992	1	6540 40MA		Cintas Corporation	Dallas	12/4/25	Issued	820.93	USD
200761	P10066	1	296		City Of Duluth Comfort Systems	Minneapolis	12/11/25	Issued	20,588.60	USD
200762	P10067	1	376		Fedex	Palatine	12/11/25	Issued	39.29	USD
200763	P10068	1	6034		Innovative Office Solutions	Burnsville	12/11/25	Issued	204.96	USD
200764	P10069	1	6034 01MN		Innovative Office Solutions	Minneapolis	12/11/25	Issued	495.33	USD
200765	P10070	1	6121 01MN		Essentia Health	Minneapolis	12/11/25	Issued	4,704.00	USD
200766	P10071	1	6278		CliftonLarsonallen, LLP	Chicago	12/11/25	Issued	1,050.00	USD
200767	P10072	1	6540 40MA		Cintas Corporation	Dallas	12/11/25	Issued	963.59	USD
200768	P10073	1	6662 D101		Doorco Inc.	Duluth	12/11/25	Issued	3,229.00	USD
200769	P10074	1	6841 00TX		ApplicantPro Holdings	Dallas	12/11/25	Issued	639.00	USD
200770	P10075	1	6871 01MN		MJ Companies LLC	Duluth	12/11/25	Issued	1,352.50	USD

\*\*\* Payment Code PCR Totals  
 Total Open Payments 36 94,694.09  
 Total Reconciled Payments 0.00  
 Total Void Payments 0.00  
 Total Stale Dated Payments 0  
 Total Escheated Payments 0

Cash Payment Register continued...

Date 12/17/25 Pay Group 1 Western Lake Superior Sanitary District USD  
 Time 7:50 AM CST Post Company 1 Western Lake Superior Sanitary District USD  
 Cash Payment Register for 11/19/25 thru 12/16/25  
 All Report Account Currency

Company 1 Western Lake Superior Sanitary District  
 Cash Code 10225 US Bank Currency USD  
 Payment Code WIR

Payment Number	Identifier	Co	Vendor Number	Remit To	Name	City	Payment Date	Status	Payment Amount	Curr	
100099	P9865	1	753		Minnesota Power	Minneapolis	11/25/25	Issued	177,068.86	USD	
							*** Payment Code WIR	Totals			
								Total Open Payments	1	177,068.86	
								Total Reconciled Payments		0.00	
								Total Void Payments		0.00	
								Total Stale Dated Payments		0	
								Total Escheated Payments		0	
							*** Cash Code 10225	Totals			
								Total Open Payments	225	1,544,613.86	
								Total Reconciled Payments		0.00	
								Total Void Payments	1	18,957.90	
								Total Stale Dated Payments		0	
								Total Escheated Payments		0	
							*** Pay Group 1	USD Totals			
								Total Open Payments	225	1,544,613.86	
								Total Reconciled Payments		0.00	
								Total Void Payments	1	18,957.90	
								Total Stale Dated Payments		0	
								Total Escheated Payments		0	

## Memo

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**To:** Board of Directors  
**From:** Operations and Planning  
**Date:** December 22, 2025  
**Subject:** Approval of Professional Services - Heating and Power System Improvements

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### Project Background

In 2016, the District completed the Biogas Conditioning and Main Campus Heating project which replaced the existing low pressure steam boilers with smaller modular hot water boilers. The new heating system allows the heat load from the boilers to more efficiently match the heat demand from heating system. The hot water boiler system was designed and programmed to prepare for the future CHP heat recovery system.

The project also included equipment to remove contaminants from the biogas. One of conditioning systems is a compression and moisture removal system. This system compresses and cools the warm, moist biogas to drop the dew point and squeeze the water vapor out of the gas prior to combustion. This system utilizes an HVAC chiller to produce cold water to cool the biogas in a heat exchanger. Chillers in typical HVAC systems usually operate only during summer months. The chillers in this system need to operate continuously throughout the year to condition the biogas. The chillers have reliability issues when the outside air temperature drops below negative seven degrees (-7F). When the compressor in the chiller faults, it stops producing cold water for the moisture removal system. When the biogas temperature rises above the setpoint, it faults the system and closes the biogas valve to the engines and boilers. All the biogas is flared until the system can be reset.

### Scope of Work

A proposal was requested from Donohue & Associates to redesign the moisture removal system to implement a cold weather radiator system that will bypass the chillers to cool the chilled water during the winter months. The proposal includes design of the system, an engineer's cost opinion, development of a quote package, and some additional boiler programming needs that have been identified.

### Budget Summary

The Donohue proposal included a fee schedule for an amount not to exceed \$46,000. The Heating and Power System Reliability Improvements project will be funded from the approved 2026 wastewater capital project budget of \$100,000.

### **Recommendation**

**The Operations and Planning Committee recommends the Board approve a professional services agreement with Donohue & Associates for the Heating and Power System Reliability Improvements Project in the amount not to exceed \$46,000.**

**This will be funded from the approved 2026 wastewater capital budget Biogas Conditioning Improvements – Dry Chillers (Project #101284).**

## Memo

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**To:** Board of Directors  
**From:** Finance and Personnel Committee  
**Date:** 12/22/2025  
**Subject:** 2026 Gainshare and Incentive Plan

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### Background

Following is the proposed 2026 Gainshare and Incentive plan. The proposed plan includes a limited set of incentive measures directly related to what the District must accomplish in 2026. The incentive measures are organized into the following four categories:

- Safety Excellence
- Environmental Excellence and Community Stewardship
- Operational Excellence
- Fiscal Responsibility

Achievement of these incentive measures requires the attention and participation of all employees. The total incentive plan value is \$3,000 per full-time equivalent (FTE) if all measures are met at the highest level. This is the same maximum incentive payout as the 2025 incentive plan.

### Recommendation

The Finance and Personnel Committee recommends the Board approve the 2026 Gainshare and Incentive Plan. The 2026 Gainshare and Incentive Plan has a maximum payout of \$3,000 per full-time equivalent (FTE).

## 2026 Gainshare and Incentive

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### Safety Excellence

**Maximum Payout \$750/FTE**

1. Achieve 100% compliance with safety policies. This will be assessed by monthly random compliance audits of personal protective equipment (PPE), lock-out/tag-out (LOTO), and confined space entry by the Safety Director and Managers.

- **Maximum payout - \$360/FTE**

<b>Incentive Payment – Measured Monthly</b>		
<b>Lock-out/Tag-out</b>	100% compliance = \$10/month	Less than 100% compliance = \$0
<b>Confined Space Entry</b>	100% compliance = \$10/month	Less than 100% compliance = \$0
<b>Personal Protective Equipment</b>	100% compliance = \$10/month	Less than 100% compliance = \$0

2. Ensure all employees are trained in District safety policies and practices. This will be assessed by attendance at all monthly General Safety Meetings (or make-up within 30 days).

- **Maximum payout - \$120/FTE**

<b>Incentive Payment – Measured Monthly</b>		
<b>GSM Attendance</b>	100% compliance = \$10/month	Less than 100% compliance = \$0

3. Ensure a safe working environment through increased risk recognition by reporting an average of 5 near misses or stop work interventions per month.

- **Maximum payout - \$270/FTE**

<b>Incentive Payment – Measured for the Year</b>				
<b>Total # of near miss reports / stop work interventions</b>	60 or more = \$135	40-59 = \$60	20-39 = \$30	Less than 20 = \$0
<b>Total % of near miss / intervention countermeasures completed</b>	60 or more= \$135	40-59 = \$60	20-39 = \$30	Less than 20 = \$0

**Environmental Excellence and Community Stewardship**

**Maximum Payout \$750/FTE**

1. Achieve full compliance with all provisions of the air, NPDES, storm water, land application and solid waste operating permits, and achieve monthly mercury discharge average of 1.8 ng/L or less and daily maximum of 3.2 ng/L or less.

- Maximum payout - \$240/FTE

<b>Incentive Payment – Measured Monthly</b>		
Mercury in WLSSD effluent discharge	1.8 ng/L or less = \$10/month	3.2 ng/L or less = \$10/month

- Maximum payout - \$510/FTE

<b>Incentive Payment – Measure for the Year</b>				
100% Compliance with Permits	NPDES = \$200	Air = \$110	Biosolids land application (MN and WI) = \$100	Solid Waste operational = \$100

**Operational Excellence**

**Maximum Payout \$750/FTE**

1. Achieve reduction in budgeted energy consumption for electricity and natural gas, while maximizing biogas use.

- Maximum payout - \$350/FTE

<b>Incentive Payment – Measured for the Year</b>					
2026 Budgeted Electrical Use = 17,300,135 kWh	96% or less = \$200	96.1 - 97.9% = \$150	98 - 99% = \$75	99.1% or higher = \$0	
2026 Budgeted Natural Gas Use = 938,534 ccf	96% or less = \$75	96.1 - 97.9% = \$50	98 - 99% = \$25	99.1% or higher = \$0	
% of Biogas produced and used	90% or more = \$75	80 - 89.9% = \$50	70.1 - 79.9% = \$25	70% or less = \$0	

2. Achieve a reduction in budgeted chemical costs for conveying, treating and supporting clean water operations.

- Maximum payout - \$200/FTE

Chemical	2026 Budget	
Ferric Chloride*	\$ 335,495	*For the purpose of this goal, chemicals marked with a * will have their budgeted dollars adjusted by ratio of Actual ((0.5*BOD)+TSS)/Budgeted ((0.5*BOD)+TSS).  ** The bleach budget will be adjusted by actual flow (MGD)/budgeted flow (MGD).  The adjusted chemical budgets will be used to calculate the percent under or over budget.
Sodium bisulfite	\$ 6,262	
Polymers*	\$ 1,276,302	
Bleach**	\$ 757,599	
Defoamant (40000 and 42000)	\$ 41,656	
General	\$ 39,820	
Liquid Oxygen	\$ 24,435	
Boiler (67000)	\$ 2,000	
<b>Total budgeted chemical costs</b>	<b>\$ 2,483,569</b>	

<b>Incentive Payment – Measured for the Year</b>				
Reduction in Budgeted Chemical Costs	Less than 96% of budgeted chemical costs* ** = \$200	96.1 - 98.9% of budgeted chemical costs* ** = \$125	99 - 99.5% of budgeted chemical costs* ** = \$75	More than 99.5% of budgeted chemical costs* ** = \$0

3. *Manage total expenses by area for direct wastewater, direct solid waste, and allocated departments to less than the budget (each measured separately).*
- **Maximum payout - \$200/FTE**

<i>Incentive Payment – Measured for the Year</i>				
<b>Direct Wastewater Departments</b>	Less than 92% = \$100	92 - 95.9% = \$50	96 - 98.9% = \$35	More than 99% = \$0
<b>Direct Solid Waste Departments</b>	Less than 92% = \$50	92 - 95.9% = \$25	96 - 98.9% = \$10	More than 99% = \$0
<b>Allocated Departments</b>	Less than 92% = \$50	92 - 95.9% = \$25	96 - 98.9% = \$10	More than 99% = \$0

***Fiscal Responsibility***

***Maximum Payout \$750/FTE***

1. *Achieve a ratio of wastewater expenses to wastewater revenues of 1.0 or less for the year.*
- **Maximum payout - \$500/FTE**

<i>Incentive Payment – Measured for the Year</i>				
<b>Ratio of expenses to revenues – wastewater</b>	0.92 (92%) or less = \$500	0.921 (92.1%) to 0.959 (95.9%) = \$250	0.96 (96%) to 0.98 (98%) = \$125	More than 0.98 (98%) = \$0

2. *Achieve a ratio of solid waste expenses to solid waste revenues of 1.0 or less for the year.*
- **Maximum payout - \$250/FTE**

<i>Incentive Payment – Measured for the Year</i>				
<b>Ratio of expenses to revenues – solid waste</b>	0.92 (92%) or less = \$250	0.921 (92.1%) to 0.959 (95.9%) = \$125	0.96 (96%) to 0.98 (98%) = \$75	More than 0.98 (98%) = \$0



## Memo

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**To:** Board of Directors  
**From:** Finance Committee  
**Date:** 12/222026  
**Subject:** 2026 District Goals

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### Background

The District Leadership Team develops goals on an annual basis. Goals are developed in the categories of Safety Excellence, Environmental Excellence and Community Stewardship, Operational Excellence, Organizational Excellence and Fiscal Responsibility. The goals developed reflect the priorities most important in 2026 in support of the District's strategic priorities.

### Recommendation

The Finance Committee recommends that the Board approve the 2026 District Goals.

## 2026 District Goals

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### Safety, Health and Wellness

- Support a safe work environment by improving training planning and tracking through the development and rollout of the Infor learning and development system by December 31, 2026.
- Support a safe work environment by implementing a new hire safety training program with comprehension verification by June 30, 2026.
- Support work site safety and security by improving the efficacy of the District's Contractor Safety program through development and implementation of a Contractor Safety video with testing process and implementation of twice monthly work site safety audits by September 30, 2026.
- Support a workforce engaged in safety by establishing safety sub committees beginning with lock-out-tag-out, and job hazard analysis by June 30, 2026.

### Environmental Excellence and Community Stewardship

- Improve efficiency by evaluating, identifying and recommending improvements to the Rural Recycling Shed Program by June 30, 2026.
- Identify waste reduction priorities and associated reduction targets using 2025 State waste sort results as baseline by December 31, 2026.
- Identify and implement efforts necessary to support mercury and disinfection variance milestones required for NPDES permit renewal by June 30, 2026.
- Develop and implement a formal framework for evaluation and solicitation of grant funding by March 31, 2026.

### Operational Excellence

- Ensure reliability and resiliency through continued implementation of cybersecurity and disaster recovery measures by completing a risk assessment of Operational Technology network by June 30, 2026, and Informational Technology network by December 31, 2026
- Pursue and document demonstrated energy use reduction tracked through the MN Power Conservation Improvement Program including 170,000 kWh of energy savings through 4<sup>th</sup> stage reactor mixing improvements and plant lighting improvements by December 31, 2026.
- Support energy management plan through implementation of a 40kW solar array adjacent to Pike Lake Pump Station by July 31, 2026, and production of 17,000 kWh by December 31, 2026.
- Verify a water savings of 25,000 ccf realized by switching from City water to Plant water in the rotary drum thickeners, screenings compactors by March 30, 2026, and the reduction of City water used by 2500 ccf through replacement of a water-cooled compressors by September 30, 2026.
- Support energy management plan goal of energy self-sufficiency by increasing digester gas through development of a high strength waste delivery system and identification of at least one additional high strength waste by September 30, 2026.

### Organizational Excellence

- Support effective electronic document management by formalizing records retention policy and ensuring full implementation of all work team sites in SharePoint cloud platform by December 31, 2026.
- Successfully complete contract negotiations in a manner that is fair and equitable to all prior to the expiration of the existing agreement for basic unit employees on December 31, 2026.

### Fiscal Responsibility

- Update and obtain approval of Capacity Allocation Ordinance and have new capacity allocation permits executed by June 30, 2026.
- Support long term wastewater capital financing strategy by working with the legislature in support of inclusion of a Capital Investment Bill for the Effluent Filtration Replacement project in a 2026 bonding bill.
- Develop resilient long term funding strategy through identification of additional financing mechanisms for capital improvements by June 30, 2026.
- Develop and formalize a process for implementation of solid waste services price increases by June 30, 2026

## 2026 District Goals

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### Safety, Health and Wellness

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- Support a safe work environment by implementing a new hire safety training program with comprehension verification by June 30, 2026.
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- Support energy management plan goal of energy self-sufficiency by increasing digester gas through development of a high strength waste delivery system and identification of at least one additional high strength waste by September 30, 2026.

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- Develop resilient long term funding strategy through identification of additional financing mechanisms for capital improvements by June 30, 2026.
- Develop and formalize a process for implementation of solid waste services price increases by June 30, 2026

12/9/2025

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## MEMORANDUM

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**To:** Board of Directors  
**From:** Finance Committee  
**Date:** December 22, 2025  
**Subject:** Janitorial Services – Bid 1503

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Bids were received for Janitorial Services on November 13<sup>th</sup>, 2025. The District contracts these services for the Main Plant, Materials Recovery Center (MRC), and the Biosolids Storage Facility on Highway 210 in Carlton. This contract includes cleaning of offices, highly trafficked operational areas, floor care and window washing. General Cleaning Corporation, our current contractor, has provided janitorial services for the District for over 20 years.

Two bidders responded to our request, results follow:

<b>Bidder</b>	<b>Annual Bid Amount</b>
General Cleaning Corporation	\$85,859.00
Kleen Tech	\$192,673.00

General Cleaning’s bid reflects an increase of 1.42% over the last 5 years. Funds for these services come from Administration, Operations, Land Application, HHW and the MRC. The term for this service agreement is 3 years with 2 possible 1 year extensions.

**The Finance Committee recommends the Board award this bid in the annual amount of \$85,859.00, for the term of 3 years, with 2 possible, 1 year extensions.**

## Memo

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**To:** Board of Directors  
**From:** Personnel Committee  
**Date:** December 22, 2025  
**Subject:** 2026 Merit/Market Adjustment for Supervisory and Confidential Employees

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### **Background**

The 2026 approved budget included pay increases for both hourly and salary employees. The hourly employees will receive a 3.0% increase effective January 1, 2026, as specified in the collective bargaining agreement. The 2026 budget includes an equivalent salary increase for supervisory and confidential employees and additional funds for salaried positions requiring market adjustment. It is recommended that the Executive Director be allowed to distribute the salary and confidential employee increases in an amount not to exceed \$95,575. These increases will be effective March 1, 2026

### **Recommendation**

The Finance and Personnel committee recommends the Board approve the Executive Directors authority to distribute an amount not to exceed \$95,575 in merit and market adjustments for Supervisory and Confidential employees.

## Memo

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**To:** Board of Directors  
**From:** Personnel Committee  
**Date:** December 22, 2025  
**Subject:** 2026 Worker's Compensation Insurance Renewal

---

The District has maintained Worker's Compensation insurance through the League of Minnesota Cities for over 25 years. The League's program is specifically designed for Minnesota governmental units and those with a wastewater emphasis.

Since 1999, The District has opted for coverage that features a \$5000 deductible as the acceptable level of cost-saving versus risk. The deductible results in a lower premium with the District paying up to \$5000 in medical costs per incident.

For 2026, the quote with a \$5000 deductible is \$100,257, and the annual budget is \$135,000. The District's overall experience rating is .96.

Rate history over the last several years:

2025	\$5000 deductible	\$123,645
2024	\$5000 deductible	\$154,833
2023	\$5000 deductible	\$154,687
2022	\$5000 deductible	\$151,499
2021	\$5000 deductible	\$164,200

### Recommendation

The Personnel Committee recommends that the Board approve the \$5000 deductible quote for a 2026 Worker's Compensation insurance premium of \$100,257.

**WESTERN LAKE SUPERIOR SANITARY DISTRICT**  
**FINANCIAL STATEMENT**  
**November 2025**

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**Western Lake Superior Sanitary District  
Wastewater  
Schedule of Revenue & Expense (Allocation)  
For Period Ending November 30, 2025**

Acct	Description	Annual Budget 2025	Month Budget	Month Actual	Variance	Act/Bud	YTD Budget 2025	YTD Actual	Variance	Act/Bud
	Capacity Availability Fee	500,000	91,161	27,072	(64,089)	30%	489,947	316,742	(173,205)	65%
	Wastewater Municipality Revenue	13,393,426	1,116,120	1,116,120	0	100%	12,277,320	12,277,320	0	100%
	Hauled Waste	458,000	49,730	67,233	17,503	135%	398,684	566,460	167,776	142%
	Wastewater Industrial Revenue	16,875,635	1,393,148	1,337,304	(55,844)	96%	15,451,401	15,345,239	(106,162)	99%
	District Wide Allocation	378,000	0	0	0	0%	378,000	378,001	1	100%
	Miscellaneous	32,250	2,576	1,710	(866)	66%	27,760	35,850	8,090	129%
	SW Operating Grants	0	0	0	0	0%	0	28,485	28,485	0%
33700	Investment Earnings	409,000	26,807	38,881	12,074	145%	380,389	453,785	73,396	119%
	<b>Revenue</b>	<b>32,046,311</b>	<b>2,679,542</b>	<b>2,588,321</b>	<b>(91,221)</b>	<b>97%</b>	<b>29,403,501</b>	<b>29,401,882</b>	<b>(1,619)</b>	<b>100%</b>
	Salaries, Wages and Compensation	7,575,846	649,331	578,810	70,521	89%	6,932,772	6,742,839	189,933	97%
	Overtime	434,062	37,247	50,137	(12,891)	135%	398,059	456,483	(58,424)	115%
	Benefits	3,475,433	269,251	252,191	17,060	94%	3,202,927	3,020,101	182,825	94%
	<b>Payroll and Benefits</b>	<b>11,485,341</b>	<b>955,828</b>	<b>881,138</b>	<b>74,690</b>	<b>92%</b>	<b>10,533,757</b>	<b>10,219,423</b>	<b>314,334</b>	<b>97%</b>
	Electricity	2,481,949	203,829	170,059	33,771	83%	2,269,803	2,071,879	197,925	91%
	Other Utilities and Fuels	604,232	47,495	52,947	(5,452)	111%	554,560	600,938	(46,379)	108%
	Fuel Oil	3,420	285	0	285	0%	3,135	0	3,135	0%
	Natural Gas	322,478	32,811	59,392	(26,581)	181%	283,228	341,663	(58,435)	121%
	<b>Utilities and Fuel</b>	<b>3,412,079</b>	<b>284,420</b>	<b>282,398</b>	<b>2,023</b>	<b>99%</b>	<b>3,110,726</b>	<b>3,014,480</b>	<b>96,246</b>	<b>97%</b>
	Repair and Maintenance	857,434	61,410	42,955	18,454	70%	801,400	747,301	54,098	93%
	Insurance	170,940	14,245	16,576	(2,331)	116%	156,695	182,143	(25,448)	116%
	Solid Waste & Grit Disposals	16,935	1,016	1,046	(30)	103%	15,919	13,467	2,452	85%
	Contract Services	1,660,433	104,698	158,681	(53,983)	152%	1,566,669	1,243,875	322,794	79%
	Supplies	431,321	36,621	23,879	12,742	65%	398,859	474,386	(75,527)	119%
	Chemicals	2,598,601	133,771	98,895	34,876	74%	2,460,830	2,105,500	355,330	86%
	Other Expense	925,778	59,100	59,197	(98)	100%	872,190	746,728	125,462	86%
	<b>Other Direct Expenses</b>	<b>6,661,442</b>	<b>410,860</b>	<b>401,229</b>	<b>9,631</b>	<b>98%</b>	<b>6,272,561</b>	<b>5,513,400</b>	<b>759,162</b>	<b>88%</b>
	<b>Non-Payroll Expenses</b>	<b>10,073,520</b>	<b>695,280</b>	<b>683,627</b>	<b>11,654</b>	<b>98%</b>	<b>9,383,288</b>	<b>8,527,880</b>	<b>855,408</b>	<b>91%</b>
	<b>O &amp; M Expenses</b>	<b>21,558,862</b>	<b>1,651,108</b>	<b>1,564,765</b>	<b>86,344</b>	<b>95%</b>	<b>19,917,045</b>	<b>18,747,303</b>	<b>1,169,742</b>	<b>94%</b>
	Capital Projects	4,000,000	333,333	333,333	0	100%	3,666,663	3,666,663	0	100%
	Investment Earnings Construction	(300,000)	(17,790)	2,772	(20,562)	-16%	(279,757)	(266,439)	(13,318)	95%
	Investment Earnings - Debt Service	(750,000)	(43,028)	(92,520)	49,492	215%	(702,568)	(1,072,343)	369,775	153%
	Debt Service	9,488,246	790,687	790,687	0	100%	8,697,557	8,697,557	0	100%
	<b>Total Expenses</b>	<b>33,997,108</b>	<b>2,714,310</b>	<b>2,599,036</b>	<b>115,274</b>	<b>96%</b>	<b>31,298,940</b>	<b>29,772,741</b>	<b>1,526,199</b>	<b>95%</b>
	<b>Net Surplus</b>	<b>(1,950,797)</b>	<b>(34,768)</b>	<b>(10,715)</b>	<b>(24,053)</b>	<b>31%</b>	<b>(1,895,439)</b>	<b>(370,859)</b>	<b>(1,524,579)</b>	<b>20%</b>

2025 FLOW (MGD)

	BUDGET	AVG THROUGH	
	2025	11/30/2025	VARIANCE
DULUTH	13.000	10.381	(2.619)
CLOQUET	1.000	1.013	0.013
HERMANTOWN	0.650	0.667	0.017
PROCTOR	0.400	0.322	(0.078)
ESKO (Includes Helb/Lars)	0.2062	0.160	(0.046)
SCANLON	0.169	0.060	(0.109)
CARLTON	0.160	0.135	(0.025)
THOMSON (City only)	0.009	0.008	(0.002)
TWIN LAKES	0.040	0.035	(0.005)
RICE LAKE	0.060	0.050	(0.010)
OLIVER	0.020	0.017	(0.003)
PIKE LAKE	0.100	0.082	(0.019)
KNIFE RIVER	0.024	0.020	(0.004)
MPCA LANDFILL	0.003	0.001	(0.002)
WRENSHALL	0.030	0.030	(0.000)
JAY COOKE	0.002	0.0022	0.000
BUFFALO/MIDWAY	0.0050	0.006	0.0007
DULUTH/NORTH SHOI	0.057	0.050	(0.007)
MUNICIPAL SUBTOTA	<b>15.935</b>	<b>13.039</b>	<b>(2.896)</b>
SAPPI	17.019	16.662	(0.357)
USG	0.550	0.424	(0.126)
SOFIDEL AMERICA	1.500	1.506	0.006
SPECIALTY MINERAL\$	0.195	0.212	0.017
INDUSTRIAL SUBTOT,	<b>19.264</b>	<b>18.804</b>	<b>(0.460)</b>
TOTAL FLOW	<b>35.199</b>	<b>31.843</b>	<b>(3.356)</b>

2025 BOD (LBS/DAY)

	BUDGET 2025	AVG THROUGH 11/30/2025	VARIANCE
DULUTH	13,200	12,250	(950)
CLOQUET	1,493	1,512	19
HERMANTOWN	1,150	1,019	(131)
PROCTOR	475	384	(91)
ESKO (Includes Helb/Lars)	269	269	0
SCANLON	282	100	(182)
CARLTON	171	171	0
THOMSON (City only)	15	13	(2)
TWIN LAKES	153	144	(9)
RICE LAKE	100	84	(16)
OLIVER	33	29	(4)
PIKE LAKE	167	136	(31)
KNIFE RIVER	40	33	(7)
MPCA LANDFILL	5	2	(3)
WRENSHALL	50	50	0
JAY COOKE	3	4	1
BUFFALO/MIDWAY	13	13	0
DULUTH/NORTH SHORE	95	84	(11)
MUNICIPAL SUBTOTAL	<b>17,715</b>	<b>16,297</b>	<b>(1,418)</b>
SAPPI	40,000	32,582	(7,418)
USG	2,000	1,358	(642)
SOFIDEL AMERICA	325	326	1
SPECIALTY MINERALS	5	6	1
INDUSTRIAL SUBTOTAL	<b>42,330</b>	<b>34,272</b>	<b>(8,058)</b>
<b>TOTAL BOD</b>	<b>60,045</b>	<b>50,569</b>	<b>(9,476)</b>

2025 SUSPENDED SOLIDS (LBS/DAY)

	BUDGET 2025	AVG THROUGH 11/30/2025	VARIANCE
DULUTH	17,000	18,007	1,007
CLOQUET	2,000	2,222	222
HERMANTOWN	1,100	1,116	16
PROCTOR	550	588	38
ESKO (Includes Helb/Lars)	322	322	0
SCANLON	282	100	(182)
CARLTON	206	206	0
THOMSON (City only)	13	13	0
TWIN LAKES	133	129	(4)
RICE LAKE	100	84	(16)
OLIVER	33	29	(4)
PIKE LAKE	167	136	(31)
KNIFE RIVER	37	33	(4)
MPCA LANDFILL	5	2	(3)
WRENSHALL	50	50	0
JAY COOKE	3	4	1
BUFFALO/MIDWAY	8	9	1
DULUTH/NORTH SHO	95	84	(11)
MUNICIPAL SUBTOT	<b>22,104</b>	<b>23,134</b>	<b>1,030</b>
SAPPI	20,035	26,699	6,664
USG	3,000	2,319	(681)
SOFIDEL AMERICA	300	342	42
SPECIALTY MINERAL	500	666	166
INDUSTRIAL SUBTOT	<b>23,835</b>	<b>30,026</b>	<b>6,191</b>
<b>TOTAL DISTRICT</b>	<b>45,939</b>	<b>53,160</b>	<b>7,221</b>

**Western Lake Superior Sanitary District  
Solid Waste  
Schedule of Revenue & Expense (Allocation)  
For Period Ending November 30, 2025**

Acct	Description	Annual Budget 2025	Month Budget	Month Actual	Variance	Act/Bud	YTD Budget 2025	YTD Actual	Variance	Act/Bud
	Miscellaneous	0	0	128	128	0%	0	1,396	1,396	0%
	Solid Waste Tipping Fees	6,882,100	557,564	531,207	(26,357)	95%	6,381,929	6,354,394	(27,535)	100%
	Solid Waste MRC Demo	762,900	63,685	59,613	(4,072)	94%	725,148	700,031	(25,117)	97%
	Solid Waste Service Fees	3,174,000	261,417	275,712	14,295	105%	2,893,591	2,965,873	72,282	102%
	HHW Revenue	426,000	3,015	(3,272)	(6,287)	-109%	302,223	318,919	16,696	106%
	Recycling Revenue	1,100	81	7,234	7,153	8931%	1,006	63,788	62,782	6341%
	Yard Waste Revenue	162,550	2,262	3,273	1,011	145%	162,550	164,135	1,585	101%
	Property Taxes	1,327,664	110,639	110,639	0	100%	1,217,029	1,220,652	3,623	100%
	SW Operating Grants	466,000	200,000	0	(200,000)	0%	466,000	417,394	(48,606)	90%
33700	Investment Earnings	50,000	4,167	6,861	2,694	165%	45,837	80,080	34,243	175%
	<b>Revenue</b>	<b>13,252,314</b>	<b>1,202,830</b>	<b>991,396</b>	<b>(211,434)</b>	<b>82%</b>	<b>12,195,313</b>	<b>12,286,662</b>	<b>91,349</b>	<b>101%</b>
	Salaries, Wages and Compensation	2,556,973	217,769	197,857	19,912	91%	2,339,874	2,317,865	22,009	99%
	Overtime	65,738	4,693	4,651	42	99%	62,081	65,268	(3,186)	105%
	Benefits	1,195,925	91,665	84,533	7,133	92%	1,103,154	1,027,060	76,095	93%
	<b>Payroll and Benefits</b>	<b>3,818,636</b>	<b>314,127</b>	<b>287,041</b>	<b>27,086</b>	<b>91%</b>	<b>3,505,110</b>	<b>3,410,192</b>	<b>94,918</b>	<b>97%</b>
	Electricity	59,231	5,190	3,518	1,672	68%	53,321	36,713	16,608	69%
	Other Utilities and Fuels	59,918	4,517	5,167	(650)	114%	55,098	55,531	(433)	101%
	Natural Gas	11,500	900	358	542	40%	9,500	5,637	3,863	59%
	<b>Utilities and Fuel</b>	<b>130,649</b>	<b>10,607</b>	<b>9,042</b>	<b>1,564</b>	<b>85%</b>	<b>117,919</b>	<b>97,881</b>	<b>20,038</b>	<b>83%</b>
	Repair and Maintenance	48,566	3,591	3,304	287	92%	44,607	48,524	(3,917)	109%
	Insurance	93,960	7,830	9,111	(1,281)	116%	86,130	100,118	(13,988)	116%
	Solid Waste & Grit Disposals	7,125,731	580,039	542,288	37,751	93%	6,593,994	6,511,533	82,461	99%
	Contract Services	1,260,751	107,320	115,274	(7,954)	107%	1,168,302	1,057,970	110,332	91%
	Supplies	120,399	10,169	19,163	(8,994)	188%	114,666	145,792	(31,127)	127%
	Other Expense	816,339	34,939	74,843	(39,904)	214%	754,871	638,742	116,129	85%
	<b>Other Direct Expenses</b>	<b>9,465,746</b>	<b>743,889</b>	<b>763,963</b>	<b>(20,094)</b>	<b>103%</b>	<b>8,762,571</b>	<b>8,502,680</b>	<b>259,891</b>	<b>97%</b>
	<b>Non-Payroll Expenses</b>	<b>9,596,396</b>	<b>754,496</b>	<b>773,025</b>	<b>(18,530)</b>	<b>102%</b>	<b>8,880,489</b>	<b>8,600,561</b>	<b>279,929</b>	<b>97%</b>
	<b>O &amp; M Expenses</b>	<b>13,415,031</b>	<b>1,068,623</b>	<b>1,060,066</b>	<b>8,557</b>	<b>99%</b>	<b>12,385,599</b>	<b>12,010,753</b>	<b>374,846</b>	<b>97%</b>
	Capital Projects	127,500	10,625	10,625	0	100%	116,875	116,875	0	100%
	Investment Earnings Construction	(27,500)	(2,292)	(6,263)	3,971	273%	(25,212)	(68,820)	43,608	273%
	Transfer Stat Capital	93,586	7,543	6,188	1,355	82%	86,680	83,028	3,652	96%
	<b>Total Expenses</b>	<b>13,608,617</b>	<b>1,084,499</b>	<b>1,070,616</b>	<b>13,883</b>	<b>99%</b>	<b>12,563,942</b>	<b>12,141,837</b>	<b>422,106</b>	<b>97%</b>
	<b>Net Surplus</b>	<b>(356,303)</b>	<b>118,331</b>	<b>(79,220)</b>	<b>197,551</b>	<b>-67%</b>	<b>(368,629)</b>	<b>144,826</b>	<b>(513,455)</b>	<b>-39%</b>

**Western Lake Superior Sanitary District  
Total District  
Schedule of Revenue & Expense (Allocation)  
For Period Ending November 30, 2025**

Acct	Description	Annual Budget 2025	Month Budget	Month Actual	Variance	Act/Bud	YTD Budget 2025	YTD Actual	Variance	Act/Bud
	Capacity Availability Fee	500,000	91,161	27,072	(64,089)	30%	489,947	316,742	(173,205)	65%
	Wastewater Municipality Revenue	13,393,426	1,116,120	1,116,120	0	100%	12,277,320	12,277,320	0	100%
	Hauled Waste	458,000	49,730	67,233	17,503	135%	398,684	566,460	167,776	142%
	Wastewater Industrial Revenue	16,875,635	1,393,148	1,337,304	(55,844)	96%	15,451,401	15,345,239	(106,162)	99%
	District Wide Allocation	378,000	0	0	0	0%	378,000	378,001	1	100%
	Miscellaneous	32,250	2,576	1,839	(737)	71%	27,760	39,421	11,661	142%
	Solid Waste Tipping Fees	6,882,100	557,564	531,207	(26,357)	95%	6,381,929	6,354,394	(27,535)	100%
	Solid Waste MRC Demo	762,900	63,685	59,613	(4,072)	94%	725,148	700,031	(25,117)	97%
	Solid Waste Service Fees	3,174,000	261,417	275,712	14,295	105%	2,893,591	2,965,873	72,282	102%
	HHW Revenue	426,000	3,015	(3,272)	(6,287)	-109%	302,223	318,919	16,696	106%
	Recycling Revenue	1,100	81	7,234	7,153	8931%	1,006	63,788	62,782	6341%
	Yard Waste Revenue	162,550	2,262	3,273	1,011	145%	162,550	164,135	1,585	101%
	Property Taxes	1,327,664	110,639	110,639	0	100%	1,217,029	1,220,652	3,623	100%
	SW Operating Grants	466,000	200,000	0	(200,000)	0%	466,000	445,879	(20,121)	96%
33700	Investment Earnings	459,000	30,974	45,743	14,769	148%	426,226	533,865	107,639	125%
	<b>Revenue</b>	<b>45,298,625</b>	<b>3,882,372</b>	<b>3,579,717</b>	<b>(302,655)</b>	<b>92%</b>	<b>41,598,814</b>	<b>41,690,720</b>	<b>91,906</b>	<b>100%</b>
	Salaries, Wages and Compensation	10,132,819	867,099	776,667	90,432	90%	9,272,646	9,060,835	211,811	98%
	Overtime	499,800	41,940	54,788	(12,848)	131%	460,140	521,619	(61,479)	113%
	Benefits	4,671,358	360,916	336,724	24,192	93%	4,306,081	4,047,161	258,920	94%
	<b>Payroll and Benefits</b>	<b>15,303,977</b>	<b>1,269,955</b>	<b>1,168,179</b>	<b>101,776</b>	<b>92%</b>	<b>14,038,867</b>	<b>13,629,616</b>	<b>409,251</b>	<b>97%</b>
	Electricity	2,541,180	209,019	173,576	35,443	83%	2,323,124	2,108,592	214,532	91%
	Other Utilities and Fuels	664,150	52,012	58,114	(6,102)	112%	609,658	656,469	(46,811)	108%
	Fuel Oil	3,420	285	0	285	0%	3,135	0	3,135	0%
	Natural Gas	333,978	33,711	59,750	(26,039)	177%	292,728	347,300	(54,572)	119%
	<b>Utilities and Fuel</b>	<b>3,542,728</b>	<b>295,027</b>	<b>291,440</b>	<b>3,587</b>	<b>99%</b>	<b>3,228,645</b>	<b>3,112,361</b>	<b>116,284</b>	<b>96%</b>
	Repair and Maintenance	906,000	65,001	46,260	18,741	71%	846,007	795,826	50,181	94%
	Insurance	264,900	22,075	25,687	(3,612)	116%	242,825	282,260	(39,435)	116%
	Solid Waste & Grit Disposals	7,142,666	581,055	543,333	37,722	94%	6,609,913	6,525,000	84,913	99%
	Contract Services	2,921,184	212,018	273,955	(61,937)	129%	2,734,971	2,301,845	433,126	84%
	Supplies	551,720	46,790	43,041	3,749	92%	513,525	620,179	(106,654)	121%
	Chemicals	2,598,601	133,771	98,895	34,876	74%	2,460,830	2,105,500	355,330	86%
	Other Expense	1,742,117	94,039	134,040	(40,001)	143%	1,627,061	1,385,470	241,591	85%
	<b>Other Direct Expenses</b>	<b>16,127,188</b>	<b>1,154,749</b>	<b>1,165,211</b>	<b>(10,462)</b>	<b>101%</b>	<b>15,035,132</b>	<b>14,016,079</b>	<b>1,019,053</b>	<b>93%</b>
	<b>Non-Payroll Expenses</b>	<b>19,669,916</b>	<b>1,449,776</b>	<b>1,456,652</b>	<b>(6,876)</b>	<b>100%</b>	<b>18,263,777</b>	<b>17,128,440</b>	<b>1,135,337</b>	<b>94%</b>
	<b>O &amp; M Expenses</b>	<b>34,973,893</b>	<b>2,719,731</b>	<b>2,624,831</b>	<b>94,900</b>	<b>97%</b>	<b>32,302,644</b>	<b>30,758,056</b>	<b>1,544,588</b>	<b>95%</b>
	Capital Projects	4,127,500	343,958	343,958	0	100%	3,783,538	3,783,538	0	100%
	Investment Earnings Construction	(327,500)	(20,082)	(3,491)	(16,591)	17%	(304,969)	(335,259)	30,290	110%
	Investment Earnings - Debt Service	(750,000)	(43,028)	(92,520)	49,492	215%	(702,568)	(1,072,343)	369,775	153%
	Transfer Stat Capital	93,586	7,543	6,188	1,355	82%	86,680	83,028	3,652	96%
	Debt Service	9,488,246	790,687	790,687	0	100%	8,697,557	8,697,557	0	100%
	<b>Total Expenses</b>	<b>47,605,725</b>	<b>3,798,809</b>	<b>3,669,652</b>	<b>129,157</b>	<b>97%</b>	<b>43,862,882</b>	<b>41,914,577</b>	<b>1,948,305</b>	<b>96%</b>
	<b>Net Surplus</b>	<b>(2,307,100)</b>	<b>83,563</b>	<b>(89,935)</b>	<b>173,498</b>	<b>-108%</b>	<b>(2,264,068)</b>	<b>(223,857)</b>	<b>(2,040,211)</b>	<b>10%</b>

**Western Lake Superior Sanitary District  
Total District  
Revenue Statement  
For Period Ending November 30, 2025**

Acct	Description	Annual Budget 2025	Month Budget	Month Actual	Variance	Act/Bud	YTD Budget 2025	YTD Actual	Variance	Act/Bud
33000	WWT Charge-Duluth	10,497,845	874,820	874,820	0	100%	9,623,020	9,623,020	0	100%
33020	WWT Charge-Cloquet	1,039,683	86,640	86,640	0	100%	953,040	953,040	0	100%
33040	WWT Charge-Proctor	355,130	29,594	29,594	0	100%	325,534	325,534	0	100%
33060	WWT Charge-Hermantown	647,817	53,985	53,985	0	100%	593,835	593,835	0	100%
33080	WWT Charge-Scanlon	154,253	12,854	12,854	0	100%	141,394	141,394	0	100%
33100	WWT Charge-Thomson Twn	183,824	15,319	15,319	0	100%	168,509	168,509	0	100%
33120	WWT Charge-Carleton	136,927	11,411	11,411	0	100%	125,521	125,521	0	100%
33140	WWT Charge-Wrenshall	28,854	2,405	2,405	0	100%	26,455	26,455	0	100%
33150	WWT Charge-Twin Lakes	71,895	5,991	5,991	0	100%	65,901	65,901	0	100%
33160	WWT Charge-Thomson City	9,957	830	830	0	100%	9,130	9,130	0	100%
33170	WWT Charge-Oliver	18,908	1,576	1,576	0	100%	17,336	17,336	0	100%
33180	WWT Charge-Jay Cooke	2,634	220	220	0	100%	2,420	2,420	0	100%
33190	WWT Charge-Pike Lake	90,802	7,567	7,567	0	100%	83,237	83,237	0	100%
33210	WWT Charge-North Shore	56,933	4,744	4,744	0	100%	52,184	52,184	0	100%
33213	WWT Charge-MPCA Landfill	9,255	771	771	0	100%	8,481	8,481	0	100%
33214	WWT Charge-Midway	5,985	499	499	0	100%	5,489	5,489	0	100%
33215	WWT Charge-Knife River	22,892	1,908	1,908	0	100%	20,988	20,988	0	100%
33220	WWT Charge-Rice Lake	59,832	4,986	4,986	0	100%	54,846	54,846	0	100%
	<b>Wastewater Municipality Revenue</b>	<b>13,393,426</b>	<b>1,116,120</b>	<b>1,116,120</b>	<b>0</b>	<b>100%</b>	<b>12,277,320</b>	<b>12,277,320</b>	<b>0</b>	<b>100%</b>
33450	WWT Charge-Sofidel America	1,560,373	129,503	132,968	3,465	103%	1,429,598	1,435,567	5,969	100%
33360	WWT Charge-Sappi	14,201,276	1,171,693	1,121,294	(50,399)	96%	13,001,826	13,021,555	19,729	100%
33380	WWT Charge-USG	935,335	77,189	66,650	(10,539)	86%	856,385	702,758	(153,627)	82%
33420	WWT Charge-Spec Minerals	178,651	14,763	16,393	1,630	111%	163,592	185,359	21,767	113%
33440	WWT Charge-ST Paper 1	0	0	0	0	0%	0	0	0	0%
	<b>Wastewater Industry Revenue</b>	<b>16,875,635</b>	<b>1,393,148</b>	<b>1,337,304</b>	<b>(55,844)</b>	<b>96%</b>	<b>15,451,401</b>	<b>15,345,239</b>	<b>(106,162)</b>	<b>99%</b>
33510	WWT Charge-Permits	750	0	0	0	0%	748	250	(498)	33%
33520	WWT Charge-Hauled Waste	458,000	49,730	67,233	17,503	135%	398,684	566,460	167,776	142%
33530	Capacity Availability Fee	500,000	91,161	27,072	(64,089)	30%	489,947	316,742	(173,205)	65%
33540	Biosolids Revenue	30,000	2,576	810	(1,766)	31%	27,012	23,792	(3,220)	88%
	<b>Wastewater Misc Revenue</b>	<b>988,750</b>	<b>143,467</b>	<b>95,116</b>	<b>(48,351)</b>	<b>66%</b>	<b>916,391</b>	<b>907,244</b>	<b>(9,147)</b>	<b>99%</b>
33600	Tipping Fee-District	4,463,261	359,758	374,323	14,565	104%	4,133,966	4,287,457	153,491	104%
33605	SW Unacceptable Revenue	0	0	2,120	2,120	0%	0	24,920	24,920	0%
33610	Tipping Fee-Self Haul	675	54	0	(54)	0%	625	62	(563)	10%
33615	SW Unacceptable Ticket Fine Re	0	0	6,400	6,400	0%	0	73,600	73,600	0%
33660	Tipping Fee-Carleton	863,089	72,911	59,154	(13,757)	81%	799,712	779,869	(19,843)	98%
33665	Tipping Fee-Superior	370,221	35,532	32,872	(2,660)	93%	336,391	432,840	96,449	129%
33675	Tipping Fee-Cook Cty	452,102	28,165	13,945	(14,220)	50%	431,558	212,735	(218,823)	49%
33680	Tipping Fee-Lake Cty	483,096	40,877	23,797	(17,080)	58%	447,835	318,767	(129,068)	71%
33685	SW Permits/Licenses	1,000	83	0	(83)	0%	913	950	37	104%
33720	Admin Fee-District	82,657	6,663	6,570	(93)	99%	76,558	75,537	(1,021)	99%
33721	Admin Fee-Carleton Cty	27,902	2,357	1,720	(637)	73%	25,854	23,467	(2,387)	91%
33722	Admin Fee-Superior	12,339	1,184	1,084	(100)	92%	11,214	13,959	2,745	124%
33723	Admin Fee-Cook Cty	15,068	939	755	(184)	80%	14,384	10,994	(3,390)	76%
33724	Admin Fee-Lake Cty	16,102	1,362	1,027	(335)	75%	14,927	13,783	(1,144)	92%
33725	Capital Fee-District	16,458	1,327	1,171	(156)	88%	15,243	14,471	(772)	95%
33726	Capital Fee-Carleton Cty	19,117	1,621	1,195	(426)	74%	17,805	16,910	(895)	95%
33727	Capital Fee-Superior	16,453	1,579	1,446	(133)	92%	14,949	18,612	3,663	125%
33728	Capital Fee-Cook Cty	20,091	1,252	1,007	(245)	80%	19,178	14,659	(4,519)	76%
33729	Capital Fee-Lake Cty	21,469	1,817	1,369	(448)	75%	19,904	18,377	(1,527)	92%
33730	SW Ordinance Late Charge	1,000	83	1,251	1,168	1507%	913	2,425	1,512	266%
	<b>Solid Waste Tipping Fees</b>	<b>6,882,100</b>	<b>557,564</b>	<b>531,207</b>	<b>(26,357)</b>	<b>95%</b>	<b>6,381,929</b>	<b>6,354,394</b>	<b>(27,535)</b>	<b>100%</b>
33630	MRC-Demo, Mixed Waste	762,900	63,685	59,613	(4,072)	94%	725,148	700,031	(25,117)	97%
	<b>Solid Waste MRC Demo</b>	<b>762,900</b>	<b>63,685</b>	<b>59,613</b>	<b>(4,072)</b>	<b>94%</b>	<b>725,148</b>	<b>700,031</b>	<b>(25,117)</b>	<b>97%</b>
33690	Serv Fee-District	3,084,000	261,417	270,933	9,516	104%	2,823,591	2,872,787	49,196	102%
33695	Serv Fee-Carleton Out	10,000	0	0	0	0%	10,000	8,714	(1,286)	87%
33698	Serv Fee-Other	80,000	0	4,779	4,779	0%	60,000	84,372	24,372	141%
	<b>Solid Waste Service Fees</b>	<b>3,174,000</b>	<b>261,417</b>	<b>275,712</b>	<b>14,295</b>	<b>105%</b>	<b>2,893,591</b>	<b>2,965,873</b>	<b>72,282</b>	<b>102%</b>
33801	Property Tax-St Louis Cty	1,099,579	91,632	91,632	0	100%	1,007,952	1,011,192	3,240	100%
33802	Property Tax-Carleton Cty	228,085	19,007	19,007	0	100%	209,077	209,460	383	100%
	<b>Property Taxes</b>	<b>1,327,664</b>	<b>110,639</b>	<b>110,639</b>	<b>0</b>	<b>100%</b>	<b>1,217,029</b>	<b>1,220,652</b>	<b>3,623</b>	<b>100%</b>
33700	Investment Earnings	459,000	30,974	45,743	14,769	148%	426,226	533,865	107,639	125%
33701	Investment Earn-Const	327,500	20,082	3,491	(16,591)	17%	304,969	335,259	30,290	110%
33702	Investment Earn-Ds	750,000	43,028	92,520	49,492	215%	702,568	1,072,343	369,775	153%
	<b>Investment Earnings</b>	<b>1,536,500</b>	<b>94,084</b>	<b>141,755</b>	<b>47,671</b>	<b>151%</b>	<b>1,433,763</b>	<b>1,941,467</b>	<b>507,704</b>	<b>135%</b>
33800	District-Wide	378,000	0	0	0	0%	378,000	378,001	1	100%
33831	P-Card Rebate	0	0	0	0	0%	0	47,928	47,928	0%
33850	Capital Contributions	750	141	0	(141)	0%	747	0	(747)	0%
33860	Gain On Sale Of Asset	0	0	1,422	1,422	0%	0	17,372	17,372	0%
33910	Grants-Miscellaneous	0	0	0	0	0%	0	28,485	28,485	0%
33950	Miscellaneous	1,500	0	0	0	0%	0	3,344	3,344	0%
	<b>Other Income</b>	<b>380,250</b>	<b>141</b>	<b>1,422</b>	<b>1,281</b>	<b>1008%</b>	<b>378,747</b>	<b>475,129</b>	<b>96,382</b>	<b>125%</b>
33641	HHW Rev-Batteries	6,000	407	274	(133)	67%	5,401	2,782	(2,620)	51%

**Western Lake Superior Sanitary District  
Total District  
Revenue Statement  
For Period Ending November 30, 2025**

Acct	Description	Annual Budget 2025	Month Budget	Month Actual	Variance	Act/Bud	YTD Budget 2025	YTD Actual	Variance	Act/Bud
33642	HHW Fees-Vsag	24,000	2,608	1,890	(718)	72%	22,887	20,419	(2,468)	89%
33643	HHW Fees-Paint Care	198,000	0	(5,436)	(5,436)	0%	148,500	153,767	5,267	104%
33648	HHW Rev-Dept Of Ag	15,000	0	0	0	0%	7,564	3,669	(3,895)	49%
33650	HHW Contract-Regional	100,000	0	0	0	0%	62,400	112,287	49,887	180%
33655	HHW Service Fees	83,000	0	0	0	0%	55,471	25,996	(29,475)	47%
33900	HHW-State Grant	66,000	0	0	0	0%	66,000	64,393	(1,607)	98%
	<b>HHW Revenue</b>	<b>492,000</b>	<b>3,015</b>	<b>(3,272)</b>	<b>(6,287)</b>	<b>-109%</b>	<b>368,223</b>	<b>383,312</b>	<b>15,089</b>	<b>104%</b>
33640	Recycling Revenue	1,100	81	7,234	7,153	8931%	1,006	63,788	62,782	6341%
33890	State Grant-Score	400,000	200,000	0	(200,000)	0%	400,000	353,001	(46,999)	88%
	<b>Recycling Revenue</b>	<b>401,100</b>	<b>200,081</b>	<b>7,234</b>	<b>(192,847)</b>	<b>4%</b>	<b>401,006</b>	<b>416,789</b>	<b>15,783</b>	<b>104%</b>
33637	Yard Waste Revenue	162,550	2,262	3,273	1,011	145%	162,550	164,135	1,585	101%
	<b>Yard Waste Revenue</b>	<b>162,550</b>	<b>2,262</b>	<b>3,273</b>	<b>1,011</b>	<b>145%</b>	<b>162,550</b>	<b>164,135</b>	<b>1,585</b>	<b>101%</b>
33944	Finance Charge Revenue	0	0	1,028	1,028	0%	0	12,036	12,036	0%
	<b>Miscellaneous</b>	<b>0</b>	<b>0</b>	<b>1,028</b>	<b>1,028</b>	<b>0%</b>	<b>0</b>	<b>12,036</b>	<b>12,036</b>	<b>0%</b>
	<b>Total Revenue</b>	<b>46,376,875</b>	<b>3,945,623</b>	<b>3,677,151</b>	<b>(268,472)</b>	<b>93%</b>	<b>42,607,098</b>	<b>43,163,622</b>	<b>556,524</b>	<b>101%</b>

**Western Lake Superior Sanitary District  
Total District  
Expense Statement  
For Period Ending November 30, 2025**

Acct	Description	Annual Budget 2025	Month Budget	Month Actual	Variance	Act/Bud	YTD Budget 2025	YTD Actual	Variance	Act/Bud
44010	Direct Wages	8,323,934	636,676	527,514	109,162	83%	7,616,508	7,246,871	369,637	95%
44020	Sunday Premium	67,485	5,623	5,160	463	92%	61,862	65,072	(3,210)	105%
44040	Shift	25,428	2,090	2,426	(336)	116%	23,268	28,148	(4,880)	121%
44050	Vacation	760,386	62,497	72,133	(9,636)	115%	695,805	818,347	(122,542)	118%
44060	Holiday	486,688	121,673	128,751	(7,078)	106%	446,131	476,144	(30,013)	107%
44070	Personal Leave	151,529	12,454	13,524	(1,070)	109%	138,658	107,585	31,073	78%
44080	Sick	317,369	26,086	27,158	(1,072)	104%	290,414	318,669	(28,255)	110%
	<b>Salaries &amp; Wages</b>	<b>10,132,819</b>	<b>867,099</b>	<b>776,667</b>	<b>90,432</b>	<b>90%</b>	<b>9,272,646</b>	<b>9,060,835</b>	<b>211,811</b>	<b>98%</b>
44090	Overtime	499,800	41,940	54,788	(12,848)	131%	460,140	521,619	(61,479)	113%
	<b>Total Salary</b>	<b>10,632,619</b>	<b>909,039</b>	<b>831,455</b>	<b>77,584</b>	<b>91%</b>	<b>9,732,786</b>	<b>9,582,454</b>	<b>150,332</b>	<b>98%</b>
44200	Employers FICA	693,640	57,011	49,531	7,480	87%	634,727	564,668	70,059	89%
44210	Employers FICA/Medic	154,647	12,710	11,584	1,126	91%	141,512	132,059	9,453	93%
44220	Employers PERA	797,064	65,512	62,982	2,530	96%	729,369	711,812	17,557	98%
44240	Group Hospital/Med	2,649,828	197,237	186,626	10,611	95%	2,452,591	2,341,692	110,899	95%
44260	Group Dental	123,500	10,293	9,839	454	96%	113,207	109,352	3,855	97%
44280	Group Life	19,506	1,625	1,540	85	95%	17,881	16,956	925	95%
44300	Long-Term Disability	26,506	2,210	2,123	87	96%	24,296	22,997	1,299	95%
44340	Workers Compensation	165,000	13,750	12,160	1,590	88%	151,250	108,148	43,102	72%
44350	Unemployment Comp	9,000	0	0	0	0%	9,000	8,840	160	98%
44390	Other Benefits	32,667	568	338	230	60%	32,248	30,637	1,611	95%
	<b>Total Benefits</b>	<b>4,671,358</b>	<b>360,916</b>	<b>336,724</b>	<b>24,192</b>	<b>93%</b>	<b>4,306,081</b>	<b>4,047,161</b>	<b>258,920</b>	<b>94%</b>
	<b>Total Payroll</b>	<b>15,303,977</b>	<b>1,269,955</b>	<b>1,168,179</b>	<b>101,776</b>	<b>92%</b>	<b>14,038,867</b>	<b>13,629,616</b>	<b>409,251</b>	<b>97%</b>
44800	Fuel-Fuel Oil	3,420	285	0	285	0%	3,135	0	3,135	0%
44820	Fuel-Natural Gas	330,478	33,311	59,750	(26,439)	179%	289,728	345,688	(55,960)	119%
44830	Fuel-Propane	3,500	400	0	400	0%	3,000	1,612	1,388	54%
55000	Electricity	2,541,180	209,019	173,576	35,443	83%	2,323,124	2,108,592	214,532	91%
55200	Telephone	49,330	4,116	4,015	101	98%	45,214	43,658	1,556	97%
55210	Telemeter	170,917	14,172	20,504	(6,332)	145%	156,738	205,216	(48,478)	131%
55220	Gasoline	28,275	2,356	1,897	459	81%	25,919	25,537	382	99%
55230	Diesel	133,181	10,775	8,807	1,968	82%	121,761	105,365	16,396	87%
55240	Water	235,363	16,467	18,568	(2,101)	113%	217,070	241,953	(24,883)	111%
55241	Storm Water Fee	47,084	4,126	4,323	(197)	105%	42,956	34,741	8,215	81%
55520	Repairs-Maintenance	686,000	50,834	47,084	3,750	93%	630,170	676,082	(45,912)	107%
55525	Inventory Adjustments	0	0	(829)	829	0%	0	3,656	(3,656)	0%
55530	Inventory Cost Variance	0	0	4	(4)	0%	0	521	(521)	0%
55570	Repairs-Interceptors	50,000	4,167	0	4,167	0%	45,837	44,867	970	98%
55580	Clean-Interceptors	170,000	10,000	0	10,000	0%	170,000	70,699	99,301	42%
55701	Solid Waste Disposal	4,646,963	374,565	339,238	35,327	91%	4,304,112	4,063,198	240,914	94%
44520	Contract Cleaning	86,094	7,176	6,783	393	95%	78,914	77,861	1,053	99%
55702	Solid Waste Disposal-MRC	252,887	20,000	19,146	854	96%	234,887	248,503	(13,616)	106%
55703	Tr Sta Operation And Transport	1,990,881	160,474	166,605	(6,131)	104%	1,843,995	1,960,797	(116,802)	106%
55704	Solid Waste Hauling-MRC	225,000	25,000	17,299	7,701	69%	210,000	237,536	(27,536)	113%
55705	Annual Unacceptable Incentive	8,000	0	0	0	0%	0	0	0	0%
55706	Solid Waste Disposal-Community	2,000	0	0	0	0%	1,000	1,500	(500)	150%
55710	Grit Disposals	16,935	1,016	1,046	(30)	103%	15,919	13,467	2,452	85%
55790	Cont Serv-Disp Household Recyc	45,000	3,500	3,798	(298)	109%	41,500	42,598	(1,098)	103%
55791	Cont Serv-Disp Medical Sharps	4,000	400	0	400	0%	3,700	2,829	871	76%
55792	Cont Serv-Disp Pharmaceuticals	800	0	0	0	0%	800	0	800	0%
55793	Cont Serv-Disp Oil & Filters	0	0	(95)	95	0%	0	(1,545)	1,545	0%
55794	Cont Serv-Disp Organics Overs	1,600	0	0	0	0%	1,600	1,600	0	100%
55795	Cont Serv-Disp Organics Reject	400	0	0	0	0%	400	0	400	0%
55800	Cont Serv-Electrical	6,000	0	0	0	0%	6,000	26,454	(20,454)	441%
55805	Cont Serv-Biofilter	10,000	0	0	0	0%	10,000	0	10,000	0%
55806	Cont Serv-Bagging	23,000	0	0	0	0%	23,000	19,732	3,268	86%
55807	Cont Serv-Wood Grinding	31,000	11,000	0	11,000	0%	31,000	29,332	1,668	95%
55808	Cont Serv-Snow Plowing	16,500	1,000	1,035	(35)	104%	14,500	5,191	9,309	36%
55812	Cont Serv-Disp Mattresses	115,000	9,000	8,400	600	93%	107,000	110,590	(3,590)	103%
55813	Cont Serv-Disp Electron	47,000	5,000	2,730	2,270	55%	42,500	43,861	(1,361)	103%
55814	Cont Serv-Disp Fluoresce	22,000	1,500	2,518	(1,018)	168%	21,000	12,792	8,208	61%
55815	Cont Serv-Disp Tire	53,000	5,000	4,622	378	92%	49,000	52,374	(3,374)	107%
55816	Cont Serv-Disp Local	100,000	8,000	34,117	(26,117)	426%	80,000	91,310	(11,310)	114%
55817	Cont Serv-Disp County	90,000	6,000	0	6,000	0%	90,000	83,034	6,966	92%
55818	Cont Serv-Recy Sheds	92,000	7,558	12,366	(4,808)	164%	84,441	76,896	7,545	91%
55819	Cont Serv-Disp Paint Care	115,000	14,000	8,788	5,212	63%	103,000	95,186	7,814	92%
55820	Cont Serv-O/M Plant	130,000	13,000	8,569	4,431	66%	122,000	118,173	3,827	97%
55835	Cont Serv-Generators	355,000	27,083	50,072	(22,989)	185%	327,913	286,289	41,624	87%
55840	Cont Serv-O/M Mobile	170,000	12,000	10,541	1,460	88%	162,000	121,138	40,862	75%
55852	Cont Serv-Field Work	15,000	0	184	(184)	0%	15,000	6,262	8,738	42%
55860	Cont Serv-Other	553,350	22,550	54,323	(31,773)	241%	533,000	264,009	268,991	50%
55861	Cont Serv-Organics	21,500	1,000	2,228	(1,228)	223%	21,500	18,004	3,496	84%
55862	Cont Serv-HHW	500	0	0	0	0%	500	22	478	4%
55863	Cont Serv-Recycling	39,900	4,000	223	3,777	6%	39,900	4,742	35,158	12%
55868	Cont Serv-Hardware Maint	27,656	2,305	3,953	(1,648)	172%	25,351	36,397	(11,046)	144%
55870	Cont Serv-Dp Maint	687,984	49,738	57,941	(8,203)	116%	638,764	621,596	17,168	97%
55871	Cont Serv-Mobile Devices	14,500	1,208	860	348	71%	13,288	9,003	4,285	68%
55875	Cont Serv-Serv Fee	46,400	0	0	0	0%	46,400	46,116	284	99%
55895	Mnsharp Repair Expense	1,000	0	0	0	0%	1,000	0	1,000	0%
60000	Supplies-Building	34,454	2,317	1,123	1,194	48%	31,767	18,826	12,941	59%
60010	Supplies-Equipment	224,246	21,472	13,409	8,063	62%	209,473	263,130	(53,657)	126%
60040	Supplies-Lab	60,000	5,000	2,012	2,988	40%	54,500	47,126	7,374	86%
60050	Supplies-Lube	8,000	250	0	250	0%	7,500	8,254	(754)	110%

**Western Lake Superior Sanitary District  
Total District  
Expense Statement  
For Period Ending November 30, 2025**

Acct	Description	Annual Budget 2025	Month Budget	Month Actual	Variance	Act/Bud	YTD Budget 2025	YTD Actual	Variance	Act/Bud
66060	Supplies-Maintenance	69,000	5,750	4,786	964	83%	63,250	101,583	(38,333)	161%
66070	Supplies-Office	5,520	458	1,390	(932)	303%	5,062	4,817	245	95%
66090	Supplies-Other	46,900	1,927	2,517	(590)	131%	45,273	53,543	(8,270)	118%
66091	Supplies-Other-Organics	10,050	1,550	1,401	149	90%	10,050	10,076	(26)	100%
66092	Supplies-Other-HHW	2,300	0	569	(569)	0%	2,300	1,703	597	74%
66093	Supplies-Other-Recycling	11,850	0	8,699	(8,699)	0%	11,850	27,058	(15,208)	228%
66110	Supplies-Safety	19,650	1,716	1,534	182	89%	18,200	14,649	3,551	80%
66120	Supplies-Site	3,000	250	0	250	0%	2,750	767	1,983	28%
66125	Supplies-Software	4,450	0	0	0	0%	4,450	5,535	(1,085)	124%
66130	Supplies-Tools	27,300	4,100	588	3,512	14%	23,100	26,436	(3,336)	114%
55510	Invoice Tolerance	0	0	0	0	0%	0	(0)	0	0%
66150	Supplies-Shipping	25,000	2,000	5,013	(3,013)	251%	24,000	36,675	(12,675)	153%
66300	Chemicals-General	32,820	530	85	445	16%	31,800	30,784	1,016	97%
55512	Invoice Match Write-Off	0	0	0	0	0%	0	0	0	0%
66315	Chemicals-Liquid Oxygen	38,010	3,168	5,964	(2,796)	188%	34,848	34,646	202	99%
66320	Chemicals-Sodium Hypochlorite	942,890	0	6,642	(6,642)	0%	942,890	641,797	301,093	68%
66330	Chemicals-Polymer-Thickening	248,262	20,689	13,448	7,242	65%	227,579	125,588	101,991	55%
66335	Chemicals-Polymer-Dewatering	984,719	80,936	45,074	35,862	56%	901,088	931,839	(30,751)	103%
66360	Chemicals-Boiler	2,000	0	0	0	0%	2,000	6,236	(4,236)	312%
66370	Chemicals-Defoamant	41,480	3,457	7,747	(4,290)	224%	38,026	30,988	7,038	81%
66410	Chemicals-Sodium Bisulfite	4,366	0	0	0	0%	4,366	1,455	2,911	33%
66420	Chemicals-Ferric Chloride	304,054	24,991	19,934	5,057	80%	278,233	302,167	(23,934)	109%
66560	Insurance-Property	264,900	22,075	25,687	(3,612)	116%	242,825	282,260	(39,435)	116%
66700	Legal	150,000	12,500	12,632	(132)	101%	137,500	130,845	6,655	95%
66750	Audit	50,000	0	0	0	0%	50,000	42,261	7,740	85%
66900	Safety Program	98,325	8,194	6,239	1,955	76%	90,131	74,012	16,119	82%
66905	Training-Materials	500	42	0	42	0%	458	0	458	0%
66910	Training-Expenses	118,110	7,958	8,541	(583)	107%	113,562	91,803	21,759	81%
66920	Training-Travel	500	42	185	(143)	440%	458	619	(161)	135%
66930	Personnel	28,112	2,343	5,501	(3,158)	235%	25,769	26,391	(622)	102%
66940	License Reimbursement	2,000	125	387	(262)	310%	1,875	959	916	51%
66950	Tuition Reimbursement	15,000	1,250	0	1,250	0%	13,750	19,652	(5,902)	143%
77000	Other Spec Serv	78,000	6,500	6,500	0	100%	71,500	66,877	4,623	94%
77010	Board Members Comp	20,000	1,667	2,164	(497)	130%	18,333	19,098	(765)	104%
77020	Public Information	18,950	1,500	1,250	250	83%	18,950	15,866	3,084	84%
77021	Public Information-Organics	13,000	0	39	(39)	0%	13,000	3,809	9,191	29%
77022	Public Information-HHW	3,700	0	0	0	0%	3,700	2,170	1,530	59%
77023	Public Information-Recycling	13,300	1,300	23	1,277	2%	13,300	8,792	4,508	66%
77200	Easements	22,660	1,888	1,925	(37)	102%	20,768	21,261	(493)	102%
77210	Rent-Equipment	64,700	2,855	2,269	586	79%	61,845	41,451	20,394	67%
77220	Motor Vehicle Licensing	1,000	83	0	83	0%	917	21	896	2%
77300	Meeting Expenses	7,500	625	632	(7)	101%	6,875	6,235	640	91%
77400	Travel	1,250	63	0	63	0%	1,187	257	930	22%
77640	Lease-Land-Duluth Airport Auth	12,600	1,050	1,025	25	98%	11,550	11,276	274	98%
77800	Laundry	54,986	4,746	4,236	510	89%	50,246	50,528	(282)	101%
77810	Engineering Service	228,624	20,636	13,930	6,706	68%	213,988	147,906	66,082	69%
77820	Lab Services	80,000	6,000	9,086	(3,086)	151%	72,000	70,985	1,015	99%
88000	Dues	52,300	3,567	3,102	465	87%	48,733	44,033	4,700	90%
88010	Publications	6,600	417	262	155	63%	6,183	1,371	4,812	22%
88020	Permits	60,000	0	0	0	0%	60,000	50,906	9,094	85%
88200	Postage	20,000	1,667	795	872	48%	18,333	21,435	(3,102)	117%
88210	Copying & Printing	45,600	2,217	5,357	(3,140)	242%	43,379	34,883	8,496	80%
88211	Copying & Printing-Organics	4,500	0	60	(60)	0%	4,500	2,727	1,773	61%
88212	Copying & Printing-HHW	1,150	0	0	0	0%	1,150	379	771	33%
88213	Copying & Printing-Recycling	2,000	0	447	(447)	0%	2,000	581	1,420	29%
88500	Bank Service Charges	350	29	0	29	0%	321	140	181	44%
88600	Grants To Gov Units	253,000	0	45,325	(45,325)	0%	218,000	211,448	6,552	97%
88620	Program Development	128,350	2,325	318	2,007	14%	127,350	132,532	(5,182)	104%
88621	Program Development-Organics	30,450	2,450	1,450	1,000	59%	30,450	23,316	7,134	77%
88622	Program Development-HHW	35,000	0	361	(361)	0%	35,000	3,412	31,588	10%
88623	Program Development-Recycling	20,000	0	0	0	0%	20,000	5,230	14,770	26%
<b>Total Non Payroll Expenses</b>		<b>19,669,916</b>	<b>1,449,776</b>	<b>1,456,652</b>	<b>(6,876)</b>	<b>100%</b>	<b>18,263,777</b>	<b>17,128,440</b>	<b>1,135,337</b>	<b>94%</b>
99022	Interest Exp-WWT-DS	1,098,085	91,507	91,507	0	100%	1,006,577	1,006,577	0	100%
99200	Deprec-Furniture	11,255	938	938	0	100%	10,318	10,318	0	100%
99210	Deprec-Equipment	114,047	9,504	9,504	0	100%	104,544	104,544	0	100%
99220	Deprec-Computer	109,638	9,136	9,137	(1)	100%	100,496	100,507	(11)	100%
99230	Deprec-Building	89,942	7,495	7,495	0	100%	82,445	82,445	0	100%
99240	Deprec-Improvements	7,771,595	647,633	647,633	0	100%	7,123,963	7,123,963	0	100%
99260	Deprec-Motor Vehicle	22,759	1,897	1,897	0	100%	20,867	20,867	0	100%
99465	Loss On Obsolete Inv	0	0	28,890	(28,890)	0%	0	41,163	(41,163)	0%
<b>Total Non Operating Expenses</b>		<b>9,217,321</b>	<b>768,110</b>	<b>797,001</b>	<b>(28,891)</b>	<b>104%</b>	<b>8,449,210</b>	<b>8,490,384</b>	<b>(41,174)</b>	<b>100%</b>
<b>Total Expenses</b>		<b>44,191,214</b>	<b>3,487,841</b>	<b>3,421,832</b>	<b>66,009</b>	<b>98%</b>	<b>40,751,854</b>	<b>39,248,440</b>	<b>1,503,414</b>	<b>96%</b>

**Western Lake Superior Sanitary District**  
**Balance Sheet**  
**As Of November 30, 2025**

Acct	Description	Beginning Balance	Month Change	YTD Change	Ending Balance
10225	Cash-Checking-US Bank (2018)	5,400,707.85	1,524,577.97	(3,722,144.06)	1,678,563.79
10370	Cash-Checking-Sect 125 (US Bank)	42,245.16	7,388.15	(2,876.63)	39,368.53
10380	Cash-WW Planning Grant Fund	29,707.09	0.00	0.00	29,707.09
10382	Cash-Recycling Site Improvemen	24,500.85	0.00	0.00	24,500.85
10383	Cash-SW Unacceptable Ticket Fi	436,800.00	6,800.00	74,000.00	510,800.00
10385	Cash-Wellness Grant	5,391.88	(150.00)	1,069.16	6,461.04
10390	Cash-Dick Holt Memorial Fund	1,940.27	0.00	(100.00)	1,840.27
10425	Cash-Western National Bank	1,230,704.02	0.00	(1,230,704.02)	(0.00)
10480	Cash-Petty	2,675.00	0.00	0.00	2,675.00
	<b>Cash Sub Total</b>	<b>\$7,174,672.12</b>	<b>\$1,538,616.12</b>	<b>\$(4,880,755.55)</b>	<b>\$2,293,916.57</b>
	Restricted Investments For Memorial Fund	0.00	0.00	0.00	0.00
10627	Investments-WIF Capital Replac	7,509,250.00	0.00	0.00	7,509,250.00
10622	Investments-WWT-Bond DS	0.00	0.00	0.00	0.00
10623	Investments-Rate Stabiliz	19,410,989.93	863,872.23	9,625,108.28	29,036,098.21
10624	Investments-WWT-Loan DS	8,135,772.24	0.00	(8,451,704.03)	(315,931.79)
10600	Investments-Operations	10,388,948.07	(1,950,735.12)	1,570,437.28	11,959,385.35
10609	Investments-WWT-2013 Loan Cons	0.00	0.00	0.00	0.00
10611	Investments-SW-Const	1,353,866.13	14,172.37	37,176.40	1,391,042.53
10614	Investments-Tr Sta Res Fd	492,889.09	7,483.57	41,809.08	534,698.17
10615	Investments-WWT-2006/2016/2017	(1,306,411.96)	(1,586,418.01)	(9,821,446.23)	(11,127,858.19)
10616	Investments-WWT-2007/2020/2025	(783,816.40)	(1,252,714.33)	(4,208,671.71)	(4,992,488.11)
10618	Investments-WWT-2011/2012/2018	(34,567.54)	(18,271.56)	14,427.54	(20,140.00)
10621	Investments-WWT-Const O&M	4,430,505.84	27,955.42	1,404,092.76	5,834,598.60
10628	Investments-WW-MN Power Energy	492,511.20	0.00	57,898.50	550,409.70
	<b>Investments Sub Total</b>	<b>\$50,089,936.60</b>	<b>\$(3,894,655.43)</b>	<b>\$(9,730,872.13)</b>	<b>\$40,359,064.47</b>
	Due from Other Governments	1,634,882.46	(92,978.45)	185,195.10	1,820,077.56
	Accounts Receivable	2,235,114.49	368,931.81	479,131.03	2,714,245.52
	Interest Receivable	418,729.60	15,739.43	176,243.43	594,973.03
	<b>Receivables Sub Total</b>	<b>\$4,288,726.55</b>	<b>\$291,692.79</b>	<b>\$840,569.56</b>	<b>\$5,129,296.11</b>
11000	Inventory-Material	2,706,678.52	(31,967.56)	174,050.47	2,880,728.99
11002	Inventory-Inspection Hold	0.00	0.00	0.00	0.00
11005	Inventory-Item Cost Variance S	0.00	0.00	(17.20)	(17.20)
11007	Inventory-Inv Not Received	0.00	0.00	0.00	0.00
11010	Inventory-Fuels	37,389.01	954.11	(167.33)	37,221.68
11020	Inventory-Chemicals	390,859.47	13,321.79	(10,113.70)	380,745.77
11040	Inventory-Vending Machine	10,565.18	(410.17)	(145.54)	10,419.64
	<b>Inventory Sub Total</b>	<b>\$3,145,492.18</b>	<b>\$(18,101.83)</b>	<b>\$163,606.70</b>	<b>\$3,309,098.88</b>
11150	Prepaid Insurance	127,137.13	(35,990.86)	37,289.35	164,426.48
11160	Prepaid Other	385,981.33	(59,791.04)	75,387.55	461,368.88
	<b>Prepaid Expenses Sub Total</b>	<b>\$513,118.46</b>	<b>\$(95,781.90)</b>	<b>\$112,676.90</b>	<b>\$625,795.36</b>
	Land	605,264.83	0.00	0.00	605,264.83
	Easements	207,148.67	0.00	0.00	207,148.67
	Buildings	74,672,544.35	0.00	0.00	74,672,544.35
	Improvements Other Than Buildings	254,603,055.53	0.00	0.00	254,603,055.53
	Machinery And Equipment	28,602,755.66	0.00	0.00	28,602,755.66
	Motor Vehicles	3,597,751.75	0.00	0.00	3,597,751.75
	Right-To-Use Assets	2,774,498.00	0.00	(92,798.00)	2,681,700.00
	Accumulated Depreciation	(290,407,903.02)	(676,604.00)	(7,442,644.00)	(297,850,547.02)
	Accumulated Amortization	(945,408.00)	0.00	455,269.00	(490,139.00)
	CIP	59,769,403.00	3,385,407.84	17,647,058.71	77,416,461.71
	<b>Capital Assets Sub Total</b>	<b>\$133,479,110.77</b>	<b>\$2,708,803.84</b>	<b>\$10,566,885.71</b>	<b>\$144,045,996.48</b>
11984	DO-GERF Chgs In Prop & DIF BTW	968,635.00	0.00	637,782.00	1,606,417.00
11980	DO-GERF Dif Exp & Act Economic	21,172.00	0.00	0.00	21,172.00
	<b>Deferred Outflows Sub Total</b>	<b>\$989,807.00</b>	<b>\$0.00</b>	<b>\$637,782.00</b>	<b>\$1,627,589.00</b>
	<b>Total Assets</b>	<b>\$199,680,863.68</b>	<b>\$530,573.59</b>	<b>\$(2,290,106.81)</b>	<b>\$197,390,756.87</b>

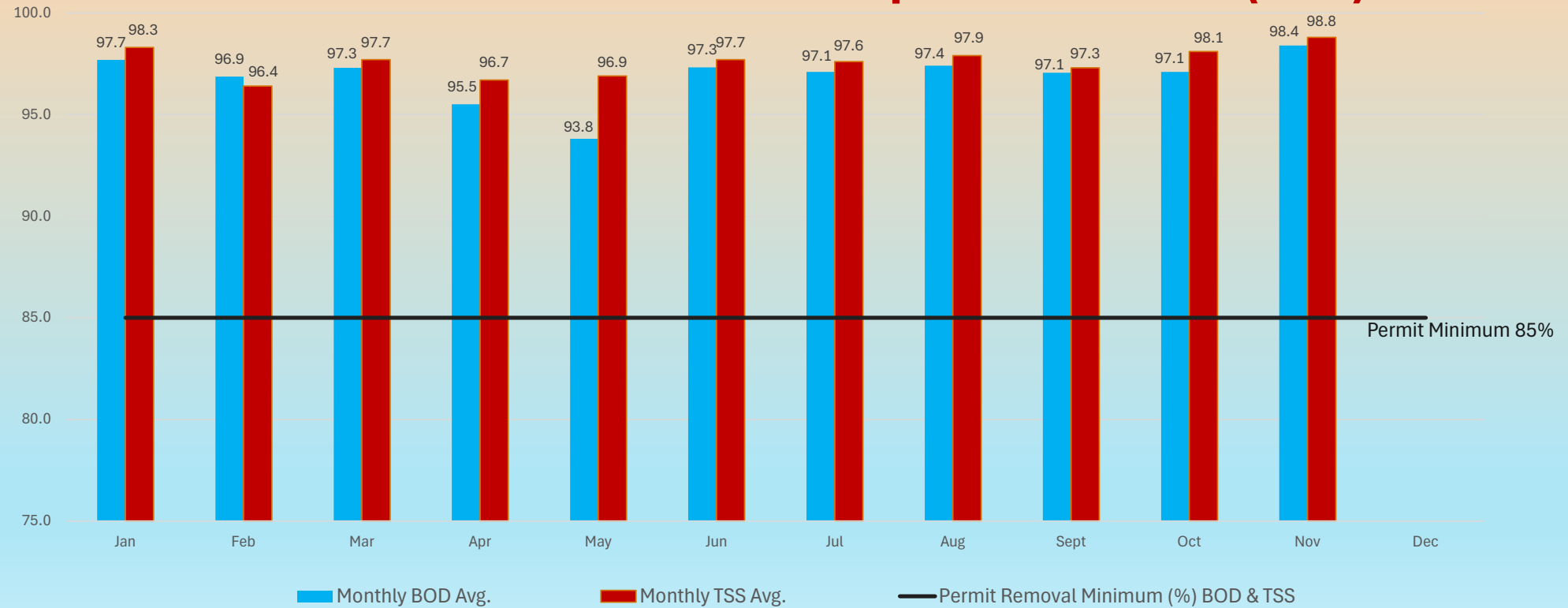
**Western Lake Superior Sanitary District**  
**Balance Sheet**  
**As Of November 30, 2025**

Acct	Description	Beginning Balance	Month Change	YTD Change	Ending Balance
	Accounts Payable	(1,437,793.98)	(193,997.30)	176,220.81	(1,261,573.17)
	Due to Other Governments	(264,663.00)	22,056.00	242,616.00	(22,047.00)
	Contracts Payable	0.00	0.00	0.00	0.00
	Contracts Payable From Restricted Assets	(1,773,282.23)	0.00	1,773,282.23	0.00
22030	Paid Offset Clearing	0.00	0.00	0.00	0.00
	<b>Accounts Payable Sub Total</b>	<b>\$(3,475,739.21)</b>	<b>\$(171,941.30)</b>	<b>\$2,192,119.04</b>	<b>\$(1,283,620.17)</b>
	Salaries Or Wages Payable	(492,000.54)	(33,490.12)	282,761.35	(209,239.19)
	Accrued Payroll Liabilities	(16,694.20)	217,988.45	2,737.40	(13,956.80)
	Retiree/COBRA Benefits Payable	(3,514.60)	6,720.62	(3,247.55)	(6,762.15)
	Accrued Vacation Payable	(697,328.59)	0.00	57,083.26	(640,245.33)
	<b>Accrued Wages And Benefits Sub Total</b>	<b>\$(1,209,537.93)</b>	<b>\$191,218.95</b>	<b>\$339,334.46</b>	<b>\$(870,203.47)</b>
	Lease & SBITA Liability, Current	(518,139.00)	0.00	151,571.00	(366,568.00)
	Lease & SBITA Liability, Noncurrent	(1,518,150.00)	0.00	(409,355.00)	(1,927,505.00)
	Notes Payable, Current	(7,146,017.89)	0.00	7,458,931.88	312,913.99
	Notes Payable, Noncurrent	(57,291,881.50)	(210,676.16)	(2,581,972.61)	(59,873,854.11)
	Bonds Payable, Current	0.00	0.00	0.00	0.00
	Bonds Payable, Noncurrent	0.00	0.00	0.00	0.00
	Accrued Interest, Current	(349,369.11)	(91,507.00)	(13,804.85)	(363,173.96)
	<b>Debt Service Payable Sub Total</b>	<b>\$(66,823,557.50)</b>	<b>\$(302,183.16)</b>	<b>\$4,605,370.42</b>	<b>\$(62,218,187.08)</b>
	Unamortized Discounts/Premiums	0.00	0.00	0.00	0.00
	<b>Unamortized Premiums, Discounts, Losses Sub Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
	Net Other Post Employment Benefits, Noncurrent	(290,337.00)	0.00	0.00	(290,337.00)
	Comp Abs	(420,545.83)	8,303.21	29,430.60	(391,115.23)
	<b>Other Noncurrent Liabilities Sub Total</b>	<b>\$(710,882.83)</b>	<b>\$8,303.21</b>	<b>\$29,430.60</b>	<b>\$(681,452.23)</b>
22876	PERA Liability - GERF	(4,083,571.00)	0.00	(1,916,525.00)	(6,000,096.00)
	<b>NPL GASB 68 Sub Total</b>	<b>\$(4,083,571.00)</b>	<b>\$0.00</b>	<b>\$(1,916,525.00)</b>	<b>\$(6,000,096.00)</b>
	DI GASB 68 Related	(2,831,485.00)	0.00	721,022.00	(2,110,463.00)
	Deferred Inflows Of Resources GASB 75	(36,902.00)	0.00	0.00	(36,902.00)
	<b>Deferred Inflows Sub Total</b>	<b>\$(2,868,387.00)</b>	<b>\$0.00</b>	<b>\$721,022.00</b>	<b>\$(2,147,365.00)</b>
	Net Assets	(120,509,188.21)	(255,971.29)	(3,680,644.71)	(124,189,832.92)
	<b>Equity Sub Total</b>	<b>\$(120,509,188.21)</b>	<b>\$(255,971.29)</b>	<b>\$(3,680,644.71)</b>	<b>\$(124,189,832.92)</b>
	<b>Total Liabilities And Equity</b>	<b>\$(199,680,863.68)</b>	<b>\$(530,573.59)</b>	<b>\$2,290,106.81</b>	<b>\$(197,390,756.87)</b>

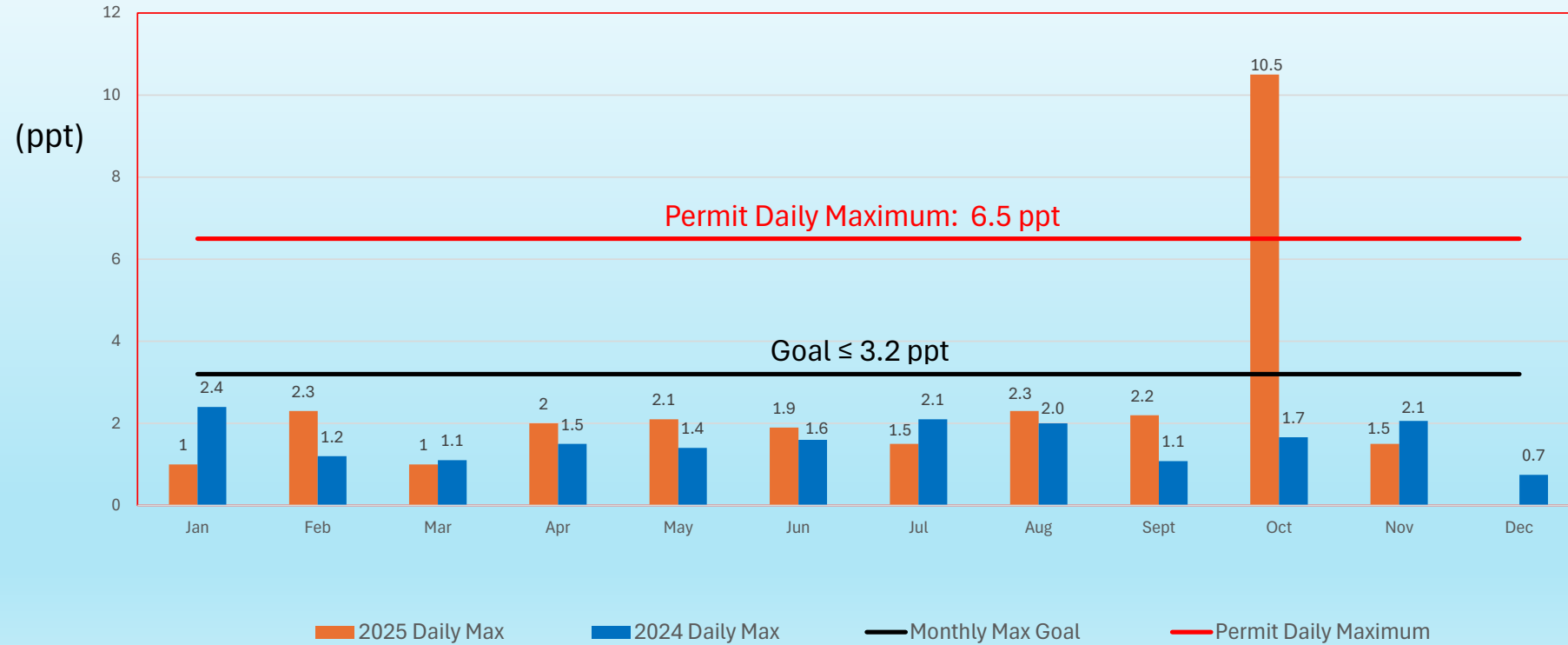


# NPDES Report

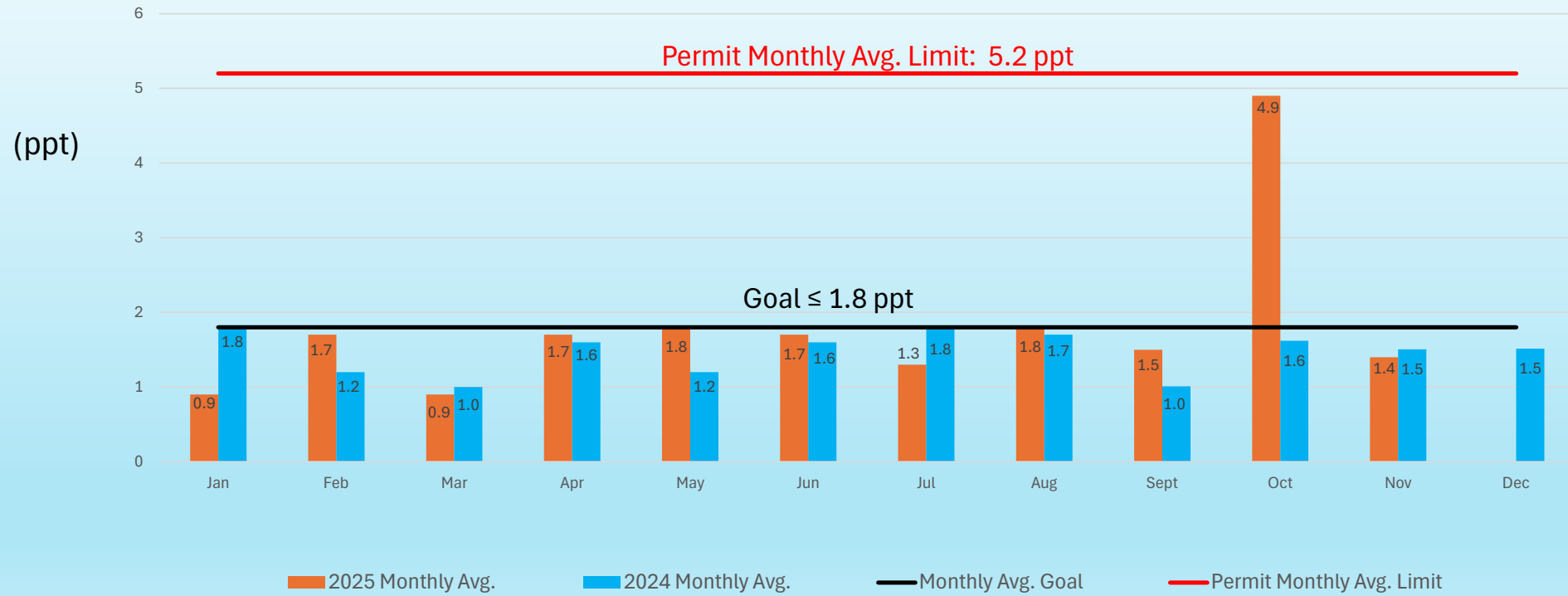
# % Removal: BOD & Total Suspended Solids (TSS)



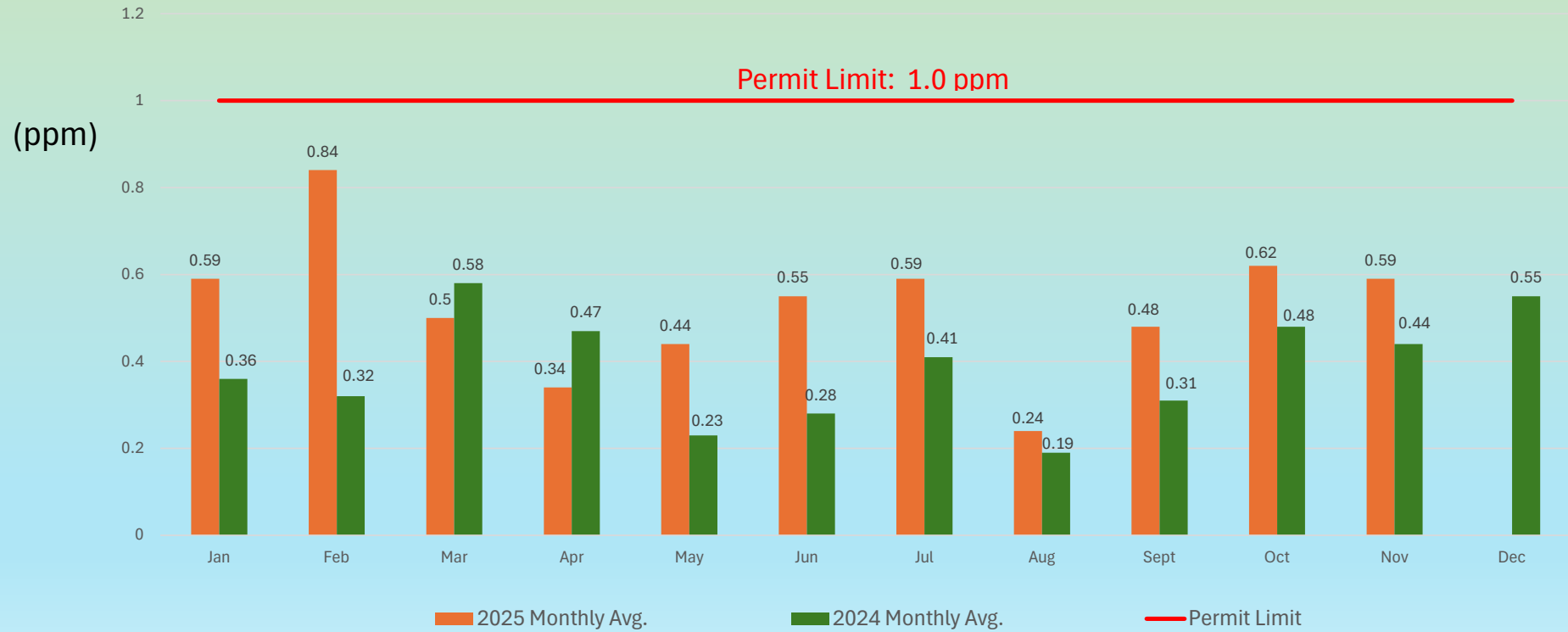
# Effluent Concentration: Total Mercury: Daily Max



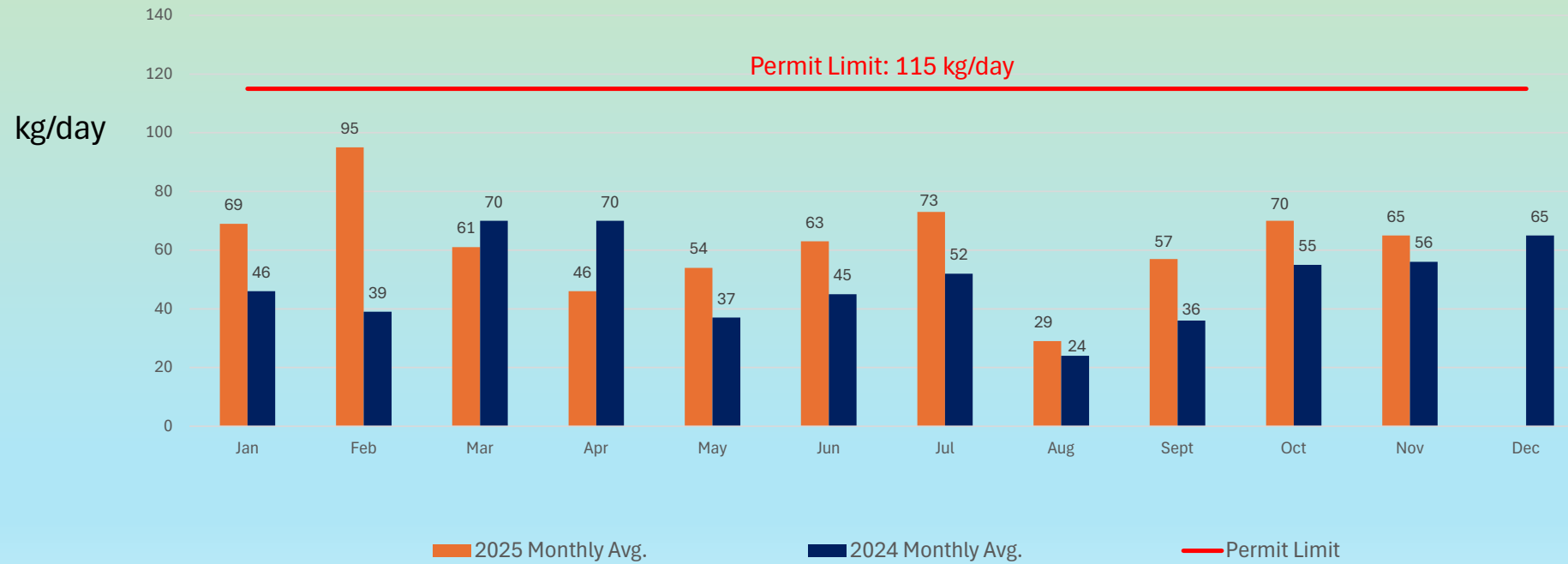
# Effluent Concentration: Total Mercury: Monthly Avg.



# Phosphorus Concentration: Monthly Avg.



# Phosphorus Loading: Monthly Avg. kg/day



**2025 Sewage Releases Reported**

<b>Month</b>	<b>Release(s)</b>	<b>Location(s)</b>	<b>Volume (gals.) -if available-</b>
<b>January</b>	0	--	--
February	0	--	--
March	1	Wrenshall force main (3-18-25)	21,500
April	0	--	--
May	0	--	--
June	0	--	--
July	1	Manhole F020 (7-15-25)	100
August	1	Wrenshall force main (8-30-25)	21,192
September	1	Division E Bruce Circle Hwy. 61 Manhole E008 (9-29-25)	50
October	1	Courtland Street complex (10-15-25)	75
November	1	Division E Bruce Circle Hwy. 61 Manhole E008 (11-18-25)	500
December			

YTD = 6