ORDINANCE NO. 2

ROSEAU COUNTY
SOLID WASTE ORDINANCE

An ordinance authorizing and providing for County Solid Waste Management, establishing powers and duties in connection therewith, establishing standards for and regulating solid waste management operations within the County of Roseau, requiring a license for the establishment and use of a solid waste management operation; establishing requirements for certain facilities on a disposal site, for control of special solid wastes; embodying minimum standards and requirements established by regulation of the Minnesota Pollution Control Agency; providing for enforcement of said requirements; requiring a performance bond; and imposing penalties for failure to comply with these provisions; in purpose and object to promote the health, welfare and safety of the public and protect resources of water, air and land pursuant to Minnesota Statutes 1971, Chapters 115, 116 and 400.

The County Board of Commissioners of the County of Roseau, hereinafter referred to as the County Board, does ordain:

SECTION I. DEFINITIONS. Unless specifically altered, terms and abbreviations used in this ordinance shall be interpreted in a manner consistent with Minnesota Statutes, 1971, Chapters 115, 116 and 400 and regulations of the Agency, which have been or hereafter may be adopted under those provisions. Terms and abbreviations used herein which are not specifically defined by law shall be construed in accordance with the context and professional usage.

Subd. 1. "Agency" means the Minnesota Pollution Control Agency.

Subd. 2. "Air Contaminant" means the presence in the outdoor atmosphere of any dust, fumes, mist, vapor, gas or gaseous fluid or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

Subd. 3. "Air Pollution" means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

Subd. 4. "County" means any department or representative of the county who is authorized by this ordinance or otherwise by the County Board to represent the County of Roseau in the enforcement or administration of this ordinance.

Subd. 5. "Cover Material" is granular material, generally soil, which is used to cover compacted solid waste in a sanitary landfill, is generally free of large objects that would hinder compaction, and is free of organic content that would be conducive to vector harborage, feeding or breeding.

Subd. 6. "Garbage" means material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Subd. 7. "Incineration" means the process by which solid wastes are burned for the purpose of volume and weight reduction in facilities designed for such use.

Subd. 8. "Intermediate disposal facility" means a facility for the storage, reduction, recycling, or processing of solid waste prior to final disposal.

Subd. 9. "Land pollution" means the presence in or on the land of any solid waste in such quantity, of such nature or duration, and under such conditions as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Subd. 10. "Licensee" means a person who has been issued a license by the County Board for solid waste management purposes pursuant to this ordinance.

Subd. 11. "Operation" means any site, facility, or activity relating to solid waste management.

Subd. 12. "Person" means any human being, any municipality or any other governmental or political subdivision or public agency, any public or private corperation, 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.

Subd. 13. "Putrescible Material" means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.

Subd. 14. "Refuse" means purtescible and non-putrescible solid wastes, including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and industrial solid wastes, and sewage treatment wastes which are in a dry form.

Subd. 15. "Sanitary Landfill" means an area of land which is or could be used for the disposal of solid waste without creating pollution of land, water or air, hazards to the public health or safety, or public nuisance, by utilizing the principles of engineering to confine tne solid waste to the smallest practical volume, and to cover it with at least six inches of cover material to the conclusion of each day's operation, or at more frequant intervals as may be necessary.

Subd. 16. "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters: (a) land within 1,000 feet from the normal high watermark of a lake, pond, or flowage; and (b) land within 300 feet of a river or stream or the landward side of flood plain delineated by ordinance on such a river or stream, whichever is greater.

Subd. 17. "Solid Waste" means garbage, refuse, and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, agricultural operations, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solids or disolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other common water pollutants.

Subd. 18 "Solid Waste Management" means the storage, collection and removal of solid waste from public and private property, its transportation to intermediate or final disposal facilities and its disposal by approved methods.

Subd. 19. "Toxic or Hazardous Wastes" means substances, whether in liquid, gaseous or solid form, which when collected, stored, transported or disposed of, may be acutely toxic to humans or other animals, or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar noxious substances.

Subd. 20. "Transfer Station" means an intermediate solid waste disposal facility, whether fixed or mobile, in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

Subd. 21. " Water Pollution" means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, obnoxious or impure, so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare to domestic, commercial or industrial use, or to animals birds, fish or other aquatic life.

Subd. 22. "Waters of the State" means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, and all other bodies of accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

SECTION II. GENERAL PROVISIONS

Subd. 1. No persons shall cause, permit or allow his land or property under his control to be used for solid wast management purposes, except at an operation for which a license has been granted by the County Board, unless otherwise provided by this ordinance. A license shall not be required

under this ordinance for any site used for the disposal of solid waste from only a single family or household, a member of which is the owner, occupant or lessee of the property, but such site shall be operated and maintained in a nuisance-free and aesthetic manner consistent with the intent of this ordinance.

Subd. 2. Any operation to be used for any method of solid waste management not otherwise provided for in this ordinance must be licensed by the County Board before operation may commence. The license application shall include sets of complete plans, specifications, design data, ultimate land use plan, if applicable, and proposed operating procedures prepared by a registered professional engineer of Minnesota. Where applicable, the applicant shall procure and accompany the application with a proper zoning permit if required by the County Zoning Ordinance.

Subd. 3. After receiving an application for an operation, the County Board shall refer such application to the County Solid Waste Officer who shall give his recommendation to the County Board concerning whether it should issue or deny the license. If any applicant is denied a license, he shall be notified in writing or the reasons therefor by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to his right to file a futher application after revisions are made to satisfy objections specified as reasons for the dismissal.

Subd. 4. The County Board shall refuse to issue a license for any operation which does not comply with this ordinance, Agency regulations and the County's solid wastemanagement plan.

Subd. 5. Unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board and naming the County as obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to comply with any of the requirements or fails to perform any of the acts required of an operation or ceases to operate or abandons the operation, and the County is required to expend any monies or expend any labor or material to restore the operation to a condition in compliance with this ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy failure to the principal to comply with the terms of the ordinance, and the obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any default of the obligor under the terms of his license to operate in compliance to the terms of the ordinances of the County.

Subd. 6. In addition to the bond to be furnished, the licensee shall furnish to the County certificates of insurance issued by insurers duly licensed within the State of Minnesota covering public liability insurance, including general liability, automobile liability, loading and unloading, completed operations liability, bodily injury liability in an amount of at least One hundred thousand and no/100 ($100,000.00) Dollars for injury or death of any one person in any one occurrence and aggregate bodily liability in an amount of at least Three hundred thousand and no/100 ($300,000.00) Dollars for injuries or death arising out of any one occurence. Property damage liability shall be furnished in an amount of at least Fifty thousand and no/loo ($50,000.00) Dollars for any one occurence and in the unencumbered aggregate amount of at least Three hundred thousand and no/100 ($300,000.00) Dollars.

Subd. 7. Any license granted by the County Board under the provisions of this ordinance may be suspended at any time for non-compliance with the provisions of this ordinance or applicable state laws and regulations, or upon written notification by the Solid Waste Officer or by an authorized representative of the Agency, that the continued use of the operation may endanger the health, welfare or safety of the public or may cause pollution or impairment of the environment. The notice of suspension may be served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof. A copy thereof shall be provided to the County Board. A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning use of the operation shall have the right to be heard.

The date of the hearing for license revocation shall be set by the County Board and shall not be held earlier than ten calendar days after notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board shall determine that the operation has been conducted in violation of this ordinance, the Board may revoke the license or continue such suspension in effect until operator has demonstrated that full compliance with the ordinance has been attained and that such compliance will be continued in the foreseeable future.

Subd. 8. Routine inspection and evaluation of an operation shall be made by the Solid Waste Officer at such frequency as to insure consistent compliance by the operation with the provisions of this ordinance. The licensee shall be provided with a written inspection report containing a precise description of any deficiencies, recommendations for the correction and the date when the corrections shall be accomplished. The licensee shall be required to allow free access to authorized representatives of the County, the County Board, the Agency, or to the 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 regulations.

Subd. 9. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance, or any other applicable law, ordinance, rule or regulation, the provision which establishes the higher standards for the promotion of the public health, safety and general welfare shall prevail.

SECTION III. SOLID WASTE OFFICER

The duties and responsibilities of the Solid Waste Officer under this ordinance are hereby delegated to the County Engineer. The Solid Waste Officer shall have all necessary authority to implement and carry out the provisions of this ordinance, including, but not limited to, the following:

(a) To review and consider all license applications and supporting materials which are referred to him for operations within the County, and after consideration, to recommend in writing with documentation to the County Board that a license may be granted or denied.

(b) To inspect operations to determine compliance with this ordinance and to investigate complaints about violations of this ordinance.

(c) To recommend to the County Attorney that legal proceedings be initiate against a person to compel compliance with the provisions of this ordinance or to abate or control an operation not in compliance with this ordinance.

(d) To encourage and conduct studies, investigations and research relating to aspects of solid waste management, including, but not limited to, methodology, chemical and physical considerations, and engineering.

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

SECTION IV. SOLID WASTE STORAGE

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

Subd. 2. Putrescible waste, including, but not limited to, garbage shall be stored in: (a) durable, rust-resistant, non-absorbent, water-tight, rodent-proff, and easily cleanable containers, with close-fitting, fly-tight covers having adequate handles to facilitate handling; or (b) other types of containers acceptable to the solid waste collection service, comply with Agency regulations, and approved by the Solid Waste Officer. The size and allowable weight of the containers may be determined by the solid waste collection service as approved by the Solid Waste Officer.

Subd. 3. Solid Waste shall be stored in durable containers or as otherwise provided in this ordinance. Where putrescible wastes are stored in combination with non-putrescible wastes, containers for the storage of the mixture shall meet requirements for non-putrescible waste containers.

Subd. 4. Toxic or hazardous wastes shall be stored in durable, leak-proof containers which are labeled with a description of the chemical composition of the substance stored therein. Such wastes shall be stored in a safe location and in compliance with the requirements of Agency regulations and this ordinance.

Subd. 5. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or unsanitary condition.

Subd. 6. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a manner which is pollution-free, nuisance-free and satisfactory to the Solid Waste Officer.

Subd. 7. Solid wastes shall not be stored on public or private property for more than two (2) weeks without the written approval of the Solid Waste Officer.

SECTION V. COLLECTION AND TRANSPORTATION OF SOLID WASTES

Subd. 1. Unless otherwise provided in these regulations the owner, lessee and occupant of any premises, business establishment or industry and the solid waste collection service which is responsible for the collection and transportation of solid waste from the premises, establishment or industry, shall collect and remove all solid waste accumulated at the premise, business establishment or industry and transport it to an operation for which a permit has been issued by the Agency and the county.

Subd. 2. Vehicles or containers used for the collection and transportation of garbage and other putrescible wastes, or solid waste containing such materials, shall be covered, leakproof, durable and of easily cleanable construction. These shall be cleaned to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

Subd. 3. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the content will not fall, leak or spill therefrom, and shall be covered to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the solid waste collector or transporter and returned to the vehicle or container and the area properly cleaned.

Subd. 4. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leak-proof and shall be constructed, loaded, transported and unloaded in a safe, sanitary and nuisance-free manner.

Subd. 5. The County Board shall issue licenses for the collecting and hauling of solid waste for hire, upon compliance with the following requirements:

(a) Solid waste must be disposed of at an operation having a permit from the Agency and a license from the County.

(b) Filing of an application for a solid waste collection and transportation license upon a form provided by the County Board.

(c) Filing of a performance bond with sufficient sureties, in the penal sum of Ten thousand and no/100 ($10,000.00) dollars which bond shall be conditioned upon the applicant's full compliance with this ordinance, said bond to be subject to the approval of the County Board and the County Attorney.

(d) Submission of specifications of all vehicles to be used for solid waste collection and transportation. Such vehicles shall have leak-proof bodies of easily cleanable construction, completely covered with metal or heavy canvas, and shall be subject to approval and periodic inspection by the Solid Waste Officer.

(e) Submission of a description of the route to be followed by all solid waste collection and transportation vehicles between the area of collection and the solid waste operation, which route shall be subject to approval by the Solid Waste Officer.

(f) Submission to the County Board for approval of a schedule of charges for the hauling of soild waste.

SECTION VI. SOLID WASTE DISPOSAL BY SANITARY LANDFILL

A sanitary landfill shall comply with the following provisions:

Subd. 1. No person shall establish, operate or maintain a sanitary landfill without first obtaining a permit from the Agency and a license from the County Board. Where the location of the proposed operation is consistent with the county solid waste management plan, the County Board shall issue a license for the operation of a sanitary landfill upon its approval of the construction plans and specifications describing the sanitary landfill proposed to be constructed. A minimum of three sets of said plans and specifications shall be prepared by a registered professional engineer of Minnesota and said plans shall be folded to 8½ x 11 inch size. The application shall include the following information.

(a) A current map or aerial photograph of the area showing land use and zoning within ¼ mile of the operation. The map or aerial photograph shall be of sufficient scale to show all homes, buildings, lakes, ponds, water courses, wetlands, dry runs, rock outcroppings, roads, and other applicabel details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the maps or aerial photograph, U.S.G.S. data shall be indicated, and a north arrow drawn. A location insert map shall be included.

(b) A plot plan including legal description of the site and immediate adjacent area showing dimensions, location of soil borings and 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 areas 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 areas. The scale of the plot plan shall not be greater than 300 feet per inch.

(c) An ultimate land use plan, including intermediate stages, describing all proposed future uses of the land upon which the operation is located. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.

(d) A report indicating:

1. Population and areas expected to be served by the proposed operation.

2. Anticipated type, quantity and source of material to be disposed of at the operation.

3. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the operation, including the high water table. Such data shall be obtained by soil borings or other means approved by the Solid Waste Officer.

4. Source and characteristics of cover material and method of protecting cover material for the winter operation.

5. The type and amount of equipment to be provided at the operation for excavating, earth moving, spreading, compacting and other needs.

6. Area of operation in acres.

7. Owner of operation.

8. Persons responsible for actual operation and maintenance of operation and intended operating procedures.

9. Provision for training a peroidic re-training of operation and maintenance personnel.

10. Information relating to items in Sections 1, 2 and 4 of Agency Regulation SW 6.

11. Provisions for termination of operation.

(e) Evidence that disposal of toxic and hazardous wastes will be conducted in a manner which will prevent the creation of land or water pollution and will safeguard the public health, including complete construction plans and specifications, design data and proposed operating procedures for the area in which disposal of the toxic and hazardous wastes shall take place.

(f) Written proof that the applicable local government has been given at least thirty (30) days written notification of the pendency of the application for a license.

(g) A certificate from the County Board of Commissioners that the use proposed is in accordance with the established County Zoning Ordinance.

Subd. 2. The fill and trench areas of sanitary landfill operations are prohibited within the following areas:

(a) Within "Shoreland".

(b) Within 1,000 feet, at the time of commencement of the operation, of the nearest edge of the right-of-way of any state, federal or interstate highway or the boundary of a public park or of an occupied dwelling. Notwithstanding said distance requirements, an operation shall be considered to comply with this provision if it is screened by natural objects, plantings, fences or other appropriate means so that it is not readily visible from such a highway or park.

(c) Within one mile of a municipal well or one mile of a municipal water intake.

Subd. 3. A sanitary landfill operation shall be constructed, operated and maintained in accordance with the following requirements:

(a) Sanitary facilities adequate for employees shall be available at the site.

(b) Shelter facilities adequate for employees and maintenance and storage for equipment shall be available at the site.

(c) Litter control devices shall be provided at the site.

(d) Electrical service adequate for operations and reparis shall be provided at the site.

(e) Firefighting facilities adequate to insure the safety of employees and adjacent property owners shall be provided.

(f) Emergency first aid equipment adequate to provide treatment for persons injured in accidents while at the site shall be provided at the site.

(g) A potable water supply adequate for employees shall be provided at the site.

(h) Communication facilities adequate for emergency purposes shall be provided at the site.

(i) The operation shall be fenced and a gate shall be provided at its entrance which is kept locked when an attendant is not on duty.

(j) An all weather haul road to the unloading area shall be provided at the site.

(k) Equipment sufficent for spreading, compacting and covering operations, including sufficient reserve equipment or arrangements to immediately provide cover during periods of breakdown, shall be provided at the site.

(l) A sign shall be provided at each entrance of the operation, stating the name of the licensee, the schedule of days and hours upon which the operation is open to the public, the procedures for use of the operation, the Agency permit number, and the penalty for violation of this ordinance.

(m) A ground water and surface water monitoring system acceptable to the Solid Waste Officer and the Agency shall be provided at the expense of the licensee and a report submitted to the Solid Waste Officer and the Agency on a form prescribed by the Agency on a quarterly basis or such more frequent basis as the Agency may prescribe.

(n) Visual screening of the sanitary landfill operation, as approved by the Solid Waste Officer, shall be provided by use of natural objects, trees, plants, seeded soil berms, fences, or other suitable means.

(o) A suitable disposal area shall be provided for individuals who wish to transport and dispose of their own solid waste.

(p) No person shall cause, suffer, allow or permit the open burning of solid waste.

(q) Solid waste shall be deposited in such a manner as to prevent the pollution of ground or surface waters.

(r) Dumpings of solid waste shall be confined to as small an area as practicable and surrounded with appropriate facilities to confine possible wind-blown material within the area. At the conclusion of each day of operation, all wind-blown material resulting from the operation shall be collected and returned to the area by the owner or operator.

(s) Solid Waste shall be compacted as densely as practicable and covered after each day of operation, or as specified by the Agency, with a compacted layer of at least six inches of suitable cover.

(t) Surface water drainage shall be diverted around the landfill operating area.

(u) The disposal operation and the adjacent property line shall be separated by a distance of at least 20 feet.

(v) Flies, rodents, and other insects or vermin shall be effectively controlled.

(w) Salvaging is prohibited on the operating area of a sanitary landfill site. Where salvaging is conducted on a sanitary landfill site, it shall be conducted in a manner acceptable to the Solid Waste Officer.

(x) An attendant shall be on duty at all times while the sanitary landfill is open for public use.

(y) Within one month after final termination of a sanitary landfill operation, or a major part thereof, the area upon which disposal was so terminated shall be covered with at least two feet of compacted earth material and adequately graded to allow surface runoff.

(z) The finished surface of the filled area shall be covered with adequate top soil and seeded with native grasses or other suitable vegetation immediately upon completion, or immediately in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion.

(aa) Prior to completion of a sanitary landfill operation, the Agency and the Solid Waste Officer shall be notified in order that an investigation of the operation may be conducted by each before earth moving equipment is removed from the property.

(bb) Toxic and hazardous wastes shall be disposed of in a sanitary landfill site in accordance with the following procedures or as otherwise designated by the Agency:

(1) A separate area shall be disignated for the disposal of these materials. A permanent sign shall be posted in the area, indicating its disignated use and precautions which shall be taken during disposal.

(2) Disposal shall take place at least ten feet above the ground water level and at least ten feet above bedrock formations. The toxic and hazardous waste disposal areas to be used shall be sealed in a manner acceptable to the Solid Waste Officer prior to disposal.

(3) No toxic and hazardous waste materials shall be accepted for disposal or disposed of in a sanitary landfill having a license under this ordinance unless the material is identified to the satisfaction of the Solid Waste Officer.

(4) Where considered possible by the Solid Waste Officer, toxic and hazardous waste materials shall be neutralized or otherwise made harmless prior to disposal.

(5) Upon disposal of toxic and hazardous wastes, containers and any materials washed from the vehicles transporting the materials shall be immediately covered with at least 18 inches of earth.

(6) Where necessary to prevent land pollution, water pollution, a public nuisance or threat to public health, welfare or safety, the Solid Waste Officer may impose conditions for the disposal of toxic and hazardous wastes within a disposal facility in addition to those specifically established in this ordinance.

Subd. 4. Non-putrescible materials such as brick, stone, sand and similar materials may be disposed of as a base in surface waters at sanitary landfill sites if such disposition can be accomplished without creating a potential for water pollution or land pollution or a threat to the public health, welfare or safety. Any such proposed disposition must be detailed in the permit application and approved by the Solid Waste Officer and the Agency.

Subd 5. Reports describing the types and quantities of waste, including, but not limited to, toxic or hazardous wastes, which are disposed of at this site shall be submitted to the Agency and to the Solid Waste Officer each month, together with other information on the operation of the sanitary landfill.

Subd. 6. A sanitary landfill shall be terminated so as to prevent the creation of air, water or land pollution, a public nuisance, or a threat to the public health, welfare or safety. A sanitary landfill shall be construed to be adequately terminated until a description of the general type and specific location of solid waste materials disposed of on the site, the number, type anddepth of lifts, the original and final surface elevation profiles and other pertinent information have been approved by the Solid Waste Officer and registered with the County Register of Deeds, and until the manner of termination of the site has been approved by the Solid Waste Officer. The notice so filed shall also include a description of the type and location of toxic and hazardous waste materials disposed of on the site, the number of gallons of each kind of such material so disposed, original and final surface elevations and profiles, construction details concerning the disposal pit, pit lining and pit walls, and other pertinent information, as approved by the Solid Waste Officer.

SECTION VII. INCINERATION

All new and existing incinerators having a capacity greater than 6,000 pounds per hour and all incinerators used for the incineration of toxic and hazardous wastes shall be designed, operated, and maintained in accordance with this ordinance and Agency regulations.

Subd. 1. It is unlawful for any person to construct, establish, maintain, or operate an incinerator without first obtaining a license from the County Board for each incinerator so constructed, maintained or operated. The Following information shall be submitted as a part of the application.

(a) A minumum of three (3) sets of construction plans and specifications, folded to 8½ x 11 inch size, prepared by a registered engineer of Minnesota to serve as a basis for construction of facilities adequate to comply with this ordinance and Agency regulations. The construction plans and specifications shall include a plot plan showing land use, zoning, and the location, type and height of all buildings within 500 feet of the proposed installation.

(b) An engineering report including furnace design criteria and expected performance data, the present and future population and area to be served by the incinerator, and the characteristics, quantities and sources of solid waste to be incinerated.

(c) Plans for the disposal of incinerator residue, and emergency disposal of solid waste in the event of major incinerator plant breakdown.

(d) Owner of the incinerator.

(e) Persons responsible for actual operation and maintenance of the plant, intended operating procedures, and provision proposed to be made for periodic training and re-training of operating and maintenance personnel.

(f) Such additional information as may be requested by the Solid Waste Officer.

(g) Written proof that the applicable local government has been given at least thirty (30) days notification of the pendency of the application for a license.

Subd. 2. Incinerators shall be constructed, operated and maintained in accordance with recognized engineering principles and the following requirements.

(a) The incinerator plant shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.

(b) Shelter and sanitary facilities adequate for plant personnel shall be provided at the site.

(c) A permanent sign shall be posted at the entrance of the operation identifying the operation, and showing its agency permit number, and indicating the hours and days when the operation is open for public use. Public access to the operation shall be limited to those times when authorized personnel are on duty.

(d) All incoming solid waste to be incinerated at the operation shall be confined to the unloading area. Adequate holding bin capacity shall be provided to accomodate all incoming solid waste.

(e) Facilities shall be designed to provide for dust control in the unloading and charging areas, and dust control measures shall be employed throughout the operation to prevent avoidable amounts of particulate from becoming airborne.

(f) The incinerator operation shall have weighing facilities available. Permanent records shall be maintained indicating the total weight of materials incinerated, the total quantity or resulting residue, the total hours of incinerator operation, and the means employed for disposal of redisue. These records shall be submitted monthly to the Solid Waste Officer and the Agency in a form prescribed by the Agency.

(g) Fire-fighting equipment, meeting the standards of Underwriters Laboratory, Inc., or such other nationally recognized safety standards as the Solid Waste Officer shall approve, shall be available in the storage and charging areas and elsewhere as needed.

(h) Arrangements shall be made with the local fire protection agency to provide fire-fighting forces in an emergency.

(i) Communication facilities adequate for emergency purposes shall be provided.

(j) Equipment shall be provided in the storage and charging areas and elsewhere as necessary to allow cleaning after each day of operation and to maintain the operation in a sanitary condition.

(k) All equipment throughout the operation, including but not limited to, charging openings shall be provided with safety equipment.

(l) A continuously recording pyrometer shall be provided in order to maintain continuous records of temperature in the combustion chambers. Such records shall be submitted to the Solid Waste Officer on a monthly basis in a form prescribed by the Agency.

(m) All residue removed from the incinerator operation shall be promptly disposed of in a sanitary landfill. Residue containing toxic or hazardous wastes shall be analyzed to determine its chemical composition, identified to the satisfaction of the Solid Waste Officer and disposed of in a toxic pit within the sanitary landfill or as otherwise designated by the Agency.

(n) Performance tests of the plant may be required by the Solid Waste Officer. A report covering the results of the performance tests in such cases shall be prepared by the design engineer of the project and submitted to the Solid Waste Officer with a copy of all supporting data.

(o) Upon completion of the plant and prior to initial operation, the Solid Waste Officer and the Agency shall be notified to allow their personnell to inspect the plant both prior to and during the performance tests.

SECTION VIII. INTERMEDIATE SOLID WASTE DISPOSAL FACILITIES

Subd. 1. No intermediate solid wastedisposal operation shall be constructed, established, maintained or operated unless a license therefor shall have been first obtained from the County Board. Where the location of the proposed operation is consistent with the county solid waste management plan, the County Board shall issue a license for the operation upon its approval of the construction plans and specifications describing the operation proposed to be constructed. A minimum of three sets of said plans and specifications shall be prepared and submitted to the Solid Waste Officer and Agency by a registered professional engineer of Minnesota and shall include design data, ultimate land use plan, and proposed operating procedures. In addition to said plans and specifications, the application for a license shall contain the following information:

(a) Location, size and ownership of land upon which the operation will be situated.

(b) General description of property use in the immediate vicinity of the operation.

(c) Complete construction plans and specifications and proposed operating procedures for the operation.

Subd.2. (An) intermediate solid waste disposal facility shall be constructed, operated and maintained in compliance with the following requirements:

(a) A sign shall be posted on the premises indicating the name of the operation, the days and hours during which it is open to the public, and user charges, if any. The sign shall be approved by the Solid Waste Officer.

(b) Roads on the premises shall be bituminous, concrete or other impervious material acceptable to the Solid Waste Officer.

(c) The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance.

(d) Sanitary facilities and shelter adequate for employees shall be provided on the premises.

(e) Records in a form acceptable to the Solid Waste Officer shall be maintained indicating the type and quantity of solid waste processed by the operation.

(f) The operation shall be so situated, equipped, operated and maintained as to minimize interference with other activities in the area.

(g) All solid waste shall be removed from the operation at the end of each day's activities and the equipment and floor of the operation disinfected.

(h) The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.

(i) All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.

(j) All unloading of solid waste from contribution vehicles shall be conducted in such a manner as to eliminate odor and litter outside the facility.

SECTION IX. LICENSE FEES

Approval of an application to the County Board for a license for a solid waste management facility shall be continegent upon the payment to the county of a license fee in the amount specified below. Such license fees are hereby found to be equal to the cost to the county of processing the license applications and administering and enforcing this ordinance with respect to said licenses. The fees prescribed shall be paid by a license applicant with respect to each facility maintained by him. Solid waste collectors' fees shall be paid annually as a condition for license renewal. Nonpayment of the annual solid waste collector's fee shall be grounds for denial of license renewal. Fees shall be paid to the County Treasurer prior to issuance of licenses. The schedule of license fees shall be as follows:

Type of License	License Fee
Solid waste storage facility	$10.00
Solid waste collection and transportation (annual)	$10.00
Intermediate solid waste disposal facility	$10.00
Sanitary landfill	$10.00
Incinerator	$10.00
Other solid waste management facility	$10.00

SECTION X. RATES AND CHARGES FOR SOLID WASTE MANAGEMENT

Subd. 1. Owners, lessees and occupants of property. Owners, lessess, and occupants of property situated within the county shall pay for solid waste management services to their properties provided by the County or through its contractor, according to the following schedule.

(The County may here establish rates and charges for the provision of services, based on the factors specified in Laws of 1971, Chapter 403, Section 8.)

Subd. 2. Users of Facilities. Users of solid waste management facilities provided by the County, by and through its contractor, who are not owners, lessees, or occupants of property situated within the county shall pay charges for the use of said facilities according to the following schedule.

(The County may here establish rates and charges for the provision of services, based on the factors specified in Laws of 1971, Chapter 403, Section 8.)

Subd. 3. Collection of Charges for Services made Available by the County to Owners, Lessees and Occupants of Property. Owners, lessees and occupants of property shall be billed by the County Treasurer for charges and services made available under Subd. 1 of this section on a monthly basis. The County Treasurer and Solid Waste Officer shall be agreement adopt procedures for collection of such charges. Charges remaining unpaid at the end of a calendar year shall become a lien against the real estate owned by the owner, lessee or occupant which is situated within the County, and may be collected in the same manner as other liens against such real estate, as provided by law.

Subd. 4. Solid Waste Management Fund for Operations Provided by the County. A special account on the official books of the County is hereby created which shall be known as the Solid Waste Management Fund. All receipts from the rates and charges collected pursuant to this ordinance and all receipts from the sale of real or personal property pertaining to

solid waste management systems and the proceeds of all gifts, loans, and issuance of bonds for the purpose of the system shall be credited to the solid waste management fund. All costs of acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, and operation of the solid waste management system and facilities which are owned and operated by the County, but not those owned and operated by its contractor, shall be charged to the Solid Waste Management Fund.

SECTION XI. VARIANCES.

Upon written application by the applicant or operator, the County Board may grant variances from the provisions of this ordinance in order to promote the effective and reasonable application and enforcement of the provisions of this ordinance.

A variance may be granted by the Board after a public hearing where the Board determines that enforcement of this ordinance would cause the applicant undue hardship, or that the ordinance cannot comply with due to technological impossibility or ecomomic unreasonableness. Such a variance shall not be granted for a period in excess of two years, but may be renewed upon application of the applicant and after public hearing. A variance may be revoked by the Board at the public hearing prior to expiration of the variance. An application for a variance shall be accompanied by a plan and time schedule for acheiving compliance with the ordinance. Prior to any public hearing held by the Board under this provision, persons who may be adversely affected by the granting of the proposed variance shall be given at least thirty (30) days notice to said public hearing.

SECTION XII. NONCONFORMING SITES AND FACILITIES.

Solid waste management facilities in existence on the effective date of this ordinance and operation of such facilities shall conform to the provision of this ordinance no later than 60 days after the adoption of the ordinance, or terminate operations no later than that date, unless granted a variance.

SECTION XIII. ADDITIONAL REQUIREMENTS.

For the purpose of protecting the public health, safety and welfare, the County Board may impose additional requirements consistent with the intent of this ordinance for the operation of solid waste management sites or facilities.

SECTION XIV. SEVERABILITY.

It is hereby declared to be the intention of the County Board that the several provisions of this ordinance be severable in accordance with the following:

Subd. 1. If any Court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

Subd. 2. If any Court of competent jurisdication shall adjudge invalid the application of any provision of this ordinance to a particular structure, site, facility or operation, such judgment shall not affect the application of said provision to any other structure, site, facility or operation not specifically included in said jusgment.

SECTION XV. PROVISIONS ARE ACCUMULATIVE.

The provisions of this ordinance are accumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this ordinance.

SECTION XVI. NO CONSENT.

Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate or maintain any site, facility or operation, or to carry on any activity.

SECTION XVII. VIOLATIONS.

Subd. 1. Any person who shall violate or fails, neglects or refuses to comply with the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished therefor as provided by Minnesota law. A separate offense shall be deemed committed upon each separate day during or on which a violation occurs or continues. The County is responsible for the enforcement of this ordinance.

Subd. 2. This ordinance, in addition to other remedies, may be enforced by injunction, action to compel performance or other appropriate action in District Court to prevent, restrain, correct or abate violations.

SECTION XVIII. OTHER ORDINANCES AND REGULATIONS.

Nothing in this ordinance shall preclude any local unit of government from adopting more stricter regulations than this ordinance.

SECTION XIX. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF ROSEAU COUNTY THIS 27th DAY OF June, 1972.

(SEAL)

Albert Kammer
Chairman

June 27, 1972
Date

ATTEST:

Richard C. Bergan
Richard C. Bergan
County Auditor

APPROVED AS TO FORM AND EXECUTION:

Donald E. Shanahan
Donald E. Shanahan
County Attorney