

STEELE COUNTY

SOLID WASTE ORDINANCE

Ordinance #27

TABLE OF CONTENTS

ARTICLE 1 PURPOSE	4
<u>SECTION 1.1 STATEMENT OF PURPOSE</u>	4
ARTICLE 2 DEFINITIONS.....	4
<u>SECTION 2.1 DEFINITION OF TERMS.....</u>	4
ARTICLE 3 RESPONSIBILITIES.....	9
<u>SECTION 3.1 INSPECTION AND COMPLIANCE.....</u>	9
<u>SECTION 3.2 COMPLAINTS/ENFORCEMENT.....</u>	9
<u>SECTION 3.3 PLANNING/LICENSING OF SOLID WASTE FACILITIES AND HAULERS.....</u>	9
<u>SECTION 3.4 PROGRAM ADMINISTRATION.....</u>	9
<u>SECTION 3.5 RECOMMENDATIONS TO COUNTY BOARD.....</u>	10
ARTICLE 4 SERVICE FEES	10
<u>SECTION 4.1 PURPOSE AND AUTHORITY</u>	10
<u>SECTION 4.2 RATES AND CHARGES.....</u>	10
<u>SECTION 4.3 REVISION AND COLLECTION.....</u>	10
<u>SECTION 4.4 UNPAID SERVICE FEES.....</u>	11
<u>SECTION 4.5 APPEALS.....</u>	11
ARTICLE 5 SOLID WASTE STORAGE.....	11
<u>SECTION 5.1 SOLID WASTE ACCUMULATION.....</u>	11
<u>SECTION 5.2 STORAGE CONTAINERS.....</u>	12
<u>SECTION 5.3 CONTAINER SET-OUT LOCATIONS AND DURATION.....</u>	12
<u>SECTION 5.4 REPORTING RESPONSIBILITIES.....</u>	12
ARTICLE 6 DISPOSAL REQUIREMENTS	12
<u>SECTION 6.1 GENERAL DISPOSAL REQUIREMENTS.....</u>	12
<u>SECTION 6.2 ADDITIONAL REQUIREMENTS.....</u>	13
ARTICLE 7 HAULING OF SOLID WASTE.....	13
<u>SECTION 7.1 GENERAL OPERATING AND EQUIPMENT STANDARDS.....</u>	13
<u>SECTION 7.2 LICENSING REQUIREMENTS FOR COLLECTION OF SOLID WASTE.....</u>	14
<u>SECTION 7.3 COLLECTION AND TRANSPORTATION FEES.....</u>	15
<u>SECTION 7.4 MUNICIPAL LICENSING.....</u>	15
ARTICLE 8 LICENSING OF SOLID WASTE FACILITIES.....	15
<u>SECTION 8.1 FACILITIES COVERED.....</u>	15
<u>SECTION 8.2 FACILITIES EXEMPTED FROM LICENSING REQUIREMENTS.....</u>	15
<u>SECTION 8.3 GENERAL LICENSING REQUIREMENTS/PROCEDURES.....</u>	16
<u>SECTION 8.4 FACILITY LICENSE APPLICATION AND GENERAL REQUIREMENTS.....</u>	18
<u>SECTIONS 8.501 - 8.510.....</u>	19
ARTICLE 9 SPECIAL WASTES	20
<u>SECTION 9.101 YARD WASTES.....</u>	20
<u>SECTION 9.102 DEMOLITION WASTES.....</u>	20
<u>SECTION 9.103 WASTE TIRES.....</u>	20
<u>SECTION 9.104 HOUSEHOLD HAZARDOUS WASTE.....</u>	21
<u>SECTION 9.105 APPLIANCES.....</u>	22
<u>SECTION 9.106 INFECTIOUS WASTES.....</u>	22
<u>SECTION 9.107 INDUSTRIAL WASTE.....</u>	23
<u>SECTION 9.108 BATTERIES.....</u>	23
<u>SECTION 9.109 USED AUTOMOTIVE FLUIDS AND FILTERS.....</u>	23

SECTION 9.110 MERCURY.....	24
SECTION 9.111 OTHER SPECIAL WASTES	24
SECTION 9.112 ADDITIONAL WASTES.....	24
ARTICLE 10 ENFORCEMENT.....	24
SECTION 10.1 ENFORCEMENT AUTHORITY.....	24
SECTION 10.2 PENALTIES	24
SECTION 10.3 EQUITABLE RELIEF.....	25
SECTION 10.4 CITATION.....	25
SECTION 10.5 COUNTY INSPECTION.....	25
SECTION 10.6 CIVIL ACTION OR COST AS SPECIAL TAX.....	26
SECTION 10.7 UNPAID CHARGES.....	26
SECTION 10.8 SUSPENSION AND REVOCATION.....	26
SECTION 10.9 OTHER ORDINANCES, LAWS, AND REGULATIONS.....	27
ARTICLE 11 ADDITIONAL REQUIREMENTS	27
SECTION 11.1 ADDITIONAL REQUIREMENTS	27
ARTICLE 12 SEVERABILITY AND EFFECTIVE DATE.....	27
SECTION 12.1 SEVERABILITY.....	27
SECTION 12.2 REPEALER	27
SECTION 12.3 EFFECTIVE DATE.....	28

ARTICLE 1 PURPOSE

SECTION 1.1 STATEMENT OF PURPOSE

This Ordinance regulates the storage, transportation, processing, and disposal of solid waste materials in Steele County. If a local requirement is more restrictive than the requirement found in this Ordinance, the local requirement will supersede the County requirement. This document has been adopted by the Steele County Board of Commissioners to protect the public's health and prevent nuisance; to protect air, surface and ground water resources; and to regulate the number, location, and operation of solid waste facilities in order to protect the public's health, safety, and general welfare; and to supplement and support Steele County and the State of Minnesota's control over solid waste management activities.

ARTICLE 2 DEFINITIONS

SECTION 2.1 DEFINITION OF TERMS

Agency- The Minnesota Pollution Control Agency, it's agent, or it's representative.

Appliance- Some examples are, but not limited to: clothes washers and dryers, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.

Canister System- A facility, usually to serve the public, where solid waste is deposited in mechanically serviced containers as an intermediate step of congregating municipal solid waste from several properties for periodic removal of the accumulated waste by a Commercial Hauler. Containers handle no more than 20 cubic yards of solid waste and are of a temporary and portable nature.

Commercial Hauler- Any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste and/or source separated materials from residential, commercial, or industrial properties.

Compost Facility- A site used to compost or co-compost solid and organic 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.

Compost- The controlled microbial degradation of organic waste to yield humus-like product.

County- Steele County, Minnesota or any representative thereof who is authorized by this Ordinance or otherwise by the County Board to represent Steele County in the administration or enforcement of the Ordinance.

County Board- The elected officers comprising the Steele County Board of Commissioners.

Cover Material- Material approved by the Agency and the Steele County Environmental Services Department that is used to cover compacted solid waste at a disposal site.

Demolition Land Disposal Facility- The area of land used for the disposal of demolition waste.

Demolition Waste- Solid waste resulting from the demolition of buildings, roads, and other man made structures. This is limited to concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, plastic, building parts, or such other materials approved by the Board of Commissioners. Demolition waste does not include friable asbestos waste.

Disposal- 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 discharge into any waters, including ground waters.

Facility- All contiguous land, structures, monitoring devices, and other improvements on the land used for monitoring, processing, storing, or disposing of solid waste, leachate, or residuals from solid waste processing.

Farm- A parcel of land located in an Agricultural Zoning District as defined by the Steele County Zoning Ordinance that is at least thirty-five (35) acres in sized used for the production, keeping and maintenance, for sale, lease or personal use, of plants and animals useful to humans.

Fire Marshall- The State Fire Marshall or the Chief of the Fire Department in a municipality that has adopted the Uniform Fire Code of the State of Minnesota.

Floodplain- The areas adjoining a watercourse which has been or thereafter may be covered by a regional flood.

Garbage- Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Ground Water- The water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether confined, unconfined, or perched conditions in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. The term groundwater shall be synonymous with underground water.

Hauler- A person or firm transporting solid waste and/or source separated materials.

Hazardous Waste- Any refuse, sludge, or other waste material or combination of in a solid, semi-solid, liquid, or contained gaseous form which because of it's quantity, concentration, 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, disposed of, or otherwise managed. Categories of hazardous waste material include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste material as defined by the Atomic Energy Act of 1954, as amended.

Incineration- The process of burning wastes for the purpose of volume and weight reduction in facilities designed for such use.

Industrial Solid Waste- All solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishment. Industrial waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

Junk/Salvage Yard- Land or buildings where solid waste, discarded or salvaged materials are brought, purchased, sold, recharged, stored, cleaned, packed, disassembled, or handled, including but not limited to: scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles. Junk/salvage yards are regulated by the Steele County Zoning Ordinance. The storage of (3) or more inoperative and/or unlicensed motor vehicles for a period in excess of three (3) months shall also be considered a junk/salvage yard. This shall exclude recycling facilities.

Leachate- Liquid that has percolated through solid waste and may have extracted dissolved or suspended materials in it.

License- Express written permission as granted by the County Board to engage in solid waste management activities.

Licensee- A person who has been issued a license by the County Board for solid waste management purposes pursuant to this ordinance.

Mixed Municipal Solid Waste- Garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator aggregates for collection. This does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludge, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials, collected, processed, and disposed of as separate waste streams.

Mixed Municipal Solid Waste Land Disposal Facility- A sanitary landfill used for the disposal of mixed municipal solid waste or on the land.

Municipality- A city, village, borough, county, town, sanitary district, school district, or other governmental subdivision or public corporation, or agency created by the legislature.

Nuisance- A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

Open Burning- The burning of any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.

Operator- The person responsible for the overall operation of a facility.

Person- Any individual, corporation, partnership, joint-venture, association, trust, unincorporated association or government or any agency or political subdivision thereof, including without

limitation, landfill operators, solid waste generators, and haulers in the County.

Pollutant- Any sewage, industrial waste, or mixed municipal solid waste that may be illegally discharged into the environment.

Putrescible Material- Solid waste which is capable of being rotten, or which may reach a foul state of decay or decomposition.

Recycling Facility-A site used to separate, process, modify, convert, or otherwise prepare solid waste so that component materials or substances may be beneficially reused as raw materials.

Refuse- Putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, market and/or industrial solid wastes, and municipal treatment wastes which do not contain free moisture.

Rubbish- Non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

Sanitary Landfill- A land disposal facility employing any engineering method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste into the smallest practical volume, and applying cover material at the end of each operating day, or at intervals as may be required by the Agency.

Scavenging- The uncontrolled removal of solid waste materials, including recyclables, from a permitted solid waste disposal facility.

Sewage Sludge- The solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Shoreland- 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 water mark of a lake, pond, reservoir, impoundment or flowage; and
- B) Land within 300 feet of a river or stream or the landward side of flood plain delineated by Ordinance on such a river or stream, which ever is greater.

Sludge- Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air contaminant treatment facility or any other waste having similar characteristics and effects.

Solid Waste- Garbage, refuse, demolition waste, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities. It does not include hazardous waste, animal waste used

as fertilizer, earthen fill, boulders, rock, sewage sludge, solids, or dissolved material in domestic sewage or resources, such as silt. It does not include dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Waste Pollution Control Act, as amended. It also does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Solid Waste Collection- The gathering of solid waste from public or private places.

Solid Waste Facility- All property real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste. It includes but is not limited to the storage, collection, transportation, processing and reuse, conversion, or disposal of solid waste in an safe and environmentally sound manner.

Solid Waste Management- Activities which provide for or control the collection, transportation, processing, and disposal of waste.

Solid Waste Management Plan- The Solid Waste Management Plan for Steele County, Minnesota.

Solid Waste Storage- The holding of solid waste near the point of generation.

Solid Waste Transportation- The conveying of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyor, or other means.

Solid Waste Materials- Materials that are separated from Solid Waste by the generator and recovered for reuse in their original form or for use in manufacturing processes.

Tire- A pneumatic tire or solid tire for motor vehicles as defined in Minnesota Statute 169.01.

Tire Processing- Production or manufacturing of usable materials, including fuel, from waste tires including necessary incidental temporary storage activity.

Transfer Station- A facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer facility may be fixed or mobile.

Unacceptable Waste- Solid waste which does not have collection, processing, or disposal capabilities within Steele County. Such waste includes, but is not limited to: explosives; hospital, pathological, and biological waste; commercial and industrial hazardous waste, as regulated by federal, state, and local law; and chemicals and radioactive materials.

Waste Tire- A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

Waste Tire Storage Facility- A facility permitted by the Agency to store up to 500,000 waste passenger tires or the equivalent weight of other waste tires.

Waste Tire Processing Facility- A licensed waste facility used for the shredding, slicing, producing, or manufacturing usable materials from waste tires, and may include temporary storage activity at the facility. Processing does not include the retreading of waste tires.

Wetland- A natural marsh where water stands near, at, or above the soil surface during a significant portion of years, and which is eligible for classification as an inland fresh water wetland type 3, 4 or 5 under U.S. Department of Interior classifications.

Yard Waste- The garden wastes, leaves, lawn cuttings, weeds, and prunings generated at residential or commercial properties.

ARTICLE 3 RESPONSIBILITIES

SECTION 3.1 INSPECTION AND COMPLIANCE

It will be the responsibility of the Steele County Environmental Services Department to inspect solid waste storage, transportation, disposal activities, equipment and facilities in the County to ensure that the requirements established in this ordinance are being met. Environmental Services staff will perform the necessary enforcement activities if these requirements are not met.

SECTION 3.2 COMPLAINTS/ENFORCEMENT

It will be the responsibility of the Environmental Services staff to receive complaints from County residents regarding solid waste issues. Environmental Services staff will investigate these complaints and perform the necessary enforcement activities, including recommendations to the County Attorney that legal proceedings be initiated against a person or group of persons to compel compliance.

SECTION 3.3 PLANNING/LICENSING OF SOLID WASTE FACILITIES AND HAULERS

- A) It will be the responsibility of the Environmental Services staff to perform or oversee solid waste planning activities. This planning will involve all aspects of Waste Management that takes place within the County.
- B) It will be the responsibility of Environmental Services staff to perform or oversee work to license Commercial Haulers under this Ordinance.
- C) It will be the responsibility of Environmental Services staff to perform or oversee work to meet Agency requirements to license Municipal Solid Waste (MSW) facilities.

SECTION 3.4 PROGRAM ADMINISTRATION

- A) It will be the responsibility of Environmental Services staff to administer the County solid waste program. These programs encompass the following activities: recycling, yard waste composting, landfill arrangements, household hazardous waste management, waste education, and Commercial Hauler licensing.
- B) It will also be the responsibility of the Environmental Services staff to conduct studies, investigations, and research relating to solid waste management.

SECTION 3.5 RECOMMENDATIONS TO COUNTY BOARD

It will be the responsibility of Environmental Services to provide recommendations to the Board regarding the following: planning issues, facility development, solid waste program development, budgeting allocation, licensing, and vendor selection.

ARTICLE 4 SERVICE FEES

SECTION 4.1 PURPOSE AND AUTHORITY

State law requires that all Greater Minnesota counties recycle at least thirty (30) percent of their solid waste streams. Steele County imposes a service charge on all residential property owners in the County to raise funds for programs which will help Steele County meet this State mandated goal. Steele County has the authority to establish and collect this service fee under Chapter 400.08 of the Minnesota Statutes. The opportunity to recycle and/or participate in other waste abatement activities is provided to all residents in Steele County.

SECTION 4.2 RATES AND CHARGES

- A) Owners of real and personal (mobile home) property shall pay a fee for waste management services to be provided by the County or by persons under contract with the County.
- B) The County Board shall set charges by resolution.

SECTION 4.3 REVISION AND COLLECTION

The County Board may by resolution revise the rates and charges, when deemed advisable. Charges/fees must be certified by the County Board to the County Auditor during the tax year prior to the tax year in which those charges/fees are adopted and collected.

SECTION 4.4 UNPAID SERVICE FEES

On or before October 15 of each year, the County Board shall certify to the County Auditor all unpaid outstanding charges for services hereunder, along with annually assessed solid waste service fees and a statement of the description of the lands which were serviced and against which the charges arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the annual service fees and any assessments with interest upon the tax rolls of the County for the taxes of the year in which the assessment is filled. For each year ending October 15 the assessment with interest, shall be carried into the tax becoming due and payable in January of the following year, and shall be subject to enforcement and collection of real property taxes in accordance with the provisions of the law of the State. All charges herein, if not paid, shall become delinquent and shall be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State.

SECTION 4.5 APPEALS

Any property owner who believes that the service fee imposed upon his or her property is incorrect may appeal that fee. To do so the property owner must obtain and complete a service fee abatement request form available in the Environmental Services office. Environmental Services staff will send the completed form to the County Assessor who will review the request and, if necessary, inspect the property. If the request for abatement is justified by the Assessor's office, the property owner will be reimbursed for the excess service charge through the Environmental Services office. If the abatement request is not justified, the property owner will receive a written denial of the request from the Environmental Services office.

ARTICLE 5 SOLID WASTE STORAGE

SECTION 5.1 SOLID WASTE ACCUMULATION

Except as otherwise allowed by this ordinance, owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulations. This includes removal of: animal feces, animal carcasses, brush piles, inoperable machines, appliances, fixtures, and equipment of damaged, deteriorated or obsolete condition as to have no substantial value; lumber piles and building materials unless being actively used by a business or construction requiring the use of such materials; tin cans, broken glass, broken furniture, boxes, crates, and other debris; any other form of mixed municipal solid waste. Nothing in this section is designed to restrict the commonly accepted activities of farms and junk/salvage yard operations and duly established and licensed automobile, scrap iron, and metal recyclers and salvage operations.

SECTION 5.2 STORAGE CONTAINERS

- A) Every property shall be supplied with adequate municipal solid waste (MSW) storage containers. These containers shall be provided by the owner of the property or by contract with a Commercial Hauler. The owner of the property will use such containers for MSW storage. If the property owner does not occupy the property, he or she will cause the occupant or tenant to use such containers for MSW storage.
- B) All MSW storage containers shall be of sound construction resistant to insect or animal entry. Containers will be constructed with rust and impact resistant materials and will be equipped with tight-fitting covers. The property owner is responsible for maintaining containers in a neat, clean, sanitary, and leak-resistant condition; if the container is supplied by a Commercial Hauler, the Commercial Hauler has this maintenance responsibility.
- C) The owner of a property will cause the contents of all MSW containers to be removed for disposal no less frequently than once every two weeks. Non-putrescible source-separated recyclable waste materials may be stored without collection for greater than two weeks.

SECTION 5.3 CONTAINER SET-OUT LOCATIONS AND DURATION

If the location of storage is different than the location of set-out for collection, containers may not be set out for collection for more than 24 hours.

SECTION 5.4 REPORTING RESPONSIBILITIES

Any Commercial Hauler finding or observing a solid waste container or containers not in compliance as established in this ordinance must report the violation to the Steele County Environmental Services Department.

ARTICLE 6 DISPOSAL REQUIREMENTS

SECTION 6.1 GENERAL DISPOSAL REQUIREMENTS

- A) No person shall use, cause, or allow land or property under his or her ownership and/or control to be used for solid waste disposal purposes except at operations for which a license for disposal has been granted by the County Board. This requirement does not apply for disposal of waste characterized as municipal solid waste on farms, provide that 1) the solid waste is generated on the farm where the disposal takes place, 2) the disposal practices are consistent with Minnesota Statutes 17.135, 3) disposal is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming, and 4) the farm does not have regularly scheduled collection service reasonably available as determined by the County Board.

- B) All disposal of solid waste must be in accordance with applicable Agency Rules. No person may dispose of a waste in an area or at a facility that is not licensed for accepting that waste.

SECTION 6.2 ADDITIONAL REQUIREMENTS

- A) Yard waste cannot be disposed of in a land disposal or MSW processing (except composting) facilities. Yard waste cannot be deposited at a transfer station unless there is a licensed compost area at the facility or the material will be transferred to a licensed yard waste composting facility.
- B) Lead acid batteries may not be disposed of in the MSW stream. Used lead acid batteries must be accepted by retailers who sell new lead acid batteries (see article 9, section 8).
- C) Dry cell batteries containing mercuric oxide, silver oxide, or nickel cadmium are recyclable and may not be disposed of in the MSW stream.
- D) Businesses may not dispose of automotive fluids or filters at any MSW processing or land disposal facility. Automotive fluids include the following: motor oil, brake fluid, power steering fluid, transmission fluid, antifreeze and motor oil filters. Residents may not dispose of these fluids or filters in the MSW stream.
- E) Appliances may not be disposed of at land disposal facilities.
- F) Businesses or residents may not dispose of fluorescent bulbs at any MSW processing or land disposal facility.
- G) Dumping any pollutant or disposing of any waste in a location other than it's proper destination as laid out in this Ordinance shall be prohibited. Violators may be subject to civil and criminal penalties.
- H) Scavenging from any solid waste disposal or recycling facility is prohibited.
- I) Additional special waste identified by State Statute or Agency rules may be subject to further regulation by the Steele County Board.

ARTICLE 7 HAULING OF SOLID WASTE

SECTION 7.1 GENERAL OPERATING AND EQUIPMENT STANDARDS

- A) 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 hauler or solid waste transporter. Spillage that cannot be immediately and completely picked up must be reported to the Steele County Environmental Services Department.

- B) All vehicles or containers which are used to haul solid waste on a regular basis must be kept reasonably clean and free of residues of the waste material so as to minimize problems associated with odors, animals, and insects.
- C) No one shall collect or transport solid waste that is smoking, smoldering, or burning, except in a container designed and approved by the Fire Marshall and the Environmental Services Department for that purpose.
- D) Solid waste may not be stored in any type of collection or transportation vehicle for a period of more than 72 hours. Non-Putrescible source-separated recyclable materials may be stored in collection or transportation vehicles for more than 72 hours.

SECTION 7.2 LICENSING REQUIREMENTS FOR COLLECTION OF SOLID WASTE

- A) No person shall provide solid waste collection and transportation service without being licensed by the Steele County Board of Commissioners. The following are exempt from this requirement: A) any persons hauling solid waste but not charging a fee for that service, and B) any person hauling solid waste generated outside Steele County to a facility outside Steele County.
- B) All relevant Minnesota Department of Transportation (MnDOT) and Minnesota Department of Health (MDH) requirements regarding equipment, operations, and inspection and all applicable local, state, and federal regulations must be met.
- C) The Steele County operating license for solid waste collection and hauling shall be issued on an annual basis. Applications for such a license will be on a form provided by the County Board and submitted to the Steele County Environmental Services Department. The application must be accompanied by a bond in the amount set by resolution by the County Board and payable to the County, conditioned upon compliance with the provisions of the Ordinance. The application must also be accompanied by a certificate of bodily injury insurance and liability insurance in such amounts as are annually set by the County Board.
- D) Issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant paying the annual renewal fee for that license in the amount set by the County Board by resolution.
- E) At a minimum, information required by the Environmental Services Department for issuance of a license shall be: number of vehicles that will be operating under this permit, number of clients expected to be served, area of operation, final destination of refuse, and estimated volume of solid waste to be hauled.
- F) Renewal of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant submitting any information required in the license application that has changed since the previous submittal or such additional information as may be required by the Environmental Services Department.

SECTION 7.3 COLLECTION AND TRANSPORTATION FEES

- A) Commercial Haulers must offer volume or weight based rates to all customers including residential customers. These rates must accurately reflect volume or weight based cost differentials to haulers for their disposal tip fee costs.
- B) Commercial Haulers must not impose greater charges on residents who recycle than on those who do not recycle.

SECTION 7.4 MUNICIPAL LICENSING

- A) Municipalities or Townships within the County that contract with mixed municipal solid waste collection must contract only with a refuse collector who is licensed by the County or that governing municipality.
- B) Haulers and Industrial Recycling haulers licensed by municipalities in the County may submit a copy or copies of those municipal licenses to the Department. Haulers having municipal licenses shall complete the County license application for license from the Department. Haulers having municipal licenses will be exempted from the County licensing fees.

ARTICLE 8 LICENSING OF SOLID WASTE FACILITIES

SECTION 8.1 FACILITIES COVERED

No one may operate one or more of the following types of facilities except as licensed by Steele County:

- Land Disposal Facilities (Municipal Solid Waste, Demolition Waste, or Industrial Solid Waste)
- MSW Processing Facilities (Waste Combusters, Compost Facilities, Refuse Derived Fuel Facilities)
- Transfer Stations and Canister Systems
- Recycling Facilities
- Household Hazardous Waste Temporary Storage Facilities
- Waste Tire Transfer and Storage Facilities
- Waste Tire Processing Facilities
- Yard Waste Composting Sites

SECTION 8.2 FACILITIES EXEMPTED FROM LICENSING REQUIREMENTS

- A) The County Board may, by resolution, waive any of the license requirements established in this ordinance for publicly owned facilities. Facilities meeting the following requirements are exempted from the licensing requirements of this ordinance:

- Any facility that does not charge a fee for its services or that provides service at no cost to the generator of the waste.
- A demolition debris land disposal facility designed for less than 15,000 cubic yards total capacity and operating less than a total of twelve (12) consecutive months, not located adjacent to another demolition debris land disposal permit-by-rule facility, and in compliance with MN Rules parts 7035.2525 to 7035.2655, 7035.2825, and 7035.2855.
- Disposal of solid waste in or on a farm property does not require Steele County licensing provided that: 1) the solid waste is generated on the farm where the disposal takes place, 2) the disposal practices are consistent with Minnesota Statutes 17.135, 3) disposal is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming, and 4) the farm does not have regularly scheduled collection service reasonably available as determined by the County Board.
- Waste combustors with a rated heat input of less than 2,250,000 Btu/hr.

B) Junk/Salvage yards are regulated by the Steele County Zoning Ordinance and or the appropriate City Zoning Ordinance, as well as applicable Minnesota Pollution Control Agency (MPCA) rules.

SECTION 8.3 GENERAL LICENSING REQUIREMENTS/PROCEDURES

- A) All agency permit requirements must be met before any waste management facility may be licensed by Steele County. All technical design and operating standards established in Agency rules will apply for Steele County licensing review and approval except where requirements as established in this Ordinance are more restrictive than those in the Agency rules. Proposers of municipal solid waste facility projects must secure Steele County and/or local zoning approval before submitting permit applications to the Agency.
- B) Issuance or renewal 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 by resolution. This bond shall name Steele 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 licensee fails to comply with any requirements or fails to perform any of the acts required of an operation or ceases to operate 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 County for any and all expenses incurred by the County to remedy failure of the licensee to comply with the terms of this ordinance, and the bond holder and its sureties shall indemnify and hold the County harmless from all losses, charges that may occur to the bond holder or its sureties because of any default of the licensee under the terms of the bond to operate in compliance with the terms of the ordinances of the County.
- C) Issuance or renewal of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant securing insurance and furnishing to the County a copy of a certificate therefor, the following types of insurance issued to the licensee by insurers duly licensed within the State of Minnesota and in an amount to be set by the County

Board: general liability including, but not limited to bodily injury, property damage, motor vehicle, or other insurance such as Worker's Compensation, required by State and County Law.

- D) Issuance or renewal of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant paying the annual renewal fee for the license in the amount set by the County Board by resolution.
- E) Renewal of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant submitting any information required in the license application that has changed since the previous submittal or such additional information as may be required by the Environmental Services Department.
- F) Any license granted by the County Board under the provisions of this ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this Ordinance, or applicable State laws or rules.
- G) The notice of suspension shall be deemed adequately served whenever it is served upon the licensee personally or by leaving the same at the licensed premises with the persons in charge thereof or by registered mail. A copy of the notice of suspension shall be provided to the County Board. The County Board shall remove the license suspension only upon presentation of evidence acceptable to the County Board that the conditions that were cited as cause for suspension have been fully corrected.
- H) Any solid waste facility 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 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 thirty (30) 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 the provisions of the license, this Ordinance, State laws or State rules, the County Board may revoke the license or continue such suspension until the licensee has demonstrated that full compliance with the rules has been attained and that such compliance will be continued in the foreseeable future.
- I) Routine inspection and evaluation of an operation shall be made by the Environmental Services Department at such frequency as to ensure 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 deficiency, recommendations for the correction thereof, and the date the corrections shall be accomplished. Copies of said report(s) shall be furnished by the County. The licensee shall allow authorized representatives of the County or the Agency access to the facility at any time for purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, and any other applicable statutes, ordinances or rules.

SECTION 8.4 FACILITY LICENSE APPLICATION AND GENERAL REQUIREMENTS

- A) An applicant for licensure of a solid waste facility must submit three (3) copies of the solid waste facility license application documents to the Environmental Services Department.
- B) Along with the Agency permit application, the proposer must submit the following items to the Environmental Services Department:
- Name and address of the project proposer and site selected for the proposed project.
 - Geographic area and population to be serviced by the proposed project.
 - A description of the process and expected life of the facility.
 - The anticipated type, quantity, and source of materials to be handled in the proposed facility.
 - A description of the residues or waste discharges from the proposed facility and the environmental safeguards which will be incorporated into the project.
 - The anticipated hours of operation of the proposed facility and the resulting truck traffic.
 - A description of the adequacy of existing roadways to support the proposed facility.
 - A description of the availability (or lack thereof) of similar facilities in the County or region and how the proposed facility will be compatible with the County Solid Waste Management Plan.
 - Such additional information as may be required by the Environmental Services Department.
 - An operating schedule.
 - A schedule of fees to be charged at the facility.
 - A notarized affidavit, signed by the proposer, stating that the applicable local governments have been given at least thirty (30) days notice of the application for the facility license.
 - A certificate from the County Zoning or relevant City Administrator that the proposed facility land use is in accordance with the established County or City Zoning Ordinance.
 - Sufficient documentation to enable the County Board to determine whether the application is financially and operationally capable to properly process the projected waste types and amounts in the proposed facility.
 - Such additional information as may be required by the Environmental Services Department.
- C) After receipt of an application, the Environmental Services Department shall review the information and give their non-binding recommendation to the County Board concerning whether a license should be issued.
- D) A public hearing before the County Board may be required prior to the issuance of a license for a solid waste facility. Evidence may be adduced in a manner consistent with rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. All books, records, files and correspondence of the County Board and

Environmental Services Department pertaining to the application shall be made for public inspection.

- E) Notice of the time, place, and proposed project shall be given by publication in the official newspaper of the County at least ten (10) days before the hearing. Written notice shall be sent to property owners of record within one-quarter mile of the project site, or to the ten properties nearest to the project site, whichever would provide notice to the greatest number of property owners. Written notice shall also be given to the board of town supervisors where the site is located, and the municipal council of any municipality and/or town of supervisors of another township within two miles of the proposed project site.
- F) The County Board shall refuse to issue a license for any facility that does not comply with the County Ordinance, State laws and rules, or the County's Solid Waste Management Plan as provided for in Minnesota Statutes. If the County Board makes a negative determination, the applicant shall be notified in writing of the reasons for such a determination. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the applicant's right to file a further final application after revisions are made to satisfy objections specified as reasons for the denial.

SECTIONS 8.501 - 8.510

In the following sections, all of the applicable Minnesota Pollution Control Agency's rules, guidelines and procedures must be met before Steele County can grant license approval.

Section 8.501 Specific License Requirements for Land Disposal Facilities

Section 8.502 Specific License Requirements for Waste Combustors

Section 8.503 Specific License Requirements for MSW Compost Facilities

Section 8.504 Specific License Requirements for Refuse Derived Fuel (RDF) Facilities

Section 8.505 Specific License Requirements for Transfer Stations and Canister Stations

Section 8.506 Specific License Requirements for Recycling Facilities

Section 8.507 Specific License Requirements for Household Hazardous Waster
Temporary Storage Facilities

Section 8.508 Specific License Requirements for Waste Tire Transfer and Storage
Facilities

Section 8.509 Specific License Requirements for Waste Tire Processing Facilities

Section 8.510 Specific License Requirements for Yard Waste Composting Facilities

ARTICLE 9 SPECIAL WASTES

SECTION 9.101 YARD WASTES

- A) Yard waste may not be disposed of at municipal solid waste (MSW) disposal or processing facilities unless those facilities have designated yard waste compost areas which have been licensed by Steele County.
- B) License and operating requirements for yard waste composting sites are established in Section 8.3 through Section 8.4 and Section 8.510.
- C) Yard waste composting sites at which a fee is not charged do not have to be licensed by the County. However, the following requirements must be met:
 - Compost sites must be maintained in an orderly and nuisance-free manner.
 - Compost piles must be turned in a regular manner so as to avoid odor problems.
 - A compost pile may not be located less than five feet from a property line of the property upon which the compost pile is operated. A compost pile may not be located closer to the primary residential structure of a neighboring property than to the primary residential structure of the property upon which the compost pile is operated.

SECTION 9.102 DEMOLITION WASTES

Licensing, design, and operating requirements for Demolition Land Disposal Facilities are established in Section 8.3 through Section 8.4.

SECTION 9.103 WASTE TIRES

- A) All storage, transportation, and processing of waste tires in the County must comply with Agency requirements. License requirements for waste tire transfer and storage facilities are found in Section 8.3 through Section 8.4 and Section 8.508. License requirements for tire processing facilities are found in Section 8.3 through Section 8.4 and Section 8.509.
- B) Tires may not be disposed of in land disposal facilities.
- C) Retailers generating more than one hundred (100) waste tires per year must keep logs of amounts of tires generated and method used to dispose of those tires. Logs must be periodically submitted to the Agency for review.
- D) All properties being used to store more than twenty-five (25) used passenger tires (or the equivalent weight of other used tires) must have a license with the following exemptions:
 - Tire retail businesses which store no more than five hundred (500) waste tires on the business premises.
 - Retreading businesses which store no more than three thousand (3,000) waste tires on the business premises.

- Businesses which routinely remove tires which store no more than five hundred (500) tires on the business premises.
 - Agency-permitted sanitary land disposal or transfer stations at which no more than ten thousand (10,000) waste tires are stored.
 - A person using waste tires on an agricultural site for legitimate agricultural purposes. (Any tires stored as part of an agricultural operation must be sliced to prevent collection of water or be stored in an enclosed structure.)
- E) Any person who transports waste tires for hire is required to have an Agency Waste Tire Identification Number that authorizes him or her to perform this service. Such a transporter must submit quarterly reports to the Agency documenting quantity, source, and disposal point of all tire loads. The following are exempt from the requirements to have an Agency Identification Number and to submit quarterly reports:
- An MSW and/or recyclable material hauler transporting incidental quantities of waste tires.
 - A person transporting twenty-five (25) or fewer waste tires.
 - A person transporting tire-derived products to a market.
 - A person transporting waste tires for agricultural purposes.
 - A business that generates and transports its own waste tires.
- F) No more than twenty-five (25) waste tires may be stored on a non-farm residential lot. These tires must be stored in an enclosed structure.
- G) A business not directly related to tire sales or tire retreading may not store more than one hundred (100) waste tires on the business premises.
- H) The owner of a property which is in violation of the terms of this section must bring the property into compliance within one year of the effective date of this Ordinance.
- I) Waste tires shall not be stored within one thousand (1,000) feet of intermittent or permanent wetlands, streams, ponds, and lakes including shoreland and floodplains. Waste tires shall not be stored within one thousand (1,000) feet of wooded acres and other areas in which trees, tree stumps, and brush are located, which could harbor mosquito populations.
- J) Waste tires shall be stored as to minimize the accumulation of stagnant water.
- K) Surface water drainage shall be diverted around and away from waste tire storage areas.

SECTION 9.104 HOUSEHOLD HAZARDOUS WASTE

- A) License requirements for household hazardous waste temporary storage facilities are found in Section 8.3 through 8.4 and Section 8.507.
- B) In accordance with Minnesota Statutes 1988, section 116.07, subdivision 4k, the owner of a MSW disposal or processing facility must generate a management plan for the separation of household hazardous waste from MSW prior to disposal or processing and for the proper disposal of the waste. The agency will not grant or renew a permit for a

facility which has not submitted a household hazardous waste management plan. This plan must include:

- Participation in public education activities on household hazardous waste entering the facility.
 - A strategy for reduction of household hazardous waste entering the facility.
 - A plan for the storage and disposal of separated household hazardous waste.
- C) Any person who disposes of hazardous waste by placing it for pick up in a receptacle designated for other waste violates this Ordinance. Disposal of hazardous waste by placing it in or on public or private lands, shorelands, roadways or waters is prohibited by this Ordinance. It is also prohibited for a generator to relinquish control of a hazardous waste to a person or firm who is not authorized by the Environmental Protection Agency or authorized State Agency to transport, treat, store, or dispose of a Hazardous Waste.
- D) Any person who generates a hazardous waste that spills, leaks, or otherwise escapes from a container, tank, or other containment system shall recover the hazardous waste as rapidly and as thoroughly as possible and shall immediately take other action as may be reasonably possible to protect human life and health, and minimize or abate pollution of the water, air, and land.
- E) No person may knowingly transport hazardous waste unless they are properly licensed and the vehicle is properly placard, other than persons hauling their own household generated hazardous waste to a storage or disposal facility.

SECTION 9.105 APPLIANCES

- A) All handling, management, and processing of appliances must be in accordance with Agency rules and other provisions of this Ordinance.
- B) A person may not place appliances in mixed municipal waste or dispose of them in a MSW processing or disposal facility.
- C) Processors and servicers of scrap refrigerators, central air conditioning units, and freezers are required to remove and recycle, destroy, or properly dispose of Chloroflorocarbons (CFC's).
- D) A person who removes, stores, or transports capacitors is considered a PCB generator and must obtain an EPA Hazardous Waste Generator Identification Number.
- E) A person processing appliances must be either 1) a junk/salvage yard operator permitted under County Zoning Ordinance provisions or 2) a major appliance retailer and/or wholesaler.

SECTION 9.106 INFECTIOUS WASTES

- A) All storage and handling of infectious waste materials must be in accordance with State requirements as established in MN Statutes 116.75-116.83 and MN Rules 7035.9100-7035.9150.
- B) Infectious waste generators must separate infectious waste from the rest of the waste stream and ensure that this infectious waste is properly containerized. Infectious waste generators must prepare infectious waste management plans to be submitted to the Minnesota Department of Health (MDH).
- C) Commercial Haulers of infectious waste must be licensed with MnDOT and the MDH and must prepare infectious waste management plans to be submitted to the MDH. No vehicle may knowingly transport infectious waste unless they are properly registered and the vehicles are properly labeled and placard.

SECTION 9.107 INDUSTRIAL WASTE

As is required in Minnesota Rules 7001.3300, all MSW processing, disposal, and transfer facilities must have Industrial Waste Management Plans.

SECTION 9.108 BATTERIES

- A) All storage, handling, and disposal of batteries must be in accordance with Minnesota Rules and Statutes.
- B) Dry cell batteries containing mercuric oxide electrode, silver oxide electrode, nickel cadmium or sealed lead-acid batteries may not be disposed of in municipal solid waste. Also, rechargeable batteries and rechargeable battery packs may not be disposed of in municipal solid waste.
- C) A retail establishment which sells lead acid batteries must accept used lead acid batteries from consumers at no charge. Consumers may not deliver more than five lead acid batteries to such an establishment at one time.
- D) A consumer purchasing a lead acid battery without a used lead acid battery to return at the point of sale must pay a surcharge of five dollars as part of the purchase. This surcharge will be refunded to the consumer should the consumer return a used lead acid battery within thirty (30) days of the initial purchase.
- E) A lead acid battery retailer must recycle batteries collected from consumers.

SECTION 9.109 USED AUTOMOTIVE FLUIDS AND FILTERS

Burial or surface disposal of used automotive fluids and filters is prohibited. This includes brake fluid, power steering fluid, transmission fluid, motor oil filters, and antifreeze. Used automotive fluids and filters shall be disposed of at a resource recovery disposal facility approved by the MPCA.

SECTION 9.110 MERCURY

Thermostats, thermometers, electric switches, appliances, and medical/scientific instruments, clothing, or wearing apparel that contains a mercury switch are banned from the municipal waste stream.

SECTION 9.111 OTHER SPECIAL WASTES

- A) Telephone directories and fluorescent lamps of high intensity discharge are prohibited from being disposed with mixed municipal wastes.
- B) Lead paint that is still attached to woodwork, walls or other elements are allowed in any permitted demolition debris landfill. Lead paint may not be incinerated or disposed of at a mixed municipal solid waste compost or refuse-derived-fuel facility. It is the responsibility of the person who removes the lead paint to dispose of it in a lawful manner.

SECTION 9.112 ADDITIONAL WASTES

Additional special waste identified by MN State Statutes or MPCA rules may be subject to further regulation by the Board.

ARTICLE 10 ENFORCEMENT

SECTION 10.1 ENFORCEMENT AUTHORITY

Provisions of this Ordinance shall be enforced by the Steele County Environmental Services Department.

SECTION 10.2 PENALTIES

- A) Any person within the County who violates this Ordinance, or permits a violation to exist on property under his or her control, or fails to take action to abate the existence of the violation as ordered or notified by the County, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law. A separate offense shall be deemed committed each day, during or on, which a violation occurs or continues.
- B) Consistent with Minnesota Statutes 115A.99, subdivision 1, a person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways, or waters is subject to a civil penalty of not less than twice nor five times the amount of cost incurred by a state agency or political subdivision to remove, process, and dispose of the waste. A state agency or political subdivision that incurs costs as described in this section may bring an action to recover the civil penalty, related legal, administrative, and court costs and damages for injury to or pollution of the lands, shorelands, roadways, or waters where the waste was placed if owned or managed by the entity bringing the action. Civil penalties collected under

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this subsection must be deposited in the general fund of the jurisdiction enforcing the penalties.

- C) A private person may join an action by the State or a political subdivision to recover a civil penalty to allow the person to recover damages for waste unlawfully placed on the person's property.
- D) The County may issue an Administrative Penalty Order (APO) in accordance with MN Statutes Section 116.072 to aid in the enforcement of the Ordinance and to provide deterrence for future noncompliance. An APO may be either forgivable, non-forgivable, or a combination of both, depending on the severity and nature of the violation. The maximum penalty for a hazardous waste violation is \$10,000; the maximum for a solid waste violation is \$5,000.

SECTION 10.3 EQUITABLE RELIEF

In the event a violation exists or there is a threat of violation of this Ordinance, the Environmental Services Department may take appropriate action to enforce this Ordinance. Such action may include application for injunction relief, action to compel performance, including revocation of license or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.

SECTION 10.4 CITATION

When a violation in this Ordinance is discovered by a representative of the Environmental Services Department, he or she shall forward a report to the appropriate prosecution authority.

SECTION 10.5 COUNTY INSPECTION

All property affected by this Ordinance shall be subject to inspection by the County in accordance with Minnesota Statutes. After presentation of credentials, the County may collect samples for evidence or laboratory examination as deemed necessary for enforcement of the Ordinance. The County shall have recourse to every remedy provided by law to secure entry, including administrative search warrants. No person shall refuse to permit the County's officers to inspect any premises or resist the County's officers in their discharge of duty.

SECTION 10.6 CIVIL ACTION OR COST AS SPECIAL TAX

The County Board, by resolution, may specify a non-exclusive list of activities prohibited by sections of this Ordinance and declare the violation of those activities to be public nuisances. Such lists shall be in addition to those activities determined to be public nuisances under Minnesota Statutes 561.01 and activities.

SECTION 10.7 UNPAID CHARGES

Each year the County Board shall certify to the County Auditor all unpaid outstanding charges for services hereunder, and a statement describing the type of service or the lands where service was provided and against which the charges arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments with interest upon the tax rolls for the county for the taxes of the year in which the assessment is filed. The assessment shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the state. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the state.

SECTION 10.8 SUSPENSION AND REVOCATION

- A) Any license granted by the County Board under the provisions of this ordinance may be suspended by the County Board at any time for noncompliance with the provisions of the license, this ordinance, or applicable State laws or rules, or upon written notification to the licensee and the County Board by the Environmental Services Department or the Agency that the continued use of the operation endangers the health, safety, or general welfare of the public or that the continued use pollutes or impairs the environment.

- B) Any solid waste facility 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 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 thirty (30) 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 the provisions of the license, this ordinance, State laws, or State rules, the County Board may revoke the license or continue such suspension until the licensee has demonstrated that full compliance with the rules has been attained and that such compliance will be continued in the foreseeable future.

SECTION 10.9 OTHER ORDINANCES, LAWS, AND REGULATIONS

Where the conditions imposed by any provision of this Ordinance differ with conditions imposed by other provisions of this ordinance, or any other applicable law, ordinance, or rule, the provision that establishes the higher standards for the promotion of the public health, safety, and general welfare shall prevail.

ARTICLE 11 ADDITIONAL REQUIREMENTS

SECTION 11.1 ADDITIONAL REQUIREMENTS

- A) The County Board may impose additional requirements consistent with the intent of this Ordinance. The County Board may amend or add Appendix sections by resolution after receiving recommendations for such amendments or additions by the Environmental Services Department.
- B) Nothing in this Ordinance shall be deemed to consent, license, or permit to locate, construct, operate or maintain any site, facility, or operation, or to carry on any activity.
- C) This Solid Waste Ordinance shall not be construed to hold the County responsible for damage in connection with any official duties required to protect the health, safety, and general welfare of the public required under this Ordinance.

ARTICLE 12 SEVERABILITY AND EFFECTIVE DATE

SECTION 12.1 SEVERABILITY

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

SECTION 12.2 REPEALER

The Steele County Solid Waste Disposal Ordinance No. 6, dated April 30, 1973 with all amendments, policies and modifications thereto are hereby repealed in their entirety.

The Steele County Solid Waste Management Service Fee Ordinance No. 19 dated October 13, 1992 is hereby repealed in its entirety.

SECTION 12.3 EFFECTIVE DATE

The regulation shall be in full force and effect upon publication in the County's official newspaper and being filed with the County Recorder's Office.

Adopted by the Board of Commissioners of Steele County, Minnesota, this 10th day of November, 1998.

Steele County Board of Commissioners

_____, Chairman

ATTEST: _____, County Auditor

Approved as to form and legality: _____, County Attorney

Published in the Owatonna People's Press on the _____ day of _____, 1998

Published in the Blooming Prairie Times on the _____ day of _____, 1998

Filed with the County Recorder on the ____ day of _____, 1998,
as Document No. _____.