

SOLID WASTE ORDINANCE

COUNTY OF LE SUEUR

LE SUEUR COUNTY, MINNESOTA

Adopted by Le Sueur County Board of Commissioners on July 16, 2024.

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ARTICLE I INTRODUCTORY PROVISIONS

SECTION 1.0 TITLE

This Ordinance shall be known, cited, and referred to as the Le Sueur County Solid Waste Ordinance.

SECTION 2.0 PURPOSE

An Ordinance establishing standards and procedures governing Solid Waste Management; establishing Solid Waste Management Charges and programs; requiring licenses and license fees; establishing penalties for lack of compliance; all in order to promote the health, welfare and safety of the public, and to protect the environment.

SECTION 3.0 POLICY

The policy of Le Sueur County is to provide for the management of Solid Waste in a manner that will protect the public health, welfare, and safety, prevent the spread of disease, prevent the creation of nuisances, conserve natural resources, and protect the State's water, air, and land resources. It is also the policy of the County to conform to the purposes outlined in Minnesota Statute 115A.02 and to establish and implement a County Solid Waste Management Plan pursuant to Minnesota Statute 115A.46.

SECTION 4.0 STATUTORY AUTHORIZATION

This Ordinance is adopted pursuant to the authorization contained in Minnesota Statutes, Chapters 400, 145, 115A, and 116, or successor statutes.

SECTION 5.0 JURISDICTION

The jurisdiction of this Ordinance shall apply to land uses in all areas of Le Sueur County outside the incorporated limits of municipalities, and shall apply to all solid waste hauling, disposal, transfer, storage, composting, and recycling services under the licensing and permitting authority of the County.

SECTION 6.0 COMPLIANCE REQUIRED

6.01 Minimum requirements. The provisions of this Ordinance shall be held to the minimum requirements for the promotion of public health, welfare, and safety.

6.02 State and federal standards. In addition to the conditions set forth in this Ordinance, compliance with state and federal standards are required.

SECTION 7.0 SEVERABILITY AND VALIDITY

It is hereby declared to the intention of the Le Sueur County Board of Commissioners that the provisions of this Ordinance be severable in accordance with the following:

- 7.01** Severability. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- 7.02** Validity. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular structure, site, facility, or operation, such judgement shall not affect the application of said provision to any other structure, site, facility, or operation not specifically included in said judgement.

SECTION 8.0 RULES OF CONSTRUCTION AND INTERPRETATION

The following rules of construction and interpretation apply to this Ordinance:

- 8.01** Conflict. Where any provision of this Ordinance conflicts with another rule, regulation, or Ordinance of the County, the provision that is more restrictive shall prevail.
- 8.02** Minimum requirements. This Ordinance establishes minimum requirements for the collection, hauling, recycling, and disposal of solid waste and solid waste facilities.

SECTION 9.0 REPEAL

Le Sueur County Solid Waste Management Ordinance adopted on March 22, 1988 and last amended August 1993 is repealed.

SECTION 10.0 EFFECTIVE DATE

This Ordinance shall be in full force and effect on and after its adoption and publication pursuant to law.

ARTICLE II DEFINITIONS, RULES, AND WORD USAGE

SECTION 1.0 DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this Article. Unless specifically defined herein, terms used in this Ordinance shall have the same definition as provided in the Waste Management Act, Minnesota Statute 115A.01 *et seq.* and if not defined there, shall have the meaning given in the Le Sueur County Zoning Ordinance. For purposes of this Ordinance, the words “must” and “shall” are mandatory and not permissive.

Acceptable Waste: Solid Wastes that are not prohibited from Processing or Disposal as defined by a Solid Waste Management Facility pursuant to local, State, and federal laws and the requirements of the Facility.

Agency: The Minnesota Pollution Control Agency.

Agricultural Site: Land zoned and/or operated for agricultural purposes, but excludes the Residential Site on said premises.

Authorized Representative: An employee or agent of the County Environmental Services Department.

Certificate of Need (CON): An issuance from the State of Minnesota to certify needed Disposal capacity.

City: A statutory or home rule charter City or town located within the County.

Charge: A Solid Waste Management Charge.

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

Collection or Collects: The aggregation of Solid Waste from the place at which it is generated and included all activities up to the time the Solid Waste is delivered to a Solid Waste Management Facility.

Commercial Site: Any business, commercial, industrial, institutional, or governmental establishment. These include home-operated businesses, industries, commercial and institutional enterprises, and such non-residential institutions as churches, nursing homes, nonprofit associations, schools, and the like. If a Site has dwelling units, but also has one or more units not used for dwelling purposes, such as a store or a restaurant, then it is considered a Commercial Site.

Compost or Composting: The controlled microbial degradation of organic waste to yield a humus-like product.

Compost Facility: A site used to compost or co-compost Solid Waste, including all structures or Processing equipment used to control drainage, collect and treat Leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process. Compost Facility does not include an individual generator of yard waste, such as a homeowner.

Construction and Demolition Debris: Solid Waste resulting from construction, remodeling, repair, erection and demolition of buildings, roads and other artificial structures, including but not limited to: concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, plastic building parts, plumbing fixtures, roofing materials, wallboard, and built-in cabinetry. Construction and Demolition Debris does not include: asbestos waste; auto glass; wood treated with chemical preservatives; furniture; lighting equipment; vermiculite; contaminated soil; firebrick; food waste; machinery; engine parts; liquid paints; paint thinners or solvents; varnishes; street sweepings; tar; carpet/padding if not affixed to a structure; mattresses; adhesives, caulking, sealants and applicators, brushes, containers, tubes, filters contaminated with these materials; sandblasting materials; agricultural chemicals or containers (including empty pesticide, herbicide, and insecticide containers); chemical containers; animal carcasses, parts, or rendering and slaughterhouse wastes; appliances (including white goods and brown goods); ashes or hot wastes that could spontaneously combust or ignite other wastes due to high temperatures; ash from incinerators, resource recovery facilities and power plants; batteries; carbon filters; fluorescent tubes and ballasts; high-intensity discharge lamps; foundry wastes; Hazardous Waste; household Refuse or garbage; infectious waste; liquids (any type); liquid non-hazardous materials; medical waste; mercury containing wastes (thermostats, switches); PCB contaminated wastes; petroleum products and their containers or filters (including oil, grease, or fuel); radioactive waste (unless natural materials at normal background levels); septic tank pumpings; sludges (including ink, lime, wood, sewage, or paper); live coal tar (including applicators, containers, and tubes); Waste Tires; vehicles; Yard Waste; and packaging materials, including cardboard, paper, shrink-wrap, and Styrofoam. Mixtures of Construction and Demolition Debris with other Solid Waste is not Construction and Demolition Waste.

Construction and Demolition Debris Land Disposal Facility: A site used to Dispose of Construction and Demolition Debris.

Construction Site: A place where the erection of buildings, roads, or other improvements to real property is occurring.

County: Any Department or representative of the County of Le Sueur County who is authorized by this Ordinance or otherwise by the Le Sueur County Board of Commissioners to represent the County of Le Sueur in the enforcement of administration of this Ordinance.

County Board: The elected officials comprising the Le Sueur County Board of Commissioners.

Curbside Collection: A Mixed Municipal Solid Waste, Yard Waste, Source-Separated Organic Materials, and/or Recyclable Materials Collection system whereby the Generators set Solid Waste containers at the curb adjacent to a roadway, or where this is not practical, in locations easily accessible for Collection by a Hauler.

Department: The Director of the Le Sueur County Environmental Services Department, or its successor, and all staff duly authorized to enforce the provisions of this Ordinance.

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

Dumping: The illegal placement of any Solid Waste, including Construction and Demolition Debris, Hazardous Waste, Industrial Solid Waste, Mixed Municipal Solid Waste, Source-Separated Organic Materials, or Recyclable Materials, anywhere other than in an approved container or at a Solid Waste Management Facility during hours of operation.

Financial Assurance: Monetary mechanisms that are used to assure proper Closure, post Closure care, and contingency action at a Site or Solid Waste Management Facility.

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

Generator: Any Person who generates Solid Waste.

Hauler: Any Person who Collects or Transports Solid Waste, Recyclable Materials, or Yard Waste, but does not include a Self-Hauler.

Hauler Services: Solid Waste Collection, Transportation and delivery or disposal services, including the containers, all as provided by Haulers or Self-Haulers.

Hazardous Waste: Any Refuse, sludge, or other waste material or combinations of Refuse, sludge, other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or Disposed of, or otherwise managed. Categories of Hazardous Waste materials include, but are not limited to: explosive, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous Waste does include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Imminent Hazard: An actual or potential immediate threat to the health, safety, or well-being of humans, or livestock, or that may cause environmental degradation.

Industrial Solid Waste: Solid Waste generated from an industrial or manufacturing process and Solid Waste generated from non-manufacturing activities that is Collected, Processed, or Disposed of as a separate waste stream. Industrial Solid Waste does not include office materials, restaurant and food preparation waste, discarded machinery, Construction and Demolition Debris, Mixed Municipal Solid Waste, or Mixed Municipal Solid Waste combustor ash.

Infectious Waste: Waste originating from the diagnosis, care, or treatment of a person or animal that has been or may have been exposed to a contagious or infectious disease. Unless the materials have been rendered noninfectious by procedures approved by the state commissioner of health, infectious waste includes:

- A. All wastes originating from persons or animals placed in isolation for control and treatment of an infectious disease;
- B. Bandages, dressings, casts, catheters, tubing, and similar disposable items which have been in contact with wounds, burns, anatomical tracts, or surgical incisions and which are suspect of being or have been medically verified as infectious;
- C. All infectious anatomical waste, including human and animal parts or tissues;
- D. Infectious sharps and needles;
- E. Laboratory and pathology waste of an infectious nature; or
- F. Any other waste, as defined by the state commissioner of health, which, because of its infectious nature, requires handling and disposal in a manner prescribed for items A to E.

In Situ Disposal Site: A subsurface burial or disposal site on a property for the in-place disposal of concrete, brick, or rock from buildings, manure storage areas, tower footings, foundations, slab, anchors, or similar structure located on that property.

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

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

License: Authorization by the County Board to conduct business services for solid waste management purposes pursuant to this Ordinance. It may be limited to a specific period of time, specific person, and or a specific site in the County.

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

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

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

Mixed Municipal Solid Waste:

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

Mixed Municipal Solid Waste Land Disposal Facility: A Solid Waste Disposal Facility used for Mixed Municipal Solid Waste.

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

Municipality: Any incorporated city or township within boundaries of Le Sueur County, Minnesota.

Non-Residential Accounts: Solid Waste Management Services provided to any non-Residential Building or parcel.

Non-Residential Property: All property that generates waste within the County that is not defined as a Residential Property as determined by the County.

Non-Residential Rate: The rate of the Fee imposed on any Person who pays for Mixed Municipal Solid Waste Services for Mixed Municipal Solid Waste Generated from any source in the County other than a Residential Building.

Open Area: Any lands excluding enclosed structures.

Open Burning: Burning any Solid Waste whereby the resultant combustion products are emitted directly to the open atmosphere without passing through a stack, duct, or chimney, and which meets Minnesota Pollution Control Agency standards.

Operating License: The license required by this Ordinance.

Operator: The Person or Persons responsible for the operation of a Solid Waste Management Facility.

Owner: Any person or persons having a legal interest in real or personal property or any persons in possession or control of real or personal property including, but not limited to, mortgages, contract for deed vendees, and contract for deed vendors.

Person: Any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, unless exempted by statute or rule, such as the Minnesota Pollution Control Agency.

Problem Material: A material that, when processed or disposed of with Mixed Municipal Solid Waste, contributes to one of the following results: 1) the release of a hazardous substance, or pollutant or contaminant; 2) pollution of water; 3) air pollution; or 4) a significant threat to the safe or efficient operation of a Solid Waste Management Facility.

Processing: The treatment of Solid Waste after Collection and before Disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer to one waste facility to another.

Public Health Nuisance: Any activity or failure to act that adversely affects the public health.

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

Real Property:

- A. For the purposes of taxation, "Real Property" includes the land itself, rails, ties, and other track materials annexed to the land, and all buildings, structures, and improvements or other fixtures on it, bridges of bridge companies, and all rights and privileges belonging or appertaining to the land, and all mines, iron ore and taconite minerals not otherwise exempt, quarries, fossils, and trees on or under it.
- B. A building or structure shall include the building or structure itself, together with all improvements or fixtures annexed to the building or structure, which are integrated with and of permanent benefit to the building or structure, regardless of the present use of the building, and which cannot be removed without substantial damage to itself or to the building or structure.
- C. Real Property does not include;
 - 1. Tools, implements, machinery, and equipment attached to or installed in Real Property for use in the business or production activity conducted thereon, regardless of size, weight or method of attachment, and mine shafts, tunnels, and other underground openings used to extract ores and minerals taxed under Minnesota Statute Chapter 298 together with steel, concrete, and other materials used to support such openings.

2. The exclusion provided in clause (i) shall not apply to machinery and equipment includable as real estate by paragraphs (A) and (B) even though such machinery and equipment is used in the business or production activity conducted on the Real Property if and to the extent such business or production activity consists of furnishing services or products to other buildings or structures which are subject to taxation under this chapter.
 3. The exclusion provided in clause (i) does not apply to the exterior shell of a structure which constitutes walls, ceilings, roofs, or floors if the shell of the structure has structural, insulation, or temperature control functions or provides protection from the elements, unless the structure is primarily used in the production of biofuels, wine, beer, distilled beverages, or dairy products. Such an exterior shell is included in the definition of real property even if it also has special functions distinct from that of a building, or if such an exterior shell is primarily used for the storage of ingredients or materials used in the production of biofuels, wine, beer, distilled beverages, or dairy products, or for the storage of finished biofuels, wine, beer, distilled beverages, or dairy products.
- D. The term Real Property does not include tools, implements, machinery, equipment, poles, lines, cables, wires, conduit, and station connections which are part of a telephone communications system, regardless of attachment to or installation in Real Property and regardless of size, weight, or method of attachment or installation.

Recyclable Materials: Materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including, but limited to, paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, and sole source food waste streams that are managed through biodegradative processes. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Recycling Facility: A facility at which materials are prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.

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

Refuse: Putrescible 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.

Refuse-Derived Fuel: The product resulting from techniques or process used to prepare solid waste by shredding, sorting, or compacting for use as an energy source.

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

Release does not include:

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

Residential Building: A single-family home or building with residential units.

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

Residential Site: Any dwelling unit including:

- A. Detached single family residences, and
- B. Buildings or sites containing multiple residences including apartment buildings, condominiums, common interest communities, manufactured home parks, or townhomes.

Residuals: All solid waste remaining after processing or composting including ash residue or other solid waste that is not recovered or combusted.

Resource Recovery: The reclamation for sale, use or reuse of materials, substances, energy, or other products contained within or derived from waste, including, but not limited to energy recovery, processing, and composting facilities.

Resource Recovery Facility: A solid waste facility established and used primarily for resource recovery, including related and appurtenant facilities such as transmission facilities and transfer stations primarily serving the resource recovery facility.

Sanitary Landfill: A facility that employs a method for disposal on land, of solid waste, including mixed municipal solid waste, in accordance with a preconceived plan and without creating nuisances or hazards to public health or safety, by utilizing the principals of environmental planning and engineering to confine solid waste to the proper and smallest practical area, to reduce it to the smallest volume, and to cover it with an adequate layer of cover material at the conclusion of each day's operation, or at such more frequent intervals as may be required.

Self-Hauler: A Person who transports their own Solid Waste for Solid Waste Management purposes.

Service Area: A geographical area within the County, established by resolution of the County Board, to receive Solid Waste Management Services.

Site: All real or personal property which is, or may be, used for the utilization, processing, or final disposal of solid waste and which requires a license for disposal therein under the provision of this Ordinance. Solid waste site or facility includes, but is not limited to, transfer stations, special waste processing facilities, compost facilities, infectious waste facilities, and waste-to-energy facilities.

Solid Waste: Garbage, Refuse, sludge from a water supply treatment plant or air contaminant treatment Facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, mining, and agricultural operations and from community activities, but does not include Hazardous Waste; animal waste used as fertilizer; earthen fill, boulders, rock; concrete diamond grinding and saw slurry associated with the construction, improvement, or repair of a road when deposited on the road project site in a manner that is in compliance with best management practices and rules of the agency; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under Section 402 of the federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Solid Waste Land Disposal Facility: A Solid Waste Land Disposal Facility permitted by the Agency that is designed or operated for the purpose of disposing of Solid Waste on or in the land, together with any appurtenant facilities.

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

Solid Waste Management Activity: An activity related to the Generation, storage, Collection, Transportation, Processing or reuse, conversion, or Disposal of Solid Waste.

Solid Waste Management Facility: A facility for the storage, collection, transportation, processing or reuse, conversion, or disposal of solid waste.

Solid Waste Management Facility Fee: The fee imposed on a Person who pays for Mixed Municipal Solid Waste Services of a Solid Waste Management Facility.

Solid Waste Management Plan: The County Solid Waste Management Plan developed, adopted, and approved under Minnesota Statutes, Chapter 115A.46 or Minnesota Statutes, Chapter 473.149.

Solid Waste Management Services: All activities provided by the County, by Persons under contract with the County, or by other Persons that support the waste management responsibilities described in Minnesota Statutes, Chapters 115A, 116, and 400, including, but not limited to, waste reduction and reuse; waste recycling; composting of Yard Waste and food waste; Resource Recovery through Mixed Municipal Solid Waste composting or incineration; land disposal; management of problem materials and household hazardous waste; Collection, Processing, and Disposal of Solid Waste, Closure and post-closure care of a Solid Waste Management Facility, and response, as defined in Minnesota Statute, Chapter 115B.02, to Releases from a Solid Waste Management Facility.

Solid Waste Management Service Charge: A service charge imposed pursuant to Minnesota Statutes, Chapter 400.08.

Solid Waste Ordinance or Ordinance: The Solid Waste Ordinance adopted by Le Sueur County.

Solid Waste Processing Facility: A facility for the Processing of Solid Waste.

Solid Waste Reduction; Source Reduction: An activity that reduces Generation of Solid Waste or the inclusion of toxic materials in Solid Waste, including:

- A. Reusing a product in its original form,
- B. Increasing the life span of a product,
- C. Reducing material or the toxicity of material used in production or packaging; or
- D. Changing procurement, consumption, or Solid Waste Generation habits to result in smaller quantities or lower toxicity of Solid Waste Generated.

Source-Separated Compostable Material: Materials that:

- A. Are separated at the source by Solid Waste generators for the purpose of preparing it for use as Compost;
- B. Are collected separately from other Mixed Municipal Solid Wastes;
- C. Are comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable because the Department or Agency has determined that no other person is willing to accept the paper for recycling;
- D. Are delivered to a Facility to undergo controlled microbial degradation to yield a humus-like product meeting the Agency's class I or class II, or equivalent, Compost standards and where process rejects do not exceed 15 percent by weight of the total material delivered to the Facility; and
- E. May be delivered to a transfer station, mixed municipal solid waste processing facility, or recycling facility only for the purposes of composting or transfer to a composting facility, unless the Agency determines that no other person is willing to accept the materials.

Source-Separated Recyclable Material: Recyclable Materials, including commingled recyclable materials, that are separated by the Generator.

Special Wastes: Nonhazardous Solid Wastes that have been prohibited from disposal with Mixed Municipal Solid Waste or have had other specific management requirements prescribed by statute.

State: The State of Minnesota.

Transfer Station: An intermediate Solid Waste Management Facility in which Solid Waste collected from any source is temporarily deposited to await Transportation to another Solid Waste Management Facility.

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

Unacceptable Waste: Those Solid Wastes that cannot be accepted for management at a Solid Waste Management Facility pursuant to local, State and federal laws, and the practices of the Solid Waste Management Facility.

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

Waste Tire Collection Site: A County-licensed and Agency permitted site or a site exempt from such license or permit, used for the Collection and storage of Waste Tires.

Waste Tire Dump: An unlicensed, unpermitted Site being maintained, operated, used, or allowed to be used for the Collection, storage, keeping, or depositing of unprocessed Waste Tires.

Waste Tire Facility: A Site where more than fifty (50) Waste Tires or an equivalent amount of tire derived products are Collected, deposited, stored, or Processed. The incidental storage of tire-derived products at the site of final use does not make the site a Waste Tire Facility.

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

Yard Waste: Garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings, generated at Residential or Non-Residential Properties.

Yard Waste Facility: A facility used to compost Yard Waste.

SECTION 2.0 RULES, WORD USAGE

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

County Working Days: The days that County Departments are open to the public for business.

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

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

ARTICLE III GENERAL PROVISIONS

SECTION 1.0 DEPARTMENT POWERS AND DUTIES

The Le Sueur County Environmental Services Department (Department) shall be responsible for the administration of this Ordinance. The Department's duties shall include, but shall not be limited to, the following:

- 1.01** To implement this Ordinance and review and consider all initial and renewal license applications submitted to the Department, except as otherwise provided in this Ordinance, for approval by the County Board for performance of Solid Waste Management Activities within the County, and after due consideration, the Department shall recommend in writing, with documentation to the County Board, that a license be granted or denied.
- 1.02** To inspect Solid Waste Management Activities as herein provided, to investigate complaints, and to identify violations of this Ordinance.
- 1.03** To recommend, when necessary, to the County Attorney's Office, that legal proceedings be initiated to compel compliance with the provisions of this Ordinance in order to abate or control a Person or Solid Waste Management Activity not in compliance with this Ordinance.
- 1.04** To encourage and conduct studies, investigations and research relating to aspects of Solid Waste Management such as methodology, chemical and physical considerations, and engineering.
- 1.05** To advise, consult, and cooperate with the public or other governmental agencies in the furtherance of the purposes of this Ordinance.
- 1.06** To employ qualified personnel to assist County Staff in the supervision, administration, and enforcement of this Ordinance.
- 1.07** To inspect and evaluate Solid Waste Facilities or other Sites where the Department has reason to believe solid wastes have been or are present shall be made by the Department to ensure compliance with the provisions of this Ordinance. The owner, operator, or occupant shall allow the Department or its authorized agent access for the purposes of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance. The owner, operator, or occupant shall provide requested samples of waste, free of charge, to the Department to allow for appropriate tests. The owner, operator, or occupant shall also allow the Department, free of charge, to take samples and do tests, as appropriate, of soils, surface waters, ground waters, air, raw materials, products, or other material or residual present at or emanating from the site if such samples and tests will demonstrate whether the owner, operator, or occupant is in compliance with this Ordinance.

1.08 Right of Entry. Whenever necessary to perform an inspection to enforce any of the provisions of this Ordinance, or whenever the Department has reasonable cause to believe that solid waste exists in any building or upon any premises, the Department or its authorized agent may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Department by this Ordinance, provided that if such building or premises is occupied, the authorized agent shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. Advance notice is not required. If such entry is refused, or cannot be obtained, the Department shall have recourse to every remedy provided by law to secure entry including, but not limited to, administrative and criminal search warrants.

1.09 To provide education and assistance to the public on solid waste management.

SECTION 2.0 BOUNDARIES OF SERVICE AREA

Pursuant to Minnesota Statutes, Chapter 400.08, subdivision 2, the County establishes one Solid Waste Management Service Area, with its boundaries being coterminous with the boundaries of the County.

SECTION 3.0 APPEALS

3.01 PROCESS

An appeal from any order, requirement, decision, or determination of the Department may be requested by any aggrieved party in accordance with Section 22 of the Le Sueur County Zoning Ordinance, or successor ordinance. The appeal shall be in delivered in writing to the Department and signed by the appellant within 20 days after receipt of the order, requirement, decision, or determination by the Department and include the following:

- A. The particular order, requirement, decision or determination from which the appeal is requested.
- B. The name and address of the appellant.
- C. The grounds for appeal.
- D. The relief requested by the appellant.
- E. Payment of the Variance/Appeal Application Fee as established by resolution of the County Board.
- F. An appeal shall be accompanied by a plan and time schedule for achieving compliance with the Ordinance should the decision on the appeal be affirmed.

3.02 BOARD OF ADJUSTMENT

The Le Sueur County Board of Adjustment, as presently established in the Le Sueur County Zoning Ordinance, or successor ordinance, shall have the following powers:

- A. To order the issuance or denial of variances for the provisions of this Ordinance.
- B. To hear and decide appeals from any order, requirement, decision, or determination made by the Department with respect to the administration of this Ordinance.

3.03 VARIANCE

- A. Upon written application by the applicant, the Le Sueur County Board of Adjustment 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.
- B. A variance may be granted by the Le Sueur County Board of Adjustment after a public hearing where the Board of Adjustment determines that the enforcement of this Ordinance would cause the applicant practical difficulty or undue hardship, or that this Ordinance cannot be complied with due to technological limitations or economic unreasonableness. A variance may be revoked by the Le Sueur County Board of Adjustment after a public hearing. An application for a variance shall be accompanied by a plan and time schedule for achieving compliance with the Ordinance. Notice of the time, place and purpose of any public hearing shall be given to the owner and by publication in a newspaper of general circulation in the town, municipality, or other area concerned and in the official newspaper of the County at least ten (10) days before the hearing.

SECTION 4.0 HIGHEST STANDARDS PREVAIL

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

SECTION 5.0 JURISDICTION OF THE SOLID WASTE MANAGEMENT PLAN

Pursuant to Minnesota Statutes, Chapter 115A.46, subdivision 5, a public entity within the County may not enter into a binding agreement nor develop nor undertake a Solid Waste Management Activity that is inconsistent with the County Solid Waste Management Plan without the express consent of the County.

SECTION 6.0 PLANNING AND ZONING APPROVAL

Any use of land for Solid Waste Management Activities within the County shall comply with the applicable Zoning requirements of the County Zoning Ordinance, or the requirements of applicable municipal land use ordinances.

SECTION 7.0 WAIVERS OR MODIFICATIONS

Due to the great variability in the types of solid waste and their existing and potential management methods, an applicant may request, on a form to be provided by the Department, that the County Board waive or modify the strict application of the provisions of this ordinance. Waivers or modifications may be approved in the discretion of the County Board, provided that the County Board shall not approve any waiver or modification unless the County Board finds that

- A. The request is reasonable and meets the intent of this ordinance;
- B. That such requirements are unnecessary or impractical in light of the applicant's proposed operation;
- C. That the waiver or modification will not adversely impact human health or environment; and
- D. That the request will not adversely affect the County's ability to monitor and enforce compliance with this ordinance and applicant's license.

The County Board may, as a condition of approving a waiver or modification, impose reasonable additional requirements and conditions on the applicant's specific license that the County Board considers necessary to protect human health or the environment, or the County's ability to administer and enforce this Ordinance.

SECTION 8.0 AGENCY APPROVAL

8.01 The design, engineering, and operations plans for a solid waste facility approved by the County Board as part of a solid waste facility license shall be consistent with the design, engineering, and operations plans approved in the facility's MPCA permit or concurrent application to the MPCA for a permit.

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

SECTION 9.0 INDEMNIFICATION

To the fullest extent permitted by law, a Licensee shall indemnify the County, its officers, employees, agents, and others acting on their behalf to hold them harmless, and to defend and protect them, from and against any and all loss, damage, liability, cost and expense (specifically including attorneys' fees and other costs and expenses of defense), of any sort whatsoever, based upon, resulting from, or otherwise arising in connection with any actions, claims or proceedings (of any sort and from any source whatsoever) brought, or any loss, damage or injury of any type whatsoever sustained, by reason of any act or omission of a Licensee, its officers, employees or agents, or any other Person(s) or entity(ies) for whose acts or omissions a Licensee may be legally responsible, in the performance of any of a Licensee's obligations (whether expressed or implied) under this Ordinance.

SECTION 10.0 FINANCIAL ASSURANCE

A performance bond, letter of credit or other financial assurance consistent with County policy shall be required prior to issuances of any Licenses to engage in Solid Waste Management Activity.

SECTION 11.0 NO CONSENT

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

SECTION 12.0 FALSE INFORMATION

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

SECTION 13.0 DATA PRIVACY

The Department shall require that any data received by the Department or any entity acting on behalf of the Department shall be maintained in accordance with the provisions of the Minnesota Government Data Practices Act (Minnesota Statute, Chapter 13).

ARTICLE IV WASTE ABATEMENT, STORAGE, COLLECTION, PROCESSING, AND DISPOSAL

SECTION 1.0 WASTE ABATEMENT

1.01.1 Purpose

The purpose of this section is to support Minnesota Statutes related to the source-separation of distinct Solid Waste streams from Mixed Municipal Solid Waste to abate the need for land disposal of Solid Waste. This includes, but is not limited to, promoting the segregation of Yard Waste and Source-Separated Compostable Materials to create a beneficial compost product and providing for the recovery and the reuse of Recyclable Materials to conserve natural resources and to meet the State-mandated Recycling goal. This section shall also require the delivery of Recyclable Materials to a Recycling Center and Yard Waste and Source-Separated Compostable Materials to a permitted compost site when on-site composting is not practiced.

1.02 Separation of Yard Waste, Recyclable Materials, and Source-Separated Compostable Materials from the Mixed Municipal Solid Waste Stream

Yard Waste and Recyclable Materials, as defined in this Ordinance, shall be excluded from Mixed Municipal Solid Waste.

When aggregated by a Generator for Collection by a Commercial Hauler, Yard Waste, Recyclable Materials, and Source-Separated Compostable Materials shall be placed in storage containers that are easily distinguishable from Mixed Municipal Solid Waste storage containers. Once said materials have been source-separated, they shall not be recombined with Mixed Municipal Solid Waste.

A. Yard Waste Management

Generators must manage Yard Waste by one of the following methods:

1. Mulching it and spreading it on the ground;
2. Composting it on-site;
 - a. Placement of Yard Waste is prohibited within the bluff and wetlands.
3. Transporting it to a permitted Yard Waste Facility, either by Self-Hauling or by contract with a licensed Hauler; or
4. Obtain a Minnesota Department of Natural Resources (DNR) burn permit. Under the DNR permit, a Person may burn vegetative material, such as grass, leaves, brush, and untreated lumber.
 - a. Burning of yard waste shall be prohibited within the shore and bluff impact zones, on steep slopes, or wetlands.

Property owners or contractors shall contact the Department prior to vegetation removal, especially in shoreland, to determine if a permit is required.

B. Recycling

Recyclable Materials defined in this Ordinance represent the minimum responsibility of Generators. It does not limit the source-separation of additional Recyclable Materials for which an outlet is provided by Recycling Centers and Commercial Haulers. Generators are encouraged to recycle additional items to achieve and surpass the Recycling goal set forth by State law. Le Sueur County requires volume or weight-based pricing for Mixed Municipal Solid Waste Collection in this Ordinance to promote Recycling. Licensed Haulers may not impose a greater charge on residents or businesses that recycle than on residents or businesses that do not recycle.

C. Residential Building Recycling

Generators in Residential Buildings or Sites must provide for the segregation and delivery of Recyclable Materials to a Recycling Facility, either by Self-Hauling or by contract with a licensed Hauler. Owners and/or managers of multi-unit Residential Buildings who provide for collection of Mixed Municipal Solid Waste must provide central collection locations for Recyclable Materials generated on their premises and must deliver the above listed Recyclable Materials to a Recycling Facility either by Self-Hauling or by contract with a licensed Hauler.

D. Non-Residential Property Recycling

Owners and/or managers of Non-Residential Property must provide central collection locations for Recyclable Materials generated on their premises and provide for the segregation. Owners and/or managers of Non-Residential Property shall deliver these Recyclable Materials to a Recycling Facility, either by Self-Hauling or by contract with a Licensed Hauler.

E. Ownership of Recyclable Materials

All Recyclable Materials aggregated and offered for Collection shall remain the property and responsibility of the Generator until said materials are collected by a Licensed Hauler. The Recyclable Materials become the property of the Licensed Hauler until delivered to a Recycling Center. If Self-Hauled, it remains the property of the Generator until delivered to a Recycling Center. Once delivered to a Recycling Center, the Recyclable Materials become the property of the Recycling Center Owner. It shall be unlawful and an offense for any Person, other than the Generator or the contracted Licensed Hauler, to take said materials aggregated for Collection for his/her own use.

F. Ownership of Yard Waste

Yard Waste aggregated and offered for Collection shall remain the property and responsibility of the Generator until said materials are collected by a Licensed Hauler. The Yard Waste becomes the property of the Licensed Hauler until delivered to a Permitted Site. If Self-Hauled, it remains the property of the Generator until delivered to a Permitted Site. Once delivered to the Permitted Site, the Yard Waste becomes the property of the Permitted Site owner.

SECTION 2.0 STORAGE AND COLLECTION

2.01 Purpose

This section governs the storage, Collection, and Transportation of Solid Waste generated within the County, including, but not limited to, Mixed Municipal Solid Waste, Industrial Waste, Construction Debris, Demolition Debris, Yard Waste, and Recyclable Materials. This section also governs Curbside Collection and all Persons collecting and transporting Solid Waste within the County.

2.02 Storage

Property owners and managers shall maintain their Open Areas free of Solid Waste accumulations unless the Solid Waste is stored in an acceptable container as specified in this Ordinance or unless otherwise specified by this Ordinance or other statutory references. Solid Waste shall be stored in a manner to prevent litter and environmental harm and to preclude the development of vector, odor, and Public Health Nuisance problems.

A. Residential Sites

All Residential Sites shall be maintained and kept in a reasonably clean and neat condition. The storage requirement shall include the removal of Yard Waste; the removal of inoperable motor vehicles, machinery, appliances, fixtures, or equipment so damaged, deteriorated, or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse; discarded lumber piles and building materials not being used in actual construction on the premises; and Mixed Municipal Solid Waste including, but not limited to, Recyclable Materials, broken furniture, tires, Hazardous Waste, Infectious Waste, Electronic Waste, and other debris.

B. Non-Residential Sites

All Non-Residential Sites shall be maintained and kept in a reasonably clean and neat condition. No Person shall place or store upon the Open Areas of any premises any collection of inoperable motor vehicles, machinery, appliances, fixtures, or equipment so damaged, deteriorated, or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse; discarded lumber piles and building materials not being used in actual construction or retail sales on the premises; and Mixed Municipal Solid Waste including, but not limited to, Recyclable Materials, broken furniture, tires, Hazardous Waste, Infectious Waste, Electronic Waste, and other debris.

Nothing in this section is designed to restrict activities of motor vehicle, scrap iron, and metal recycling or salvage businesses operating in accordance with State, Le Sueur County, and municipal or township laws, rules, and regulations.

C. Agricultural Sites

No Person shall place or store upon the Open Areas of any Agricultural Site any collection of inoperable motor vehicles, machinery, appliances, fixtures, or equipment so damaged, deteriorated, or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse, but it may serve as a source of replacement parts for agricultural activities.

In addition, no Person shall place or store upon the Open Areas of any Agricultural Site discarded lumber piles and building materials not being used in actual construction or retail sales on the premises and Mixed Municipal Solid Waste including, but not limited to, Recyclable Materials, broken furniture, tires, Hazardous Waste, Infectious Waste, Electronic Waste, and other debris.

Nothing in this section is designed to restrict activities of motor vehicle, scrap iron, and metal recycling or salvage businesses operating in accordance with State, Le Sueur County, and municipal or township laws, rules, and regulations.

D. Construction and/or Demolition Sites

No Person shall place or store upon the Open Areas of any premises any collection of inoperable motor vehicles, machinery, appliances, fixtures or equipment so damaged, deteriorated or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse; discarded lumber piles and building materials not being used in actual construction on the premises; and Mixed Municipal Solid Waste including, but not limited to, Recyclable Materials, broken furniture, tires, Hazardous Waste, Infectious Waste, Electronic Waste, and other debris.

In addition, Generators of Solid Waste at construction and/or demolition sites must ensure the separation of Mixed Municipal Solid Waste and Recyclable Materials either on-site or through the use of a Licensed Hauler offering such separation. Waste transported off site that has not been separated is Mixed Municipal Solid Waste and must be hauled by a Licensed Hauler or Self-Hauled by the Generator.

Separated Construction Debris or Demolition Debris may be hauled by a Licensed Hauler or Self-Hauled by the Generator. Disposal of Construction Debris and Demolition Debris must be in accordance with a Solid Waste Management Facility's approved Industrial Solid Waste Management Plan. Any Solid Waste generated at construction sites shall be placed in acceptable containers as specified in this Ordinance. No burning, burying, or dumping of Solid Waste generated at construction sites shall occur at locations other than permitted facilities. Yard Waste, which has been cleared or grubbed as part of the construction or demolition activities at the Site, the Yard Waste may be burned through a Minnesota Department of Natural Resources burn permit if allowed under this Ordinance or the Le Sueur County Zoning Ordinance. Asbestos containing materials are subject to additional applicable federal or state laws which must be followed for removal, transportation, and disposal.

E. Solid Waste Storage Containers

While being accumulated and stored for Collection and Transportation to a licensed Solid Waste Management Facility, Solid Waste shall be stored in reusable, covered containers (e.g., cans, dumpsters, compactors, roll-off containers, etc.) that are rust, impact, vermin, and leak resistant. When aggregated for Collection, Yard Waste and Recyclable Materials shall be placed in storage containers that are easily distinguishable from Mixed Municipal Solid Waste storage containers. Plastic bags designed for containing manageable quantities of Solid Waste shall only be used for temporary storage and may only be placed outdoors for Collection no sooner than the evening prior to the scheduled Collection Day.

For Generators electing to aggregate Source-Separated Compostable Materials for Collection, Generators must separate and place this material into an easily distinguishable container approved by the Licensed Hauler.

F. Mixed Municipal Solid Waste Storage in Vehicles

Mixed Municipal Solid Waste shall be removed from Hauler Collection or Transportation vehicles at least every forty-eight (48) hours, except when allowed by the Department.

G. Dumping

1. Unauthorized Dumping: It shall be a violation of this Ordinance for any Person to dispose of Solid Waste with Le Sueur County at any place except at a Site or Facility authorized by this Ordinance. This also includes Yard Waste prohibited from being placed in bluffs and wetlands.
2. Unlicensed Open Dumps: It shall be a violation of this Ordinance for any Person to operate an Open Dump.

H. Waste Tires

1. Land Disposal Prohibited: The disposal of waste tires in or on the land is prohibited. This does not prohibit the storage of unprocessed waste tires at a collection or a processing facility.
2. Waste Tire Storage Requirements:
 - a. No more than five (5) waste tires may be stored outside within the boundaries of any lot except at a properly licensed Solid Waste Facility. The allotted five (5) waste tires shall be stored consistent with the requirements of this Section.
 - b. Waste tires shall not be stored outside within 1,000 feet of an intermittent or perennial stream, wetlands, ponds, and lakes, including shoreland and floodplain areas.
 - c. Waste tires within 1,000 feet of a Residence shall be stored or utilized in a manner that prevents waster from being retained in the tires.

2.03 Collection

Every Residential and Non-Residential Site in the County, except Self-Haulers, shall engage a Licensed Hauler for the Collection of Mixed Municipal Solid Waste.

A. Collection Charges

Haulers shall establish charges for the Collection of Mixed Municipal Solid Waste on a volume or weight basis to provide Generators the financial incentive to reduce their production of Mixed Municipal Solid Waste.

B. Curbside Collection

Licensed Haulers must provide curbside services for the Collection and Transportation of Mixed Municipal Solid Waste, Recyclable Materials, and Yard Waste, if available, to those Generators wishing to contract for such services. Generators utilizing the services of a Licensed Hauler may place acceptable containers of Mixed Municipal Solid Waste, Recyclable Materials, or Yard Waste at the curb or Collection site no sooner than the evening prior to scheduled Collection. Generators must remove the empty containers the same day as Collection.

C. Secure all Loads

A Person who collects or transports Solid Waste must do so in a safe and sanitary manner and must secure all loads so as to prevent escape of any waste material.

D. Collection Frequency

Solid Waste aggregated for Collection must be collected regularly to preclude the development of odor, vector, and Public Health Nuisance problems. Putrescible Materials must be collected, at a minimum, every two weeks.

E. Title to Non-Hazardous Mixed Municipal Solid Waste

Title to non-hazardous Mixed Municipal Solid Waste shall remain with the Generator until released to a Licensed Hauler or by Self-Hauling to a Licensed Facility. In cases where a Generator chooses not to utilize a licensed Solid Waste Management Facility, title to the non-hazardous Mixed Municipal Solid Waste and its associated environmental liability shall remain with the Generator.

F. Title to Source-Separated Compostable Materials

Title to Source-Separated Compostable Materials generated in Le Sueur County shall remain with the Generator until released to a Licensed Hauler or by Self-Hauling to a Source-Separated Compostable Materials Processing Facility operated or permitted by Le Sueur County or another governmental entity. It shall be unlawful and an offense for any Person, other than the Generator or the contracted Licensed Hauler, to take said materials aggregated for Collection for the Person's own use.

G. Vehicle and Container Construction

Vehicles and roll-off containers used for Solid Waste Collection and Transportation shall be enclosed or covered, vermin and leak resistant, durable, and must be easily cleaned. However, as an alternative to a metal or plastic container, canvas type/tough-woven dumpster bag containers may be used for Collection and Transportation of Construction and Demolition material only.

H. Maintenance of Vehicles and Roll-Off Containers

Solid Waste Collection vehicles and roll-off containers shall be maintained in good repair and in a clean condition to prevent Public Health Nuisances, pollution, or insect breeding. To reduce safety risk and Public Health Nuisance conditions, Persons shall securely close inspection doors, if present, except when the vehicle or container is being inspected, cleaned or stored in a clean, empty condition.

SECTION 3.0 PROCESSING AND DISPOSAL

3.01 Purpose

This section governs the processing and disposal of Solid Waste and regulates Solid Waste accumulations within the County.

3.02 Yard Waste

A. On-Site Yard Waste Composting

On-site Compost Sites are allowed if the site is managed in such a manner to prevent annoying odors, Public Health Nuisances, or unsafe conditions. Compostable organic materials suitable for backyard Compost Sites include: Yard Waste, straw, vegetable and fruit scraps, coffee grounds, and eggshells. The County accepts the methods and guidelines published by the University of Minnesota Extension Services as suitable for on-site composting. On-site composting that does not comply with these methods and guidelines is not permitted.

B. Permitted Yard Waste Facilities

Yard Waste Facilities located in the County, except on-site Compost Sites, shall comply with the License requirements in this Ordinance.

3.03 Recyclable Materials

Recycling Facilities must comply with the requirements of Minnesota Rules, part 7035.2845, as amended from time to time. A License to operate a Recycling Facility is required by this Ordinance. Recycling Facilities must operate in accordance with the provisions outlined in this Ordinance and Minnesota statutes, rules, and requirements.

3.04 Mixed Municipal Solid Waste

Generators shall dispose of Mixed Municipal Solid Waste at a permitted Solid Waste Management Facility and if the Facility is within the County, licensed by the County. Generators shall either utilize the Collection services of a licensed Hauler or Self-Haul their own Mixed Municipal Solid Waste to a licensed and permitted Solid Waste Management Facility. Persons who Self-Haul their own Mixed Municipal Solid Waste must retain the receipts for 180 days from the Solid Waste Management Facility utilized.

3.05 Industrial Solid Waste

Generators are responsible for identifying, characterizing, and properly managing the Industrial Solid Waste that they produce. Generators shall follow the procedures for handling Industrial Solid Waste described in a Solid Waste Facility's Industrial Solid Waste Management Plan.

3.06 Unacceptable Waste, Problem Materials, and Special Waste

State and federal laws or regulations prohibit the Processing and/or Disposal of some types of Solid Waste. Regulations also restrict the Processing of other materials or waste types because they may present an operational hazard to a Solid Waste Management Facility. Each Solid Waste Management Facility shall identify its own list of Unacceptable Wastes, Problem Materials, and Special Wastes in accordance with Agency requirements. This list shall identify which waste types cannot be accepted under any circumstances, as well as those waste types that may require special handling and/or need approval prior to delivery. This list shall be posted at the Facility and a copy provided upon request. Generators are responsible for identifying any Unacceptable Waste, Problem Materials, and/or Special Wastes that they produce and for adhering to Facility-specific requirements for disposal.

3.07 Delivery of Unacceptable Waste

Each Person shall deliver only Acceptable Waste to a Solid Waste Management Facility.

A Facility shall not be required to accept any Solid Waste that constitutes Unacceptable Waste and may, at its discretion, inspect all vehicles delivering Solid Waste. The obligation of each Person not to deliver Unacceptable Waste, Problem Materials, and/or Special Wastes to a Solid Waste Facility shall not be removed or in any way limited by an inspection of such Person's Solid Waste.

Notwithstanding any prior acceptance of such Solid Waste as Acceptable Waste by a Facility, if the Facility, in the exercise of its reasonable judgment, identifies the presence of Unacceptable Wastes, Problem Materials, and/or Special Wastes, the Facility may reject the Solid Waste and the Person shall remove the rejected materials for proper management and Disposal at a permitted Facility. All costs of such removal, management, and Disposal shall be borne by the Person. Furthermore, if the presence of Unacceptable Wastes, Problem Materials, and/or Special Wastes poses immediate operational difficulties for a Facility, or if the Person fails to respond to a removal request, the Facility may remove and Dispose of the Unacceptable Wastes, Problem Materials, and/or Special Wastes and charge the costs of such removal, Disposal, and special handling to the Person.

3.08 Prohibitions

A. Solid Waste Burning

1. Open Burning of Solid Waste is prohibited by this Ordinance.
2. Burning of natural vegetative materials shall be allowed pursuant to United States Forest Service or Minnesota Statutes Chapter 88 and Le Sueur County Ordinances.
 - a. Burning of natural vegetative materials shall be prohibited in the shore and bluff impact zones and shall not be stored in bluffs or wetlands.

B. On-site Disposal of Solid Waste

It is a violation of this Ordinance for any Person to Dispose of Solid Waste, excluding Residential Yard Waste, on their property without a license. The owner of any such Site shall prevent disposal of Solid Waste at the Site and if necessary, take corrective actions to appropriately close and clean-up the Site, as determined by the County and/or the Agency. The existence of an unlicensed Solid Waste Site shall be reported to the Department upon discovery.

No person shall cause, permit, or allow burying or open burning of Solid Waste in any portion of the County for which the County Board has determined that regularly scheduled pickup of solid waste is reasonably available, unless otherwise provided by this Ordinance.

C. Unauthorized Container Use

It shall be illegal to use another Person's Solid Waste storage container, inspect its contents, or remove its contents unless provided prior authorization by the owner or lawful custodian of the container or by Department Staff or law enforcement in order to enforce the requirements of the Solid Waste Ordinance.

D. Hazardous Waste

In the absence of a permitted Hazardous Waste Disposal Facility within the County, the Disposal of said waste shall not be allowed anywhere in the County.

ARTICLE V SOLID WASTE MANAGEMENT SERVICE CHARGE

The following provisions are enacted pursuant to Minnesota Statute 400.08, which authorizes the County to create and to impose Service Charges within the County's jurisdiction for Solid Waste Management Services.

SECTION 1.0 PURPOSE AND AUTHORITY

The purpose of this Article is to establish methods of collection of Service Charges to fund certain Solid Waste Management Services intended to protect the public health and welfare and the environment pursuant to State mandates governing Solid Waste Management.

SECTION 2.0 GENERAL SERVICE CHARGE PROVISIONS

2.01 Solid Waste Management Service Charge

A Solid Waste Management Service Charge may be imposed for Solid Waste Management Services provided within the Service Area. Generators shall pay the Solid Waste Management Service Charge imposed in the manners set forth herein in amounts as established by the County Board. Solid Waste Management Service Charge rates shall be just and reasonable. A copy of the current rate schedule shall be kept on file in the Department. In establishing or revising the rate schedule, the County Board may consider all factors relevant to Solid Waste Management. Such factors include, but are not limited to: the character, kind and quality of service and of Solid Waste; the method of disposition; the number of people served at each place of Collection; and

all other factors that enter into the cost of providing service including, but not limited to, depreciation and payment of principal and interest on money borrowed by the County for the acquisition and betterment of Solid Waste Management Facilities; public education; recycling programs; household hazardous waste management; and Solid Waste Management Facility operating costs.

2.02 Procedures for Establishing the Amount of Solid Waste Management Service Charge

The County Board shall act to impose and establish the amount of the Solid Waste Management Service Charge, as well as the method or methods of collection, by Resolution following a public hearing, and shall state the effective date of the Solid Waste Management Service Charge.

2.03 Procedures for Adjusting the Amount of Solid Waste Management Service Charge

The County Board may adjust the amount and method or methods of collecting the Solid Waste Management Service Charge by Resolution following a public hearing and shall state the effective date of the adjusted Solid Waste Management Service Charge. There shall be a minimum thirty (30) day period prior to the effective date of such adjustment.

2.04 Methods of Billing and Collection

The County shall use a per parcel service charge collected through an assessment payable with the real estate taxes for billing and collecting the solid waste assessment fee.

SECTION 3.0 PER PARCEL SERVICE CHARGE COLLECTION

3.01 Per Parcel Charges

The County Auditor shall each year assess a solid waste management service charge per parcel payable with real estate taxes. The service charge shall be set by County Board Resolution. On or before October 15th of each year, the County Board shall certify to the County Auditor all unpaid outstanding per parcel charges and a description of the lands 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 rate provided for in Minnesota Statute, part 279.03, subdivision 1, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending October 15th, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year and 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 State of Minnesota. 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. Unpaid charges on tax exempt properties may be collected in Small Claims Court or through such other means as may be approved by the County Attorney.

3.02 Unpaid Solid Waste Assessment

A. Taxable Properties

On or before October 15th in each year, the County Board may certify to the County Auditor any unpaid outstanding solid waste assessment fees and a description of the lands which were serviced and against which the solid waste fees arose.

A property owner may prepay the outstanding solid waste management service charge before the charges are extended to the tax rolls of the County by remitting to the County, in full, plus interest not to exceed the interest rate provided in Minnesota Statute, part 279.03, subdivision 1, calculated from the date the solid waste management service charges are reported to the County as unpaid to December 31 on the year in which said prepayment is made. Such prepayment of special assessments in order to prevent the solid waste management service charge from being extended to the tax rolls of the County.

If the solid waste management service charges are not prepaid as provided in this section, the County Auditor shall extend solid waste management service charge upon the tax rolls of the County, with interest not to exceed the interest rate provided in Minnesota Statute, part 279.03, subdivision 1, calculated from the date the solid waste management service charges are reported to the County as unpaid to December 31 of the year that the solid waste management service charges appear. The solid waste management service charges with interest shall be carried into the property tax becoming due and payable in January of the following year and 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 solid waste management service charge, if not paid on time as part of the property tax, shall become delinquent and be subject to the same penalties and the same rate of interest as real property taxes under the general laws of the state.

B. Tax-Exempt Properties

Unpaid solid waste management service charges may be collected as otherwise provided in this article.

C. Civil Action

In addition to each and every other remedy available to the County, unpaid solid waste management service charges, penalties, and interest may be recovered in civil action against a property owner, lessee, or occupant or a generator, hauler, self-hauler, or solid waste management facility.

3.03 Mixed Municipal Solid Waste Fee Appeals

Any person or generator aggrieved by a decision of the County, in accordance with the provisions of this article, shall have the right to appeal the decision by serving the County Board with a request for hearing. The request for hearing must be received within thirty (30) days after the person or generator received written notice of the decision. If the person or generator fails to request a hearing within the time prescribed, the person or generator shall forfeit any right to a public hearing. Upon receipt of a written request for a hearing, the County Board shall follow the hearing procedures set forth in Article VIII, Section 3.

SECTION 4.0 PROCEDURE FOR REVISIONS THE SOLID WASTE MANAGEMENT SERVICE CHARGE

The County Board may revise the solid waste management service charge via Resolution following a public hearing and shall state the effective date for the enactment of the revised solid waste management service charge.

ARTICLE VI HAULER LICENSING PROVISIONS

SECTION 1.0 LICENSE REQUIRED

No Person may Collect, Transport or Dispose of Solid Waste, including Recyclable Materials, generated within the County, except in full compliance with this Ordinance, after having obtained a license to do so by the Department as specified in this Article. This Article does not apply to Self-Haulers or to the Transportation of Solid Waste through the County.

SECTION 2.0 LICENSE REQUIREMENTS

Haulers shall comply with the following license requirements.

2.01 License Application

The Hauler shall submit a completed application to the County on a form provided by the Department.

2.02 License Fees

The Hauler shall pay all license fees to the County with the License application and the license renewal application. The amounts of such license fees and late fees for submittal of a late application shall be established by December of each year by the County Board. No license fee shall be prorated for a portion of a year and no License fee shall be refunded.

2.03 Incomplete or Non-Conforming Application

An application will be deemed incomplete if information is omitted, incomplete, inaccurate, or does not comply with the application requirements, or if the required fees do not accompany the application. If a License application is incomplete or otherwise does not conform to the requirements set forth in this Ordinance, the Department shall provide written notice within fifteen (15) business days of receipt of the application telling the applicant what information is missing or to resubmit, modify, or otherwise alter the application.

2.04 License Term and Renewal

- A. Unless otherwise provided by the County Board, the term of a Hauler License granted pursuant to the provisions of this Ordinance shall be for one year and shall be valid from May 1 to April 30, unless sooner renewed, suspended, or revoked.
- B. License renewal applications shall be submitted to the Department by April 15 of each year. License renewal applications received after May 15 shall be subject to a late fee.

2.05 License Non-Transferable

Licenses granted by the Department under this Article are not transferable to other Persons.

2.06 Vehicles Licensed

All vehicles used for the Collection and transportation of Solid Waste in the County shall be listed on the license application. The applicant shall specify the vehicle license number, vehicle make, model, and year, and capacity of the body. In the case of roll-off containers, compactor boxes, trailers, and/or other transport containers, the type, capacity, and identification number of each container must be included.

If a vehicle is put into service during the license year, the Hauler shall submit the required information for the vehicle to the Department and shall not use the vehicle until the Department has issued a decal and the decal has been affixed to the vehicle.

2.07 Late Fee

The complete license application received after the due date established in Section 2.04 (B) shall be subject to the following late fees in addition to the license fee.

- A. Fifteen (15) calendar days late will be twenty-five (25%) of the license fee.
- B. Thirty (30) or more calendar days late will be fifty (50%) of the license fee.

SECTION 3.0 INSURANCE REQUIRMENTS

The Hauler shall obtain, maintain, and submit with the License application certificates of insurance issued by insurers duly licensed by the State of Minnesota providing the following coverage, or a self-insurance plan certified by the Department of Commerce providing equivalent coverage. Nothing in this Ordinance shall prohibit a Hauler from providing insurance with limits higher than limits provided herein. All such policies shall name Le Sueur County as an additional insured and certificate holder. The Hauler shall maintain insurance in compliance with this paragraph throughout the term of the license.

3.01 Worker's Compensation Insurance

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

3.02 General Liability

- A. Minimum limits
 - 1. For each occurrence \$1,000,000.00
 - 2. Aggregate \$2,000,000.00

For liability for bodily injury, personal injury, and property damage, which may be satisfied by the limit afforded under its Commercial General Liability policy or equivalent policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy (or policies), provided, that the coverage afforded under any such "Umbrella" or "Excess Liability" policy is at least as broad as that afforded by the underlying "Commercial General Liability" policy (or equivalent underlying policy).

Such commercial general liability policy and "Umbrella" or "Excess Liability" policy (or policies) may provide aggregate limits for some or all of the coverage afforded there under, so long as such aggregate limits have not, as of the beginning of the term or at any time during the term, been reduced to less than the total required limits stated above, and further, that the "Umbrella" or "Excess Liability" policy provides coverage from the point that such aggregate limits in the underlying comprehensive general liability policy become reduced or exhausted.

- B. The Licensee shall maintain this coverage at all times during the period of the license.

3.03 Automobile Liability

- A. Coverage shall be provided for the ownership, use, maintenance, or operation of all hired, owned, and non-owned vehicles utilized by the Licensee in connection with performance under this license application.
- B. Minimum limits
 - 1. Bodily Injury \$1,000,000.00 per accident
 - 2. Property Damage \$1,000,000.00 per accident

The above listed total limits may be satisfied by the Limits afforded under such policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy(ies), provided, that the coverage afforded under any such "Umbrella" or "Excess Liability" policy(ies) shall be at least as broad with respect to such business automobile liability insurance as that afforded by the underlying policy. Unless included within the scope of the Licensee's commercial general liability policy, such business automobile liability policy shall also include coverage for motor vehicle liability assumed under contract.

- C. If hauling hazardous waste, the policy will be endorsed with form MCS-90 Motor Carrier Policies of Insurance for Public Liability.

3.04 Additional Insurance

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

3.05 Evidence of Insurance

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

3.06 Insurer Policies

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

3.07 Loss Information

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

SECTION 4.0 EQUIPMENT AND OPERATIONS REQUIREMENTS

4.01 Equipment Requirements

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

4.02 Maintenance

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

4.03 Labeling

Each vehicle used by a Hauler for the Collection or Transportation of Solid Waste shall be identified by a license decal, card, or some similar marker issued by the Department for that vehicle for the current license year. The Hauler must be able to produce the license decal or card at all times. Any vehicle not being able to show the required decal or card shall be considered unlicensed. Vehicles used exclusively for collecting Source Separated Recyclable Materials or hauling processed Recyclable Materials to market need not have a license decal, but the Hauler must be licensed by the Department.

In addition, the business name and telephone number of the Licensee shall be easily visible and printed or painted in legible characters on each side of all vehicles or containers used by the Hauler to store, collect, or transport Solid Waste in the County. This provision shall not apply to containers owned and maintained by a Solid Waste Generator.

4.04 Inspection

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

4.05 Storage

The Licensee shall not allow Solid Waste to remain or be stored in any Collection or Transportation vehicle, including roll-offs and other detachable containers, more than forty-eight (48) hours, except in the event of an emergency such as inclement weather, equipment breakdown, or accident. Any storage of Solid Waste in containers must be done with a water impermeable cover.

4.06 Protecting Private Property

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

4.07 Smoking, Smoldering or Burning Solid Waste

The Licensee may not collect or transport Solid Waste that are smoking, smoldering, or burning.

4.08 Dumping in an Emergency

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

4.09 Hours of Operation

The Licensee may not collect or transport Solid Waste from Residential Property or Residential Buildings before 6:00 a.m. or after 9:00 p.m.

4.10 Yard Waste Collection

Haulers shall only accept for Collection Yard Waste that meets the following criteria:

- A. Has been placed in paper bags or other containers that will decompose within the time period it takes to produce a finished Compost product out of the material held by the container; or
- B. Is in a container that is not collected with the Yard Waste; or
- C. Is not containerized.

4.11 Prohibited Wastes

Haulers shall not accept for Collection in the County any Mixed Municipal Solid Waste that contains Yard Waste, Christmas trees, dry cell batteries (as prohibited by Minnesota Statute, part 115A.9155), Solid Wastes containing mercury (as prohibited by Minnesota Statute, part 115A.932), motor vehicle fluids and filters (as prohibited in Minnesota Statute, part 115A.916), or any material that has been banned from Solid Waste or Mixed Municipal Solid Waste by any State Statute. Banned items include, but are not limited to, Waste Tires, Major Appliances, telephone directories, and Medical Waste.

4.12 Secure All Loads

A person who collects or transports Solid Waste must do so in a safe and sanitary manner and must secure all loads so as to prevent escape of any Solid Waste. Failure to do so is a violation of this Ordinance.

4.13 Mixing of Mixed Municipal Solid Waste and Recyclables Prohibited

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

4.14 Providing Recycling Opportunities

At least once each year licensed Haulers shall provide specific information concerning Recycling Opportunities available to their customers.

4.15 Hauler-Imposed Collection Fees

- A. Hauler-imposed fees for the Collection of Mixed Municipal Solid Waste in the County shall increase with the volume or weight of the waste collected.
- B. Haulers of Mixed Municipal Solid Waste in the County are prohibited from imposing a greater Collection fee on residents who recycle more than on residents who do not recycle.
- C. Haulers shall offer a 38-gallon or less base container fee for Solid Waste generated at a Residential Building or at a Residential Property. Incremental service levels container fee levels shall not increase by more than 30 gallons per increment, with the exception for fees charged for bulky items.
- D. Fees for services that are not based on volume or weight are prohibited by this Ordinance.
- E. If Collection of Yard Waste is provided, the Hauler- imposed fee for such Collection must be indicated as a separate line item on a customer's bill.

SECTION 5.0 REPORTING REQUIRED

All Mixed Municipal Solid Waste haulers shall keep records and report annually to Tri-County Solid Waste or the Department, as appropriate, information relating to the Collection, Processing and Disposal of Solid Waste and Recyclable Material collected by the Hauler as required by Section 5.0 of this Ordinance. The information shall be reported to Tri-County Solid Waste or the Department no later than January 15th of each year on a form provided by Tri-County Solid Waste or the Department.

5.01 Solid Waste Records

A Hauler shall keep records of the following information for a minimum of six (6) years. For purposes of this Ordinance, "origin" means a general geographic description that at a minimum names the local governmental unit within the County. "Type" means a best estimate of the percentage of each truckload that consists of residential, non-residential, commercial, industrial, construction and demolition debris, or any other general type of Solid Waste.

A. Types and Quantities of Solid Waste

A Hauler shall maintain records regarding the volume or weight, type(s) and origin(s) of Solid Waste collected. For each vehicle, the Hauler shall keep a daily record of the origin(s), type(s), and weight of the waste collected that day, and the identity of the Solid Waste Management Facility at which collected waste is deposited. If the waste is measured by volume at the Solid Waste Facility at which it is deposited, the record may indicate the volume rather than the weight of the waste.

B. Number of Residential and Non-Residential Accounts

The Hauler shall maintain a record of the number of Residential and Non-Residential accounts serviced in each geographic origin. For reporting purposes, units in Multi-Unit Residential Buildings shall be considered residential accounts, and each individual unit shall be reported as a separate account.

C. Total Weight of Solid Waste

The Hauler shall maintain a record of the total weight of all Solid Waste collected from Residential accounts and Non-Residential accounts for each geographic region. The weight of the Solid Waste collected shall be reported and documented by scale or other County approved documentation method.

D. Management of Solid Waste

The Hauler shall maintain a record of the location(s) where Solid Waste was delivered, deposited, processed, or marketed and the total amount of waste delivered to each Solid Waste Management Facility or other location.

SECTION 6.0 WASTE DEPOSIT DISCLOSURE

6.01 Disclosure Required

A. At least annually between January 1 and March 31, a Hauler who collects Construction and Demolition Debris, Industrial Solid Waste, or Mixed Municipal Solid Waste Generated in the County for transportation to a Solid Waste Management Facility shall disclose in writing to each Generator from whom such waste is collected the name, location, and type of, and the number of the permit issued by the Agency, or its counterpart in another State, if applicable, for Processing or Disposal Facility or Facilities, excluding a Transfer Station, at the Solid Waste will be deposited. The Hauler shall note the approximate percentage of Solid Waste deposited at each of the two primary facilities used for the type of Solid Waste collected from the Generator in the County and any alternative Solid Waste Management Facilities regularly used by the Hauler for the type of Solid Waste collected from the Generator in the County in which the Generator generates the Solid Waste.

B. All written disclosures must include the following statement:

"You may be responsible for any liability that results from contamination at a facility where your waste has been deposited. Minnesota believes that its waste management system provides substantially more financial and environmental protection than depositing waste in landfills in other states. Managing your waste in Minnesota may minimize your potential liability."

- C. All oral disclosures must include the following statement:

“You may be responsible for any liability that results from contamination at a facility where your waste has been deposited. Minnesota believes that its waste management system offers more protection from liability than the waste management systems of other states.”

- D. If any of the primary or alternative Disposal Facilities identified by the Hauler are not located in Minnesota, the disclosure must also state “The landfill to which your waste may be sent during the current calendar year is not a Minnesota landfill.”

6.02 Form of Disclosure

- A. A Hauler shall make the disclosure to the Generator in writing at least once a year between January 1 and March 31 and on any written contract for Collection services for that year. The written disclosure must include all of the information described in Section 6.01.
- B. An oral disclosure is only required with regard to the Collection of Mixed Municipal Solid Waste. A Hauler must provide the required disclosure orally to a waste generator at the time the generator agrees to purchase regular collection service and must provide written disclosure to the Generator within forty-five (45) days from the date of request. This oral disclosure is not required if the City or County within which the waste is generated selects the Hauler that may provide Collection services to the Generator.
- C. If a Hauler provides onetime or occasional service to a Generator, the Hauler must orally provide the Generator with the required disclosure at the time the Generator agrees to purchase the service. The Hauler shall then provide written disclosure to the Generator within forty-five (45) days from the date of request.
- D. If an additional facility becomes either a primary facility or an alternative facility during the year, the Hauler shall make the disclosure set forth in Section 6.01 within thirty (30) days. A local government unit that collects solid waste without direct charges to waste generators shall make the disclosure on any statement that includes an amount for waste management, provided that, at a minimum, disclosure to waste generators must be made at least twice annually in a form likely to be available to all Generators.

6.03 Hauling to Transfer Stations

If a Hauler deposits Solid Waste at a Transfer Station, the Hauler need not disclose the name and location of the Transfer Station to the Generator but must disclose the disposal site that receives the waste when it leaves the Transfer Station.

ARTICLE VII FACILITY REQUIREMENTS AND LICENSES

SECTION 1.0 GENERAL LICENSING PROVISIONS

The following general provisions shall apply to all licenses issued in the County relating to any Solid Waste activities, services, or Facilities within the jurisdiction of the solid waste management service area.

1.01 License Required

- A. Unless otherwise provided in this Ordinance, any Solid Waste Management Facility to be established, operated, or maintained for intermediate or final Disposal or Processing of Solid Waste shall be licensed by the County and, if applicable, permitted by the Agency before any operation may commence.
- B. Solid Waste Management Facilities not specifically provided for in this Ordinance shall not be permitted, unless otherwise licensed or exempted from licensure by the County Board prior to construction and operation.
- C. The receipt of a Solid Waste Management Facility License shall not be deemed to exclude the necessity of obtaining other applicable licenses, permits, and approvals, except as expressly provided herein. Compliance with the provisions of this Ordinance shall not relieve any Person or entity of the need to comply with any and all other applicable rules, regulations, and laws.

1.02 Disposal of Solid Waste

- A. No Person shall make nor allow land or property under their control in the County to be used for Disposal of any Solid Waste unless it is in a Solid Waste Management Facility for which a License has been issued by the County Board, unless otherwise provided by this Ordinance.
 - 1. Exemptions:
 - a. Agency issued Demolition Debris Disposal Facility – Permit-by-Rule but shall not be located in:
 - 1) Floodplains;
 - 2) Shoreland;
 - 3) Wild and scenic river land use district governed by Minnesota Administrative Rules, Chapters 6105 and 6120;
 - 4) Wetlands;
 - 5) On a Site with karst features including sinkholes, disappearing streams, and caves; and
 - 6) Areas with a water table within five (5) feet of the lowest fill elevation.
 - b. Septic System Abandonment shall be abandoned in accordance with Minnesota Administrative Rules, Chapters 7080 and 7081 and the Le Sueur County Zoning Ordinance.
 - c. Owners of land used for farming in accordance with Minnesota Statute 17.135.

1.03 Facility Licenses

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

- A. Mixed Municipal Solid Waste Land Disposal Facilities
- B. Construction and Demolition Debris Land Disposal Facilities
- C. Industrial Solid Waste Land Disposal Facilities
- D. Transfer Stations
- E. Solid Waste Processing Facilities
- F. Waste Tire Facilities

SECTION 2.0 FACILITY LICENSE FEES

2.01 Application Fee

An application fee, in an amount to be determined by the Department and approved by the County Board, shall be established to process the Facility License Application, review all plans and specifications, and shall accompany the Application.

2.02 Facility License Fees

Facility License fees shall be determined by the Department and approved by the County Board. License fees shall be established each year for the subsequent calendar year. The Department shall collect license fees each year.

SECTION 3.0 LICENSE REQUIREMENTS

An application for a License or License renewal shall be made to the Department on forms furnished by the Department. The application shall not be considered complete until the Department has received all information, materials, plans, Financial Assurance, certificates of insurance, and fees required under this Ordinance. Unless otherwise provided by the County Board, each License granted pursuant to the provisions of this Ordinance shall expire annually unless sooner or revoked.

3.01 Financial Assurance

Issuance of any Solid Waste Management Facility license pursuant to the provisions of this Ordinance shall be contingent upon the applicant furnishing to the Department, financial assurance for pre-closure/operational, closure, and post-closure periods in an amount and form to be set by the County Board and naming the County as obligee. The County Board may waive this requirement if it determines, based on the type of and associated conditions surrounding the proposed Solid Waste Management Facility, that the financial assurance is not necessary to secure the licensee's performance of its obligations under the License, and is not necessary to protect the public health and safety. The financial assurance shall be maintained throughout the term of each operational and closure License, unless the amount or form of the financial assurance is modified by the County Board based on the conditions and information present at the time of a renewal or violation of the License.

A. Conditions

Conditions of financial assurance shall include:

1. If the licensee fails to obey any of the requirements or do any of the acts required by this Ordinance or the License in the pre-closure/operational, closure, and post-closure periods of the Solid Waste Management Facility, or if, for any reason, ceases to operate or abandons the Solid Waste Management Facility, and the County determines that it is necessary to expend any monies or expend any labor or material to remediate conditions at or caused by the Solid Waste Management Facility or restore the Facility to the condition and requirements as provided by this Ordinance, the obliger and the sureties on the financial assurance shall promptly remit to the County the amounts requested.
2. The obliger 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 defaults of the obliger under the terms of the License to operate and the Ordinances of the County.
3. The financial assurance shall be subject to cancellation by the surety at any time only upon giving 120 days prior written notice of cancellation to the Department.
4. If any financial assurance requirements continue to apply to a Solid Waste Management Facility, failure to provide the County with a replacement financial assurance in the form and amount required by the Ordinance and the County Board at least thirty (30) days prior to the cancellation date, shall constitute a violation of the Ordinance and shall be grounds for a claim against the current financial assurance in the full amount.
5. The specific financial assurance mechanism(s) and amount(s) utilized by a License for closure and post-closure care shall be identified in the Closure License and shall comply with Section 3.01 (B).

B. Requirements for Financial Assurance Mechanisms

1. Pre-Closure/Operational Period Financial Assurance: Licensee shall provide pre-closure/operation period financial assurance through one or a combination of the following mechanisms.

- a. Letter of Credit: An irrevocable letter of credit from a financial institution that is acceptable to the County Board.
 - b. Bond: A surety bond in a form and from a financial institution that is acceptable to the County Board. In general, the surety bond shall be for purposes and in an amount set by resolution of the County Board and shall name the County of Le Sueur as the obligee. Acceptable surety companies include those companies that are licensed and authorized to transact corporate sureties business in the State of Minnesota and that are listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of Treasury, as published annually in the Federal Register on July 1st.
 - c. Trust: A trust in a form acceptable to the County Board.
 - d. Agency Financial Assurance Plan: In addition to the financial assurance required by this Section, the Licensee shall maintain separate financial assurance as may be required by the Agency for an operational permit. Failure to maintain an Agency required financial assurance shall require modifying the form and amount of financial assurance required by this Ordinance, pursuant to Section 3.01.
 - e. Release: The pre-closure/operational period financial assurance shall be released by the County by notifying the obligor/surety in writing after the Department determines that the Licensee has fully complied with the terms and obligations of the operational License, the License has been granted a closure License and had provided the required closure period financial assurance, and any pre-closure/operational period violations of this Ordinance have been corrected to the satisfaction of the Department.
2. Closure Period Financial Assurance: Licensee shall provide closure period financial assurance through one or a combination of the following mechanisms.
- a. Letter of Credit: An irrevocable letter of credit from a financial institution that is acceptable to the County Board.
 - b. Bond: A surety bond in a form and from a financial institution that is acceptable to the County Board. In general, the surety bond shall be for purposes and in an amount set by resolution of the County Board and shall name the County of Le Sueur as the obligee. Acceptable surety companies include those companies that are licensed and authorized to transact corporate sureties business in the State of Minnesota and that are listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of Treasury, as published annually in the Federal Register on July 1.
 - c. Trust: A trust in a form acceptable to the County Board.

- d. Agency Financial Assurance Plan: In addition to the financial assurance required by this Section, the Licensee shall maintain separate financial assurance as may be required by the Agency pursuant to a closure plan approved by the Agency. Failure to maintain an Agency required financial assurance shall require modifying the form and amount of financial assurance required by this Ordinance, pursuant to Section 3.01.
 - e. Release: The closure period financial assurance shall be released by the County by notifying the obligor/surety in writing after the Department determines that the Licensee has fully complied with the terms and obligations of the closure License, any closure period violations of this Ordinance have been corrected to the satisfaction of the Department, and the Licensee has provided the required post-closure financial assurance.
3. Post-Closure Period Financial Assurance: Licensee shall provide post-closure period financial assurance through one or a combination of the following mechanisms.
- a. Letter of Credit: An irrevocable letter of credit from a financial institution that is acceptable to the County Board until certification of closure is submitted to the Department and approved by the County Board.
 - b. Bond: A surety bond in a form and from a financial institution that is acceptable to the County Board. In general, the surety bond shall be for purposes and in an amount set by resolution of the County Board and shall name the County of Le Sueur as the obligee. Acceptable surety companies include those companies that are licensed and authorized to transact corporate sureties business in the State of Minnesota and that are listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of Treasury, as published annually in the Federal Register on July 1.
 - c. Trust: A trust in a form acceptable to the County Board.
 - d. Agency Financial Assurance Plan: In addition to the financial assurance required by this Section, the Licensee shall maintain separate financial assurance as may be required by the Agency for post-closure care. Failure to maintain an Agency required financial assurance shall require modifying the form and amount of financial assurance required by this Ordinance, pursuant to Section 3.01.
 - e. Release: The post-closure period financial assurance shall be released by the County by notifying the obligor/surety in writing after the Department determines that the Licensee has fully complied with the terms and obligations of the closure License, any closure period violations of this Ordinance have been corrected to the satisfaction of the Department, and the Licensee has provided the required post-closure financial assurance.

- D. Annual Review and Adjustment: The form and amount of financial assurance shall be subject to annual review by the Department. Adjustments shall be based on published economic indicators deemed relevant by the County Board and/or modification to the Solid Waste Management Facility specifications, operations, and/or closure or post-closure care standards. No adjustment shall be effective unless approved by the County Board.

3.02 Land Use Approval

Any use of land for Solid Waste Management Facilities within the County shall comply with the applicable zoning requirements of the County Zoning Ordinance, or the zoning authority having jurisdiction over the proposed Site.

3.03 Application Requirements

The application for initial License shall include:

- A. A complete copy of the permit application submitted to the Agency, including a set of complete plans, specifications, design data, and ultimate land use;
- B. A land use permit as required by the County Zoning Ordinance or the zoning authority having jurisdiction over the proposed site;
- C. A written statement of how the proposed facility is consistent with the County Solid Waste Management Plan and current Agency Certificate of Need (CON), if applicable; and
- D. An application fee as established by the County Board;
- E. The County License Application and required submittals for a Solid Waste Management Facility listed in Section 1.03 by the Person or entity is applying for as prepared by a professional engineer registered in Minnesota;
- F. A copy of any environmental assessment worksheet or environmental impact statement prepared or required pursuant to this Ordinance, Minnesota Administrative Rules, Chapter 4410, as amended, or other applicable regulations; and
- G. A list of all types of Solid Waste the Applicant intends to accept at the Facility.

3.04 Licensed Facilities

At any time the Licensee submits an application for renewal or modification of their Agency permit, a copy of that application and all supporting documentation must be submitted to the County and the process for License renewal shall be followed.

3.05 License Holder

A License shall be issued jointly to the landowner, facility owner, facility operator, and/or other persons responsible for compliance with the requirements of this Ordinance.

3.06 Multiple Operation Facilities

The County Board, at its discretion, may issue one license to a Person or entity who operates or proposes to operate two or more Solid Waste Management Facilities within the same site boundary. This multiple operation license may be approved when the County Board determines that the combined operation of two or more solid waste facilities is such that administration and enforcement of this Ordinance and license conditions are most efficiently or appropriately served by one License. Each Solid Waste Management Facility licensed under the multiple operation license shall comply with all the requirements of this Ordinance that apply to Solid Waste Management Facilities of that type, including the payment of Application and License Fees. The Department shall work with the Person or entity operating or proposing to operate under a multiple operation License to avoid unnecessary duplication and efforts in License Application, record keeping, and reporting processes. The issuance of a multiple operation License shall be based on recommendation by the Department to the County Board or request by the Facility and approval by the County Board.

SECTION 4.0 REVIEW OF FACILITY LICENSE APPLICATION

4.01 Time Deadline for Department Action

The Department shall review the Facility License Application for completeness. Within fifteen (15) business days of receipt, the Department shall notify the Applicant in writing the reason(s) the Application is incomplete. The County shall have sixty (60) days in which to either approve or deny the Application. If an Applicant is denied a License, the Applicant shall be notified in writing by the County of the reasons for the denial of the License. A denial shall be without prejudice to the Applicant's right to an appearance before the County Board or for filing a further Application after revisions are made to meet objections specified as reasons for the denial.

4.02 When Modification to License Requires Review

- A. Major modifications to a License shall require prior approval of the County Board. The following, without limitation, shall be considered major modifications to a License:
1. When the Department determines that a modification or change to the operation or conditions of a Solid Waste Management Facility creates the potential for significant environmental or public health impact;
 2. Any change in the type(s) or quantity(ies) of Solid Waste accepted;
 3. Any change in the waste management method or addition of a new waste management method used at a Site or Solid Waste Management Facility or change to the Closure Plan;
 4. Expansion to a Solid Waste Management Facility listed in Section 1.03; and/or
 5. Modification to a Permit issued by the Agency.

- B. Notwithstanding these criteria, a major modification does not include changes or modifications that:
1. Are disclosed in the License Application and operations plan and approved by the County Board as part of the License;
 2. Are in conformance with the current License and does not create the potential for significant environmental or public health impact; and
 3. Will not reduce the Department's ability to monitor compliance with the License and this Ordinance.

4.03 Operational Conditions

The Licensee shall comply with the operational conditions stated in the Application as approved by the County. Failure of the Licensee to comply with such operational conditions is a violation of this Ordinance, and the Licensee is subject to the penalties provided herein.

4.04 Contingent License/Special Conditions

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

4.05 Sequencing

No License Application will be considered until written proof that the zoning authority, if applicable, has considered the establishment of the Facility, and the results of that consideration are provided to the Department.

SECTION 5.0 TERM OF FACILITY LICENSE; RENEWAL; LICENSE NOT TRANSFERABLE

The term and renewal of Solid Waste Management Facility Licenses are governed by this section.

5.01 Term of License

Unless otherwise provided by the County Board, the term of a Solid Waste Management Facility License granted pursuant to the provisions of this Ordinance shall be for one year and shall be valid from May 1 to April 30, unless sooner renewed, suspended, or revoked.

5.02 Renewal of License

Application for renewal of a License shall be made in writing to the Department by April 15 of the expiration year and shall be signed by an individual authorized to act on behalf of and bind the Licensee. Application for a License renewal shall contain a statement of any changes in the information submitted from the last approved License Application. Application for a License renewal shall contain reports required by the Ordinance. The Licensee shall submit Financial Assurance information. Failure to submit such information is grounds for revocation or for not granting renewal of the License by the County Board.

5.03 License Not Transferable

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

SECTION 6.0 INSURANCE REQUIREMENTS

A Solid Waste Management Facility Licensee shall obtain, maintain, and submit with the License Application such insurance coverage as set forth in this Section, and otherwise comply with the provisions that follow. Such policy(ies) of insurance shall apply to the extent of, but not as a limitation upon or in satisfaction of, the license indemnity provisions. The provisions of this Section shall also apply to all subcontractors and independent contractors engaged by the Licensee with respect to the License. The Licensee shall be entirely responsible for securing the compliance of all such Persons or parties with these provisions.

6.01 Worker's Compensation Insurance

- A. Worker's compensation insurance shall be in compliance with all applicable State Statutes. Such policy shall include Employer's liability coverage in at least such amount(s) as are customarily issued in Minnesota and an All States or Universal Endorsement, if applicable.

- B. In the event a Licensee is a sole proprietor and has elected not to provide workers' compensation insurance, the Licensee shall be required to execute and submit to the Department an affidavit of sole proprietorship in a form acceptable to the Department.

6.02 General Liability

- A. Minimum limits
 - 1. For each occurrence \$1,000,000.00

 - 2. Aggregate \$2,000,000.00

For liability for bodily injury, property damage, personal injury, contractual liability (applying to this contract), independent Licensees, explosion, collapse, and underground (XC&U) and products-completed operations liability (if applicable), which may be satisfied by the limit afforded under its Commercial General Liability policy or equivalent policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy(ies), provided, that the coverage afforded under any such "Umbrella" or "Excess Liability" policy is at least as broad as that afforded by the underlying "Commercial General Liability" policy (or equivalent underlying policy).

Such commercial general liability policy and "Umbrella" or "Excess Liability" policy (or policies) may provide aggregate limits for some or all of the coverage afforded there under, so long as such aggregate limits have not, as of the beginning of the term or at any time during the term, been reduced to less than the total required limits stated above, and further, that the "Umbrella" or "Excess Liability" policy provides coverage from the point that such aggregate limits in the underlying comprehensive general liability policy become reduced or exhausted.

B. The Licensee shall maintain this coverage at all times during the period of the license.

6.03 Automotive Liability

A. Coverage shall be provided for the ownership, use, maintenance, or operation of all hired, owned, and non-owned vehicles utilized by the Licensee in connection with the operation of the licensed Solid Waste Management Facility.

B. Minimum limits

Combined Bodily Injury and/or Property Damage \$1,000,000.00 per accident

The above listed total limit may be satisfied by the Limits afforded under such policy, or by such policy in combination with the limits afforded by an "Umbrella" or "Excess Liability" policy(ies), provided, that the coverage afforded under any such "Umbrella" or "Excess Liability" policy(ies) shall be at least as broad with respect to such business automobile liability insurance as that afforded by the underlying policy. Unless included within the scope of the Licensee's commercial general liability policy, such business automobile liability policy shall also include coverage for motor vehicle liability assumed under contract.

6.04 Additional Insurance

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

6.05 Evidence of Insurance

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

6.06 Insurer Policies

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

6.07 Loss Information

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

SECTION 7.0 FACILITY RECORDS

It shall be the obligation of the Operator of a Solid Waste Facility to maintain accurate operation records. To be considered for renewal the Licensee must maintain the following records and submit reports as required by the Department.

7.01 Daily Records

Accurate daily records of Solid Waste Management Facility operations shall be maintained and made available upon request to the County or Authorized Representative including:

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

7.02 Facility's Annual Report

The Licensee shall submit a copy of the Licensed facility's annual report required by the Agency to the Department by March 1 of each year.

7.03 Facility Service Area

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

7.04 Emergency Incidents

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

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

SECTION 8.0 GENERAL REQUIREMENTS FOR ALL FACILITIES

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

8.01 Design and Construction

- A. Sanitary facilities and shelter shall be available at the Site.
- B. Effective litter control devices such as portable fences shall be utilized.
- C. Electrical service, as necessary for operations and repairs.
- D. Firefighting facilities on site adequate to ensure the safety of employees.
- E. A contingency action plan identifying procedures and actions to be taken in the event of fire, spill, chemical release, physical injury, or other emergency situations at the Site.
- F. Emergency first aid equipment to provide adequate treatment for all accidents.
- G. A potable water supply for Site personnel.
- H. Shelter for maintenance and storage of Site equipment.
- I. Adequate facilities to ensure that no vehicle desiring entry into the Site may have to wait outside the perimeter of the Site.
- J. Adequate communication facilities shall be provided for emergency purposes.
- K. The Site shall be fenced or secured to prevent unauthorized entry and a gate shall be provided at the entrance to the Site and kept locked when an attendant is not on duty.
- L. An all-weather haul road to the unloading area.
- M. Visual screening of the Site, as approved by the Department, shall be provided by use of natural objects, trees, plants, seeded soil berms, fences, or other suitable means.

N. An area shall be designated to inspect and store Solid Waste to determine whether or not Unacceptable Waste is contained in the Solid Waste deposited at the Site.

8.02 Operating Records

All Solid Waste Management Facilities shall maintain accurate operational daily records with regard to all aspects of the Facility, including but not limited to the quantity and the types of materials received, and the disposition of all materials received. Records shall be available during normal business hours for the on-site review and inspection by the Department and/or Agency.

8.03 Compliance with Minnesota Rules

Applicants, owners, and operators of licensed Solid Waste Management Facilities shall comply with applicable State solid waste rules, including Minnesota Administrative Rule, Chapter 7035, as amended.

8.04 Compliance with Ordinance

Applicants, owners, and operators of licensed Solid Waste Management Facilities shall be responsible for compliance with all provisions of this Ordinance.

8.05 Air, Soil, and Waters of the County

No owner or operator shall operate any Solid Waste Management Facility, or dispose of, or permit to be disposed of, any Solid Wastes in a manner so as to degrade the soil, air, or waters of the County. An owner or operator who causes any degradation of the soil, air, or waters of the County shall undertake whatever action necessary to correct the degradation and restore the soil, air, or waters to its condition prior.

8.06 Environmental Monitoring

Owners and operators shall be responsible for facilitating all environmental monitoring, including but not limited to water, soil, and landfill gases, which are required by this Ordinance, the license, or the Agency permit for the applicable Solid Waste Management Facility.

8.07 Unacceptable Waste

Owners and operators shall maintain a contingency plan for the proper temporary storage, treatment, and/or disposal of unacceptable waste received at the Facility. Unacceptable waste shall be any waste not identified by the applicant in its application as acceptable waste and approved as part of the license by the County Board. The contingency plan shall include a written list of the nearest suitable Solid Waste Management Facilities where the unacceptable waste can be disposed of or received from the public. Unacceptable waste shall be transported only to Solid Waste Management or Hazardous Waste Facilities operating with appropriate license for disposal, treatment, conversion, or recycling.

8.08 Closure Requirements

In addition to Closure procedures required by the Agency, the Licensee shall submit a detailed map to the Department upon Closure of the Licensed Solid Waste Management Facility. The map shall include the location of fill areas, buildings, roads, wells, hydro-geologic information, elevations, scales, and any other features of the site.

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

8.09 SOLID WASTE FACILITY FEES AND DEPOSITS

- A. Facility License Fees
 - 1. An application fee shall be submitted with all applications for a Solid Waste Management Facility License, expansion of a facility, license renewal involving a major modification, or appeal of Solid Waste Management Facility fees and deposits. The application fees shall be in an amount set forth in the County's fee schedule. An application that does not include the required application fee shall not be considered complete.
 - 2. In addition to the application fees, there shall be Facility License fees for each type of Solid Waste Management Facility. The Facility License fees shall be set forth in the County's fee schedule and shall be reviewed annually by the County Board. The initial Solid Waste Management Facility License fee shall be paid prior to issuance of the License renewal. Annual License fees shall terminate once the County Board has approved a certification of closure pursuant to pertinent sections in this Ordinance. Non-payment of the Facility License fees shall be grounds for denial of a License application, modification or renewal, or revocation of an existing License, and may be enforced as provided in Article VIII of this Ordinance.
 - 3. There shall be no fee for renewal of a License, provided that there are no major modifications to the License, as determined by the Department pursuant to Section 4.02. A License renewal that a major modification shall pay an application fee as required in Section 8.09.A.1.

- B. Solid Waste Land Disposal Facility Fees and Deposits
1. Pursuant to Minnesota Statutes, Chapters 115A and 400, the County hereby establishes a system fees and other financial security to compensate the County for and to protect the County against costs, expenses, and risks associated with locating a Solid Waste Land Disposal Facility within the County, including, without limitation, administrative costs, landfill abatement, response actions (both on and off-site), impacts to County infrastructure, and the closure costs, post-closure care and perpetual care of Solid Waste Land Disposal Facilities. For purposes of this Section, perpetual care shall mean those activities and cost associated with Solid Waste Land Disposal Facilities located within the County that will continue beyond post-closure care period prescribed by the Agency and this Ordinance, and include without limitation: (1) continual site maintenance, including fencing, building care, inspection of equipment, and inspection and repair of slumping associated with steep-sided Solid Waste Land Disposal Facilities; (2) monitoring of gas and ground water; (3) monitoring leachate collection; and (4) maintaining cover integrity and preventing uncontrolled stormwater and snow melt from entering a closed waste cell. Perpetual care may also include remediation or response activities that may not be undertaken by a responsible party, facility operator, or other state or federal agency and that may be necessary to protect the public health and environment. It is the express intent of this Section that the costs and risks associated with hosting a Solid Waste Land Disposal Facility are not borne directly or indirectly by Le Sueur County residents.
 2. Mixed Municipal Waste (MSW) Fees
 - a. Base Fee: All Solid Waste Land Disposal Facilities in the County that accept and dispose of MSW shall pay a fee for each ton of MSW accepted and disposed of at the Facility. The amount of the MSW Base Fee shall be established by the County Board and may be reviewed and revised annually.
 - b. Out-of-County Fee: In addition to the Base Fee, all Solid Waste Land Disposal Facilities in the County that accept and dispose of MSW shall pay a fee for each ton of MSW generated outside of Le Sueur County that is accepted and disposed of at the Facility. The amount of Out-of-County Fee shall be established by the County Board and may be reviewed and revised annually.
 3. Construction and Demolition Land Disposal Waste Fee: All Solid Waste Land Disposal Facilities in the County that accept and dispose of construction and demolition debris shall pay a fee for each ton of construction and demolition debris accepted and disposed of at the Facility. The amount of the fee shall be established by the County Board and may be reviewed and revised annually.
 4. Industrial Solid Waste Land Disposal Waste Fee: All Solid Waste Land Disposal Facilities in the County that accept and dispose of Industrial Solid Waste shall pay a fee for each ton of Industrial Solid Waste accepted and disposed of at the Facility. The amount of the fee shall be established by the County Board and may be reviewed and revised annually.

5. Payment of Fees: The fees established in this Section shall be charged to the Facility Owners and shall be paid in the following manner:
 - a. Monthly returns shall be on a reporting form prescribed by the Department.
 - b. The return shall be signed by the Facility Operator or Person authorized by the Facility Operator to do so.
 - c. A check for the full amount of the fee and made out to the County of Le Sueur shall accompany the return form.
 - d. The return shall be filed with the Department on or before the last day of the month immediately following the month in which the fee was incurred.
6. Exemption from Base Fee and Out-of-County Fee: If a Solid Waste Land Disposal Facility achieves 85% or greater reduction in weight of Solid Waste that is managed through Recycling, Composting, or Processing, the following Solid Waste materials shall exempt from Base Fees and Out-of-County Fees:
 - a. All Residuals and Residue
 - b. All Non-Processible Waste
7. Non-Payment of Fees: Non-payment of fees, deposits, or other financial security shall be grounds for denial of a License application, modification, or renewal, or suspension or revocation of an existing License, and may also be enforced as provided in Article VIII of this Ordinance.
8. Fees to be Uniform – Appeal Process
 - a. The County Board shall establish the amount of fees for each waste stream in a manner to be applied uniformly to Solid Waste Land Disposal Facilities located within the County. A Solid Waste Land Disposal Facility may appeal the amount of the fees established by this Section for the waste stream(s) applicable to that Facility if the Facility believes that, because of the unique characteristics of the Facility, the amount of fees or deposits should be reduced. Any such appeal must be submitted on a form to be provided by the Department with the Facility's timely application for a Solid Waste Land Disposal Facility License or renewal or modification of an existing License. No appeal will be accepted after a License, renewal, or modification application has been submitted or, in connection with a License renewal application, after the time by which such application is required to be submitted pursuant to Section 3.02 of this Ordinance. An appeal submitted in connection with an application to modify an existing License shall be limited to the fees or deposits applicable to the proposed modification. The requirement that a Facility submit an appeal under this Section at the time the Facility applies for a License renewal or modification shall not apply in the event the County Board increases the amount of the fees or deposits applicable to the Facility's waste stream during the term of an existing License. In that case, an appeal must be submitted within sixty (60) days after the date on which the County Board approves the fee or deposit increase, and the appeal shall be limited to the amount of the increase only.

b. The appeal shall be considered by the County Board at the same time as the County Board considers the Facility's application for a License, renewal, or modification. In those cases where the appeal is submitted in connection with a fee or deposit increase during the term of an existing License, the appeal shall be considered by the County Board within sixty (60) days after the Department determines a Facility's appeal application is complete. It shall be the Facility's burden to conclusively establish that the uniform fees and/or deposits applicable to the Facility's waste stream exceed the direct and indirect costs, expenses, and potential risks associated with the Solid Waste Land Disposal Facility. A Facility's request for reduction of fees or deposits shall include, without limitation, a detailed explanation of the unique attributes of the Facility and its operations, including the Facility property and the property and natural resources in the surrounding area, demonstrating that the potential costs, expenses, and risks associated with the Facility are substantially different than those presented by other Facilities located within the County and accepting the same waste stream(s). The County Board may employ the use of a qualified individual to serve as a consultant to assist the County Board in considering an appeal under this Section. The fees and expenses of the consultant shall be shared equally by the applicant and the County. An appeal shall not relieve the Facility of its obligation to make timely payments in the amounts established by the County. If an appeal is granted and the amount of the fee is reduced, the County shall refund the Facility the difference between the amounts paid and the amounts that would have been due based on the reduced fee, calculated from the date the appeal application was accepted complete by the County. The County Board may require, as a condition of reducing the applicable fee or deposit, that the Facility enter into an agreement with the County providing for the payment of the reduced fee or deposit and establishing a procedure for monitoring the unique conditions or characteristics of the Facility that were accepted as the basis for reducing the applicable fee or deposit.

C. Other Fees, Rates, and Service Charges: Other fees, rates, and service charges pursuant to this Ordinance and applicable law shall be established by the County Board and set forth in the County's fee schedule. Such other fees, rates, and service charges pursuant to this Ordinance may be billed in a manner determined by the County and payment enforced in the same manner as other fees required by this Section.

SECTION 9.0 MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITIES

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

9.01 State Rule Adopted

In addition to the general requirements provided for in this Ordinance and the specific requirements of this Section, the design, construction, and operation of Mixed Municipal Solid Waste Land Disposal Facilities shall be in accordance with Minnesota Administrative Rules, Chapter 7035 and other Agency Administrative Rules pertaining to Solid Waste Disposal, which are hereby adopted by reference as part of this Ordinance.

9.02 Licensing Requirements

The following additional information shall be submitted to the Department as part of the application process for a Mixed Municipal Solid Waste Land Disposal Facility License.

It is unlawful for any Person to establish, operate, or maintain a Mixed Municipal Solid Waste Land Disposal Facility without first being licensed to do so by the County.

A. Application and Fees

An applicant for a Mixed Municipal Solid Waste Land Disposal Facility License shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives the signed and dated application form, all applicable fees, and all materials required by this Section.

B. Existing Conditions Plan

A current map or aerial photograph of the area showing land use and zoning within 1/4 mile of the Mixed Municipal Solid Waste Land Disposal Site. The map or aerial photography shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photography, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.

C. Plot Plan

A plot plan that includes the legal description of the Site and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including but not limited to roads, fencing, and cover stockpiles. The plan of development including any excavation, trenching, and fill shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching, and fill. The scale of the plot plan should not be greater than 200 feet per inch.

D. Land Use Plan

An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.

E. Report

A report shall accompany the plans indicating:

1. Population and areas expected to be served by the proposed Site.
2. Anticipated type, quantity, and source of material to be Disposed of at the Site.

3. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the Site, including the high-water table. Such data shall be obtained by soil borings or other appropriate means.
4. Source and characteristic of cover material and method for protecting cover material for winter operation.
5. Type and amount of equipment to be provided at the Site for excavating, earth moving, spreading, compacting, and other needs.
6. Area of Site in acres.
7. Owner of the Site.
8. Persons responsible for actual operation and maintenance of the Site and operating procedures.

9.03 Specific Design and Construction Requirements

The following shall be established, constructed, maintained, or provided for at the Site:

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

9.04 Specific Operating Procedures

Any Person who has been granted a License by the Department to operate a Mixed Municipal Solid Waste Land Disposal Facility shall comply with the following specific operational requirements:

- A. Open Burning, Animal Feeding, and Scavenging

Open Burning of Mixed Municipal Solid Waste is prohibited. No scavenging shall be allowed. Salvaging shall be allowed only upon conditions approved in writing by the Department. Animal feeding within the Site is prohibited.

B. Wind-Blown Material

Unloading of Mixed Municipal Solid Waste shall be confined to as small an area as practicable and surrounded with appropriate materials to prevent wind-blown material within the area. At the conclusion of each day of operation, all wind-blown material resulting from the operation shall be collected and returned to the designated area by the Owner or Operator.

C. Cover and Compaction of Putrescible Material

Putrescible Material, which has reached a foul state of decay or decomposition, shall be immediately covered and compacted.

D. Public Nuisance Control

Control of vectors, such as rodents and flies, and of odors, dust, wind-blown material, and other potential Public Nuisances shall be sufficient to prevent or eliminate any Public Nuisance. Should the Department so prescribe, an exterminator or pest control agent, at the Licensee's expense, shall be engaged to inspect the Mixed Municipal Solid Waste Land Disposal Facility on at least a monthly basis. A copy of each inspection report shall be sent to the Department immediately upon its receipt by the Licensee.

SECTION 10.0 CONSTRUCTION AND DEMOLITION DEBRIS LAND DISPOSAL FACILITIES LICENSE

This section applies to all Facilities designed, constructed, or operated for the land disposal of Construction and Demolition Debris, regardless of size or duration of operation.

10.01 State Rule Adopted

In addition to the general requirements provided for in this Ordinance and the specific requirements of this Section, the design, construction, and operation of Construction and Demolition Debris Solid Waste Land Disposal Facilities shall be in accordance with Minnesota Administrative Rules, Chapter 7035 and other Agency Administrative Rules pertaining to Solid Waste Disposal, which are hereby adopted by reference as part of this Ordinance.

10.02 Licensing Requirements

The following information shall be submitted to the Department as part of the application process for a Construction and Demolition Debris Land Disposal Facility License.

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

A. Application and Fees

An applicant for a Construction and Demolition Debris Land Disposal Facility License shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives the signed and dated application form, all applicable fees, and all materials required by this section.

B. Existing Conditions Plan

A current map or aerial photograph of the area showing land use and zoning within 1/4 mile of the Site. The map or aerial photography shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photography, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.

C. Plot Plan

A plot plan, including the 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 shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching, and fill. The scale of the plot plan should not be greater than 200 feet per inch.

D. Land Use Plan

An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.

E. Report

A report shall accompany the plans indicating:

1. Population and areas expected to be served by the proposed Site.
2. Anticipated type, quantity, and source of material to be disposed of at the Site.
3. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the Site, including the high-water table. Such data shall be obtained by soil borings or other appropriate means.
4. Source and characteristic of cover material and method for protecting cover material for winter operation.
5. Type and amount of equipment to be provided at the Site for excavating, earth moving, spreading, compacting, and other needs.
6. Area of the Site in acres.

7. Owner of the Site.
8. Persons responsible for actual operation and maintenance of the Site and intended operating procedures.

10.03 Specific Design and Construction Requirements

The following shall be established, constructed, maintained, or provided for at the Site:

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

10.04 Specific General Operating Procedures

Any person who has been granted a License to operate a Construction and Demolition Debris Land Disposal Facility shall comply with the following specific operational requirements:

A. PublicUseProhibited

No public usage will be allowed except where specifically approved by the Department.

B. Pest Eradication

Before any materials from demolished structures may be deposited, the Licensee must submit proof acceptable to the Department that the demolished structure has been subjected to satisfactory pest eradication prior to demolition.

C. Prohibited Wastes

No paper, plastic, cardboard, cans, bottles, waste tires, major appliances, vehicles, or other materials not specifically permitted by this Ordinance shall be deposited. This prohibition includes: chemicals, dead animals, small appliances, ashes, large pieces of carpet and padding, fluorescent lights, ballasts, food waste, high intensity discharge lamps, household refuse, liquids, machinery, medical waste, mercury containing waste, paint containers, brushes, oil grease, fuels, uncured sealants, sludges, coal tar, tires, unrecognizable waste, yard waste, sandblasting waste, grit/bar screen residue, street sweepings, paper mill waste, lead paint wastes, railroad ties, foundry waste, contaminated soil, regulated asbestos waste, and any Industrial Solid Waste.

SECTION 11.0 INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITIES

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

11.01 State Rule Adopted

In addition to the general requirements provided for in this Ordinance and the specific requirements of this Section, the design, construction, and operation of Industrial Solid Waste Land Disposal Facilities shall be in accordance with Minnesota Administrative Rules, Chapter 7035 and other Agency Administrative Rules pertaining to Solid Waste Disposal, which are hereby adopted by reference as part of this Ordinance.

11.02 Licensing Requirements

The following information shall be submitted to the Department as part of the application process for an Industrial Solid Waste Land Disposal Facility License.

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

A. Application and Fees

An applicant for an Industrial Solid Waste Land Disposal Facility License shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives the signed and dated application form, all applicable fees, and all materials required by this section.

B. Existing Conditions Plan

A current map or aerial photograph of the area showing land use and zoning within 1/4 mile of the Site. The map or aerial photography shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photography, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.

C. Plot Plan

A plot plan including legal description of the Site and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including but not limited to roads, fencing, and cover stockpiles. The plan of development including any excavation, trenching, and fill shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching, and fill. The scale of the plot plan should not be greater than 200 feet per inch.

D. Land Use Plan

An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.

E. Report

A report shall accompany the plans indicating:

1. Population and areas expected to be served by the proposed Site.
2. Anticipated type, quantity, and source of material to be disposed of at the Site.
3. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the Site, including the high-water table. Such data shall be obtained by soil borings or other appropriate means.
4. Source and characteristic of cover material and method for protecting cover material for winter operation.
5. Type and amount of equipment to be provided at the Site for excavating, earth moving, spreading, compacting, and other needs.
6. Area of the Site in acres.
7. Owner of the Site.
8. Persons responsible for actual operation and maintenance of the Site and intended operating procedures.

11.03 Specific Design and Construction Requirements

The following shall be established, constructed, maintained, or provided for at the Site:

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

11.04 Specific Operating Procedures

Any person who has been granted a License to operate an Industrial Solid Waste Land Disposal Facility shall comply with the following specific operational requirements, unless otherwise waived in writing by the Department:

A. Public Use Prohibited

No public usage will be allowed, except where specifically approved.

B. Prohibited Wastes

No paper, plastic, cardboard, cans, bottles, waste tires, major appliances, vehicles, or other materials not specifically permitted by this Ordinance or by the Agency shall be deposited.

SECTION 12.0 TRANSFER STATIONS

This section applies to all Facilities designed, constructed, established, maintained, and operated as a Solid Waste Transfer Station, regardless of size or category.

12.01 State Rule Adopted

In addition to the general requirements provided for in this Ordinance and the specific requirements of this Section, the design, construction, and operation of Solid Waste Transfer Stations shall be in accordance with Minnesota Administrative Rules, Chapter 7035 and other Agency Administrative Rules pertaining to Solid Waste Disposal, which are hereby adopted by reference as part of this Ordinance.

12.02 License Required

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

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

A. Licensing Requirements

The following information shall be submitted to the Department as part of the application process for a Solid Waste Transfer Station License.

1. All Solid Waste Transfer Stations shall be categorized as to type and amount of Solid Waste transferred at the Facility. The following categories shall be established:
 - a. Large Mixed Waste: This facility has an on-site storage capacity of greater than 30 cubic yards per day and handles a variety of Solid Waste types, to include Mixed Municipal Solid Waste.
 - b. Small Mixed Waste: This Facility has an on-site storage capacity of no more than 30 cubic yards and handles a variety of Solid Waste types, to include Mixed Municipal Solid Waste.
 - c. Demolition Debris: This Facility handles demolition debris only.

B. Application and Fees

An applicant for a Solid Waste Transfer Station License shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives the signed and dated application form, all applicable fees, and all materials required by this section, to include:

1. Location, size, and ownership of the land upon which the Solid Waste Transfer Station will operate.
2. General description of property use in the immediate vicinity of the Transfer Station.
3. Complete plans and specifications and proposed operating procedures for the Solid Waste Transfer Station.
4. Rates and charges for the use of the Solid Waste Transfer Station.
5. A statement of the ultimate Solid Waste Management Facility destination(s) of Solid Waste delivered to the Solid Waste Transfer Station.

12.03 Specific Design and Construction Requirements

The following specific design and construction requirements shall apply:

A. Entrance Sign

At each entrance to the Site the Licensee shall erect and maintain a sign stating the name of the Solid Waste Transfer Station, the schedule of days and hours the Solid Waste Transfer Station is open to the public, prices for use of the Facility, Agency permit number, and penalty for non-conforming Dumping. Plans and specifications for the sign wordage and its proposed placement shall be submitted to the Department for approval prior to installation. Any changes to the sign after initial installation are also subject to approval by the Department.

B. Residential Disposal Facilities

For Solid Waste Transfer Stations open to the public, suitable facilities shall be provided for accepting Solid Waste from Self-Haulers.

C. Minimal Interference with Other Activities

The Solid Waste Transfer Station shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area and not create a Public Nuisance.

12.04 Specific Operating Procedures

Any Person who has been granted a license by the Department to operate a Solid Waste Transfer Station shall comply with the following specific operational requirements:

A. Waste Removal and Clean-up

Unless stated otherwise as a part of the License, the Licensee shall remove all Solid Waste, clean, and maintain the Solid Waste Transfer Station at the end of each day of use.

B. Orderly Maintenance

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

C. Traffic Control

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

D. Unloading

All unloading of Solid Waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the Solid Waste Transfer Station.

E. Liquids

All liquids shall be captured, contained, and treated without discharging to the environment.

SECTION 13.0 SOLID WASTE PROCESSING FACILITIES

This section applies to all facilities designed, constructed, established, maintained, and operated as Solid Waste Processing Facilities.

13.01 State Rule Adopted

In addition to the general requirements provided for in this Ordinance and the specific requirements of this Section, the design, construction, and operation of Solid Waste Processing Facilities shall be in accordance with Minnesota Administrative Rules, Chapter 7035 and other Agency Administrative Rules pertaining to Solid Waste Disposal, which are hereby adopted by reference as part of this Ordinance.

13.02 Licensing Requirements

The following information shall be submitted to the Department as part of the application process for a Solid Waste Processing Facility License.

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

A. Application and Fees

An applicant for a Solid Waste Processing Facility License shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives the signed and dated application form, all applicable fees, and all materials required by this section, to include:

1. Location, size, and ownership of the Site the Solid Waste Processing Facility will operate on.

2. General description of property use in the immediate vicinity of the Solid Waste Processing Facility.
3. Complete plans and specifications and proposed operating procedures for the Solid Waste Processing Facility.

13.03 Specific Design and Construction Requirements

The following shall be established, constructed, maintained, or provided for at the Site:

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

13.04 Specific Operating Procedures

Any Person who has been granted a License by the Department to operate a Solid Waste Processing Facility shall comply with the following specific operational requirements.

- A. Quarterly Reports
Quarterly reports shall be submitted to the Department covering the following areas:
 1. The source, quantity, and characteristics of the Solid Waste being Processed.
 2. The source, quantity, and characteristics of any other material added to the Solid Waste, such as bulking, catalyst, or nutrient agents.
 3. A description of the process to reduce pathogens, if required by Agency rules.
 4. Records of daily temperature readings, chemical additions, retention times, or other information as may be required by the Department.
 5. Records of the quantity and classification of the Processed Solid Waste.
 6. Records of the quantity and type of by-products removed from the Solid Waste.

7. A description of the end-product distribution and disposal system.

B. Orderly Maintenance

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

C. Traffic Control

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

D. Unloading

All unloading of Solid Waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the Processing Facility.

SECTION 14.0 WASTE TIRE FACILITIES

All Waste Tire Collection Sites and Processing Facilities shall be designed, constructed, maintained, and operated in accordance with the following provisions.

14.01 State Rule Adopted

The design, construction, and operation of Waste Tire Collection Sites and Processing Facilities shall be in accordance with Agency requirements, Minnesota Administrative Rules, Chapter 9220, which is hereby adopted by reference as part of this Ordinance.

14.02 Licensing Requirements

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

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

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

A. Application and Fees

An applicant for a Waste Tire Collection Site and/or Processing Facility License shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives all applicable fees and all materials required by this section, to include:

1. Location, size, and ownership of the Site on which the Waste Tire Collection Site and/or Processing Facility will operate.
2. General description of property use in the immediate vicinity of the Waste Tire Collection Site and/or Processing Facility.
3. Complete plans and specifications and proposed operating procedures for the Waste Tire Collection Site and/or Processing Facility.

14.03 Specific Design and Construction Requirements

The following specific design and construction requirements shall be established, constructed, maintained, or provided for at the Site:

- A. The Licensee shall maintain a minimum distance of one hundred (100) feet between the Waste Tire Collection Site or Processing Facility operations and the adjacent property line.
- B. The Licensee shall divert surface water drainage around and away from the Collection area.
- C. The Licensee shall provide adequate visual screening to reduce visibility of above-grade operations from housing or public rights-of-way by use of natural objects, trees, plants, seeded soil berms, fences, or other means deemed suitable by the Department and the Road Authority.
- D. The Waste Tire Collection Site and/or Processing Facility shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.

14.04 Specific Operating Procedures

Any Person who has been granted a License by the County to operate a Waste Tire Collection Site and/or Processing Facility shall comply with the following specific operational requirements:

- A. The Licensee shall accept only Waste Tires at the Collection Site and/or Processing Facility.
- B. The Licensee shall prohibit piling of Waste Tires within the following regions:

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

14.05 Waste Tire Reduction

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

14.06 Cessation of Operation

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

SECTION 15.0 REPORTING AND RENEWAL

It shall be the obligation of the operator of a Solid Waste Management Facility in Le Sueur County to maintain accurate operation records and to renew the license on an annual basis. To be considered for renewal the licensee must submit reports as required by the Department.

15.01 Daily Records

Accurate daily records of site operations shall be maintained and made available upon request to the County or authorized representatives including:

- A. Intake of Solid Waste in tons and cubic yards shall be recorded daily in a manner acceptable to the County. This information shall provide statistics on the types and quantities of Solid Waste received including, but not limited to, Residential Solid Waste, Non-Residential Solid Waste, and Industrial Solid Waste.

- B. General areas in which a particular type of Solid Waste Disposal takes place within a Solid Waste Land Disposal Facility shall be recorded.
- C. Detailed information on waste composition received at the Facility derived from actual measurements. The County may require a specific waste composition analysis for any waste materials that may contain hazardous chemicals or that may pose a risk to health and safety. Once information is general or specific composition analysis is approved by the County, they may be submitted with the annual report for a period of up to five years. If the composition of waste received by the Facility significantly changes, then the County may require an up-to-date composition analysis to be performed.
- D. Information that identifies the types and quantities of waste released from the Site or Transported to other Solid Waste Management Facilities. This information includes, but is not limited to Solid Waste, ash, Leachate, and residual materials derived from waste Processing.
- E. Copies of reports and data related to environmental monitoring including, but not limited to groundwater testing, leachate analysis, methane monitoring, and air emission data.
- F. Disposal of hazardous waste is prohibited. All hazardous wastes generated by the Facility operation or delivered to the Facility by other persons must be recorded and documentation of management in accordance with State of Minnesota and federal regulations and as set out in the Facility's operations plan must be reported.

15.02 Facility's Annual Report

The licensee shall submit a copy of the Facility's annual report required by the Agency to the Department by March 1 of each year.

15.03 Facility Service Area

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

15.04 Emergency Incidents

Within 24 hours of an emergency incident that results in conditions that may be adverse to public or the environment, the Licensee shall submit oral notification to the Department.

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

ARTICLE VIII INSPECTIONS, VIOLATIONS, AND ENFORCEMENT

SECTION 1.0 INSPECTIONS

1.01 Inspections

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

- A. The applicant or Licensee shall allow free access to the Department at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance.
- B. Failure of the applicant or Licensee to permit such inspection shall be grounds for denial, suspension, or revocation of a license. The Licensee shall be provided with written documentation of any deficiencies and the date by which the corrections shall be completed.
- C. Whenever necessary to enforce any provision of this Ordinance, or whenever the County has reasonable cause to believe that a violation of this Ordinance exists, the County may enter premises or vehicles to inspect the same or to perform any duty incumbent upon the Department, provided that if such premises or vehicles be occupied, Department Staff shall first present proper credentials and request entry; and if such premises or vehicles be unoccupied, the Department shall first make a reasonable effort to locate the Operator or other Persons having charge or control of the premises or vehicle and request entry. If such entry is refused, the Department may suspend or revoke a license and shall have recourse to other remedies provided by law.
- D. Whenever the Department shall find in any building, vehicle, or on any premises any material condition or activity endangering the health, welfare, or safety of the public, the Department shall issue such orders as may be necessary for the enforcement of this or other applicable County ordinances governing and safeguarding the health, welfare, and safety of the public.
- E. Repeated violations of this Ordinance or failure to comply with any order of the Department, shall be grounds for summary suspension, suspension, or revocation of a license.
- F. Any order or notice issued or served by the Department shall be complied with by the Owner, Operator, or other Person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance depending on the nature of and the danger created by the violation. In cases of extreme danger to health, welfare, and safety of the public, immediate compliance shall be required.

- G. If a building, premises, or vehicle is owned by one Person and occupied or operated by another, under lease or otherwise, and the order or notice requires immediate compliance for the health, welfare, and safety of the public, such order or notice shall be served on the Owner, Operator, or occupant and the Owner, Operator, or occupant shall ensure compliance with the order or notice.

1.02 Re-Inspections

Upon written notification from the Licensee that all the violations for which a suspension or summary suspension has been issued have been corrected, the Department shall re-inspect the property or activity within thirty (30) business days. If the Department finds upon such re-inspection that the violation has been corrected, the Department shall inform the Licensee of reinstatement of the License.

SECTION 2.0 ACTION AUTHORIZED

For violations of this Ordinance, the County may take the following actions: issuance of a Warning Notice; issuance of a Notice of Violation; issuance of an Administrative Penalty Order; issuance of an Abatement Order; issuance an Embargo Order; suspension or revocation of a License issued under this Ordinance; execution of a Stipulation Agreement; and/or commencement of other civil proceedings.

2.01 Warning Notice

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

2.02 Notice of Violation (NOV)

The Department may issue a Notice of Violation (NOV) to any Person alleged to have committed a violation of this Ordinance. A NOV shall serve to place the Person alleged to have committed a violation on notice that compliance with specified Ordinance requirements must occur to avoid additional enforcement actions. The NOV shall be served by certified mail or by personal service on the Person(s) alleged to have committed a violation of this Ordinance. The Department is not required to issue a NOV before the County proceeds with enforcement action.

2.03 Administrative Penalty Order (APO)

The County may issue an Administrative Penalty Order (APO) as provided in Minnesota Statute 115.071 to an Owner requiring violations be corrected and administratively assessing monetary penalties for violation(s) of county ordinances adopted under section 400.16, 400.161, or 473.811 or Chapter 115A that regulate solid and hazardous waste and any standards, limitations, or conditions established in a county License issued pursuant to these ordinances.

A. Administrative Penalty Order (APO)

1. Initial Violation. The penalty for an Owner on a single parcel that has not previously been issued a Warning Notice or Notice of Violation with corrective actions by the County shall be:
 - a. \$0 for three (3) months (90 days) after issuance of the Warning Notice or Notice of Violation with corrective actions or during the schedule issued for taking corrective actions, whichever is greater;
 - b. Up to \$200 per parcel per month for the first six (6) months (180 days) following the time period in (a); and,
 - c. Up to \$500 per parcel per month after six (6) months (180 days) following the time period in (b).
2. Repeat Violation. The penalty for an Owner on a single parcel that has previously been issued a Warning Notice or Notice of Violation with corrective actions by the County shall be:
 - a. Up to \$200 per parcel per day for 180 days after issuance of the subsequent Warning Notice or Notice of Violation with corrective actions; and,
 - b. Up to \$500 per parcel per day for after 180 days following the time period in (a).
3. Ongoing Penalty Assessment. Any penalty assessment under this Section shall continue until the corrective actions listed in the Warning Notice or Notice of Violation have been satisfied.

B. Penalty Determination

For administrative penalties imposed by the County, the County shall determine the severity of the non-compliance, intentional nature of non-compliance, and frequency of non-compliance in determining the amount of violation. The amount of the administrative penalty will be based on considerations including the extent, gravity, and willfulness of the non-compliance; its economic benefit to the responsible party; the extent of the responsible party's diligence in addressing it; any non-compliance history; the public costs incurred to address the non-compliance; and other factors as justice may require. Upon appropriate findings, the County shall use the following table to determine the penalty amount.

<u>Nature of the Violation</u>	<u>Severity of the Violation</u>		
	<u>Minor</u>	<u>Moderate</u>	<u>Substantial</u>
Initial Non-Compliance (initial term)	\$50	\$100	\$150
Initial Non-Compliance (subsequent term)	\$200	\$300	\$400
Subsequent Initial Non-Compliance (new parcel, initial term)	\$100	\$150	\$200
Subsequent Initial Non-Compliance (new parcel, subsequent term)	\$300	\$400	\$500
Repeat Non-Compliance (same parcel, initial term)	\$100	\$150	\$200
Repeat Non-Compliance (same parcel, subsequent term)	\$300	\$400	\$500

C. Administrative Penalty Order (APO) Validity

1. To be valid, an APO shall include the following:
 - a. The facts constituting the violation of the Solid Waste Ordinance;
 - b. The specific Ordinance Section(s) that has been violated;
 - c. A written description of prior effects to work with the Owner to resolve the violation(s);
 - d. The amount of the penalty to be imposed;
 - e. The facts supporting the amount of the penalty;
 - f. The date the penalty will begin to accrue;
 - g. The date the payment of the penalty is due;
 - h. The date by which all or part of the penalty may be forgiven if the Owner has/have complied with the Warning Notice or Notice of Violation's corrective action(s); and,
 - i. A statement of the Owner's right to appeal the APO.
2. All or part of the penalty may be forgiven based on the correction of the non-compliance, by the date specified in the APO, by the Owner.
3. A copy of the APO must be sent to the County Board.

4. An APO issued under this Section may be appealed to the County Board within 30 days of receipt by the Owner. Any APO that is not appealed within the 30-day period shall be deemed final.

D. Administrative Penalty Order Procedures

1. Statute of limitations. According to Minnesota Statute 541.07, the County has two years in which to commence an APO action after the date the violation(s) is discovered. The goal is to complete the action as soon as reasonably practical, recognizing that situations for which data must be gathered, field investigations must be completed, and/or modeling must be performed will require adequate time to complete the work and communicate with the Owner involved.
2. Compliance verification. Once an Owner has provided notice and submitted written evidence of correction of the violation(s) set forth in the Warning Notice or Notice of Violation, compliance must be verified. The Department will refer the Owner's evidence and notice to the Environmental Services Director to:
 - a. Review and evaluate all information related to the corrective action(s) listed in the Warning Notice or Notice of Violation or APO to determine if the violation(s) has been corrected;
 - b. Verify compliance by site visit, re-inspection, examination of documentation, or other means as may be reasonable under the facts of the case; and,
 - c. Document compliance verification.
3. Right to appeal. Within 30 days after receipt of the APO, an Owner may appeal the terms and conditions of an APO, issued by the Department, to the County Board. The appeal must be in writing and must include a copy of the APO that is being appealed, the basis for the appeal, and any supporting evidence. The appeal may be submitted personally, by U.S. mail, or electronically to the County Administrator.
4. Penalty due. Unless the Owner appeals the APO as provided in Section 2.03.D.3, the penalty specified in in the APO becomes immediately due and payable to the County as set forth in the APO. If, however, the Owner submits written documentation that the violation(s) has been corrected prior to the time the penalty becomes due and payable, the County shall verify compliance and adjust the penalty to an amount the Owner would have owed had the penalty been paid on the date the Owner submitted written documentation of compliance. Written documentation of compliance may include a written validation of compliance issued by the Environmental Services Director.

However, if the County determines the violation(s) was not fully corrected, the County shall notify the Owner by issuing a written letter of determination and depositing it in the U.S. Mail. Any determination sent by U.S. Mail shall be deemed received three business days after the letter of determination has been deposited in the U.S. Mail. The Owner shall have an additional 20 days after receipt of the letter of determination to pay the penalty or the time period specified in the APO as issued, whichever is later. The penalty will continue to accrue until the violation(s) is corrected as provided in the Warning Notice or Notice of Violation's Corrective Action(s) and APO.

5. Referral for collection of penalty. All penalties and interest assessed under an APO must be paid by the Owner. All payments shall be made payable to the County. Any penalty or interest not received may be collected by the County using any lawful means including, if lawful, recovery by additional property tax or by recording a lien against the property.
6. Reporting and documentation. The Department shall maintain the following records for any potential violation(s) of the requirements set forth in the Solid Waste Ordinance. Said records shall include, but not be limited to the following:
 - a. The cause of the violation(s);
 - b. The magnitude and duration of the violation(s);
 - c. Documentation showing whether the violation(s) presents an actual or imminent risk to public health and safety;
 - d. Documentation showing whether the violation(s) has the potential to harm to the natural resources of the state;
 - e. A record of past violations;
 - f. Efforts by the County to assist the responsible party or parties to become compliant, including written and oral communication with the responsible party or parties; and,
 - g. Past and present corrective action efforts by the responsible party or parties.

2.04 Abatement

In the event of an emergency abatement by the County as described in Section 2.04(E), or if a property owner does not complete Corrective Actions within the timelines given in a NOV, a Stipulation Agreement, or a court order, the Department may abate the violations and the Department has the authority to enter the property and perform the Corrective Actions and recover the costs of the same from the property owner through the following procedures:

- A. Abatement Notice
 1. Contents of Abatement Notice

An Abatement Notice shall include the following:

- a. Notice that the property owner has not completed the Corrective Actions within the time period required in the attached NOV(s), Stipulation Agreement or court order;

- b. Notice that the Department or its agent intends to enter the property and commence abatement of the conditions on the property that violate this Ordinance within a period specified in the notice;
- c. Notice that the property owner must correct the violation(s) before expiration of the specified period to avoid any civil liability for the costs of inspection and abatement that the County may incur; and
- d. A statement that if the property owner desires to appeal, the property owner must file a request for an appeal hearing with the County Board that meets the requirements of Section 2.04(B) on the County within ten (10) business days, exclusive of the day of service.

2. Service

The Abatement Notice must be served on a property owner by certified mail or personal service. Service by certified mail shall be deemed complete upon mailing. If the property owner is unknown or absent and has no known representative upon whom the Abatement Notice can be served, the Department shall post the Abatement Notice at the property. The Department must send a copy of the Abatement Notice to the County Attorney's Office.

B. Right to Appeal the Abatement Notice

1. Request for Hearing

The property owner's request for a hearing must be in writing and must state the grounds for appeal and be served by certified mail on the County Board, with a copy to the Department by midnight of the 10th business day following service of the Abatement Notice. Following receipt of a request for a hearing, the County Board shall set a time and place for the hearing to be held pursuant to Section 3.0.

2. Stay of Notice

Pending the appeal hearing and final determination by the County Board the Department shall take no further action on the Abatement Notice.

C. Abatement by the County

In the event a property owner does not abate the Ordinance violations or does not appeal the abatement notice within the applicable time period, the Department may expend funds necessary to abate the violation(s) from the Solid Waste Account in accordance with the County bid grant and contracting policy with the following qualifications:

1. Department's authorization for payment of funds from the Solid Waste Account balance is subject to the approval of the Director of the Department and shall follow approval of fund expenditures as stated in the Le Sueur County Board of Commissioners Operating Procedures, adopted January 2, 2024 or as amended; and
2. The County Board must approve by resolution all abatement expenditures, regardless of the amount, with regard to tax forfeited property and public owned property. Such expenditures will be reimbursed to the Solid Waste Account at the discretion of the County Board.

D. Recovery of Abatement Costs

1. The Department may pursue recovery of all costs, including enforcement costs, from the property owner for abatement incurred by the County, by any means allowable by law. The cost of any enforcement action may be assessed and charged against the Real Property on which the violation(s) are located.
2. The Department shall keep a record of the costs of abatements done under this Ordinance and report all work done for which assessments are to be made, stating, and certifying the description of the land, lots, or parcels involved and the amount assessable to each to the County Auditor and Finance Director by September 1 of each year.
3. On or before October 1 of each year, the County Auditor shall list the total unpaid charges for each abatement made against each separate lot or parcel to which they are attributable under this Ordinance to the County Board.
4. The County Board may then spread the charges or any portion thereof, against the property involved as a special assessment, for certification to the County Auditor and for collection the following year along with current taxes.
5. The Solid Waste Account shall be reimbursed by the recovered costs. The County Auditor shall give notice of such reimbursement to the designee.

E. Emergency Abatement by County

Notwithstanding the requirements of Section 1.0 of this Article, in the event of an imminent threat to the public's health, welfare, and safety, the Department shall have the authority to immediately enter property and abate the violations and recover the costs as set out in Section 2.04(D). The Department shall attempt to give verbal notice to the property owner immediately, if possible, and in writing within ten (10) business days. The property owner shall have the right to appeal the assessment of costs to the County Board pursuant to Section 3 of this Article.

2.05 Embargo

The Department may issue a written Embargo order prohibiting the use, sale, movement, treatment, or disposal of a material or item that the Department determines is used without authorization or reasonably suspects is, or will be, managed in violation of this Ordinance. The Department shall place a tag to indicate the Embargo on the suspected material. No Person shall remove the tag or remove, transport, dispose, treat, or use such embargoed material except as authorized by the Department. Such action by the Department shall not be considered to impute ownership or management responsibility upon the County.

2.06 Stipulation Agreement

Prior to the initiation of a civil court action, the Department and a Person alleged to have violated provision(s) of this Ordinance may voluntarily enter into a Stipulation Agreement, whereby the parties to the agreement identify conditions on the property that require Corrective Action; agree on the Corrective Actions that must be performed by the Person; and agree on the timelines in which the Corrective Actions must be completed. If the timelines have not been met as agreed in the Stipulation Agreement, the County may abate the violations in accordance with Section 2.04. The parties may seek compliance with the terms of the Stipulation Agreement through a court of competent jurisdiction.

2.07 License Suspensions

A. Any license required under this Ordinance may be suspended by the County Board for violation of any provision of this Ordinance. Upon written notice to the Licensee, a License may be suspended by the County Board for a period not longer than sixty (60) days or until the violation is corrected, whichever is shorter.

B. Such suspension shall not occur earlier than ten (10) business days after written notice of suspension by the County Board has been served on the Licensee or, if a hearing is requested, until written notice of the determination of the County Board action has been served on the Licensee. Notice to the Licensee shall be served personally or by certified mail at the address designated in the License application. Such written notice of suspension shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations has occurred, and a statement that if the Licensee desires to appeal, he/she must within ten (10) business days, exclusive of the day of service, file a request for an appeal hearing with the County Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the County Board, with a copy to the Department by midnight of the 10th business day following service. Following receipt of a request for a hearing, the County Board shall set a time and place for the hearing to be held pursuant to Section 3.0.

C. Continued Suspension

If said suspension is upheld and the Licensee has not demonstrated within the sixty (60) day period that the provisions of the Ordinance have been complied with, the County Board may serve notice of continued suspension for up to sixty (60) days or initiate revocation procedures.

2.08 Emergency Suspension

- A. If the Department finds that the public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, emergency suspension of a License may be ordered by the Department upon written notice to the facility, with a copy to the County Attorney's Office and the County Board. The County Board must make a determination if the emergency suspension should be ratified at its next board meeting. Written notice of such emergency suspension shall be personally served on the Licensee or shall be served by certified mail to said Licensee at the address designated in the License application. In addition, the Department may post copies of the notice of emergency suspension of the License at the Licensed Facility or property being used for the licensed activity. Said posting shall constitute the notice required under this Section.
- B. The written notice in such cases shall state the effective date of the emergency suspension and the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations has occurred, and a statement that if the Licensee desires to appeal, the Licensee must, within ten (10) business days, exclusive of the day of service, file a request for a hearing with the County Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the County Board, with a copy to the Department and the County Attorney's Office, by midnight of the 10th business day following service. Following receipt of a request for an appeal, the County Board shall set a time and a place for the hearing to be held pursuant to Section 3.0.
- C. The emergency suspension shall not be stayed pending an appeal to the County Board or an informal review by the Director of the Department but shall be subject to dismissal upon a favorable re-inspection by the Department or favorable appeal to the County Board.

2.09 Suspension Re-Inspections

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

2.10 License Revocation

- A. Any license granted pursuant to this Ordinance may be revoked by the County Board for violation of any provision of this Ordinance.

- B. Revocation shall not occur earlier than ten (10) business days from the time that written notice of revocation from the County Board is served on the Licensee or, if an appeal hearing is requested, until written notice of the County Board's action has been served on the Licensee. Notice of revocation to the Licensee shall be served personally or by certified mail at the address designated in the License application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis for the revocation, the facts which support the conclusion that a violation or violations has occurred and a statement that if the Licensee desires to appeal he/she must within ten (10) business days, exclusive of the day of service, file a request for a hearing with the County Board. The hearing request shall be in writing stating the grounds for appeal and served personally or by certified mail on the County Board, with a copy to the Department and the County Attorney's Office, by midnight of the 10th business day following service. Following receipt of a request for a hearing, the County Board shall set a time and a place for the hearing to be held pursuant to Section 3.0.

2.11 Status of Financial Assurance

Financial Assurance issued for the Facility or License shall remain in full force and effect during all periods of suspension, emergency suspension, and revocation of the license and is subject to claim by the County in accordance with the provisions of this Article.

2.12 Commencement of a Civil Court Action

In the event of a violation or a threat of violation of this Ordinance, the County Board may also institute other appropriate civil actions or proceedings in any court of competent jurisdiction, including requesting injunctive relief, to prevent, restrain, correct, or abate such violations or threatened violations. The County may recover all costs, including reasonable attorney's fees, incurred for enforcement of this Ordinance through a civil action. If a property owner does not complete the Corrective Actions within the timelines in a court order, the Department may correct the violations and the Department has the authority to enter the property and perform the Corrective Actions. The Department may recover the costs of the same from the property owner through the court process or through the process set out in Section 2.04(D).

SECTION 3.0 HEARINGS

A request for hearing on a denial, suspension, emergency suspension, non-renewal, or revocation of a license, or receipt of a Notice of Abatement shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.

3.01 Timeframe for Hearing

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

3.02 Notice of Hearing

The County Board shall mail notice of the hearing to the appellant, with a copy to the Department and the County Attorney's Office, at least fifteen (15) business days prior to the hearing. Such notice shall include:

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

3.03 Hearing Examiner

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

3.04 Conduct of the Hearing

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

3.05 Burden of Proof

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

3.06 Admission of Evidence

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

3.07 Pre-Hearing Conference

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

- A. Clarify the issues to be determined at the hearing.

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

3.08 Failure to Appear

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

3.09 Appeal to County Board Decision

Any appellant aggrieved by the decision of the County Board may appeal that decision to any Court with appropriate jurisdiction.