

## ANOKA COUNTY

### HAZARDOUS WASTE MANAGEMENT ORDINANCE

#### ORDINANCE NO. 85-4, 86-3, 87-1, 94-3, AND 99-3

#### 1.00 PURPOSE AND AUTHORITY

1.01 Purpose. It is the purpose and intent of this Ordinance to establish rules, regulations and standards for hazardous waste and used oil management in Anoka County, Minnesota for: the identification, labeling, and classification of hazardous waste and used oil; the handling, collection, transportation, and storage of hazardous waste and used oil; the treatment, processing or disposal of hazardous waste and used oil; requiring the licensing of hazardous waste and used oil generators and facilities; payment of license fees; penalties for failure to comply with the provisions of this ordinance; issuing, denying, modifying, imposing conditions upon, suspending or revoking licenses, and other matters as determined to be necessary for the health, welfare and safety of the public.

1.02 Authority. This ordinance is adopted pursuant to Minnesota Statutes, Chapters 145 and 473.

#### 2.00 GENERAL PROVISIONS

2.01 Administrative Procedures. All of the provisions of the Anoka County Administrative Procedures Ordinance relating to: definitions; license and permit provisions; duties of the Department; license application and processing; suspensions and revocations; variance; separability; provisions cumulative; and no consent, shall apply as if fully set forth herein.

2.02 Administration. This ordinance shall be administered by the Anoka County Community Health and Environmental Services Department. The term "Department," where used in this ordinance and the Anoka County Administrative Procedures Ordinance, shall mean the Anoka County Community Health and Environmental Services Department.

2.03 Definitions. The following words and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

A. "County Board" shall mean the Anoka County Board of Commissioners.

B. "Management Plan" shall mean a plan developed by the generator, including used oil generator, and submitted for approval as part of the generator license application which will detail proposals for identification, handling, storage, transportation, processing and disposal of all hazardous waste generated.

C. "Hazardous Waste" shall mean any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semi-solid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not

include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

- D. "Person" shall mean 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.
  - E. "Embargo" shall mean an order by the Department prohibiting the movement, removal, transport, use, treatment, or disposal of a material which is or is suspected of being a hazardous waste and which is being mismanaged or which the Department has reason to suspect is or will be managed in violation of this ordinance.
  - F. "Special Hazardous Waste" shall mean the following hazardous wastes: batteries; wastes containing elemental mercury; elemental mercury; antifreeze; circuit boards, printed circuit boards, and circuit board trimmings; photographic negatives, film scrap, and x-ray film; fluorescent light ballasts and small capacitors that are not regulated under the federal PCB program in 40 C.F.R. pt. 761; fluorescent and high intensity discharge lamps; and cathode ray tubes.
- 2.04 Compliance. No person shall cause or permit the generation, transportation, disposal, or processing of hazardous waste or used oil, or the construction or operation of hazardous waste or used oil facilities, except in full compliance with the provisions of this ordinance, including but not limited to all provisions requiring full disclosure of information regarding such generation, transportation, disposal, or processing.
- 2.05 Conditions. The County may impose conditions on any license, permit or variance as deemed necessary to monitor the operation, protect the environment, or ensure the public health and safety. Violation of any condition imposed by the County on a license, permit, or variance, shall be deemed a violation of this ordinance and subject to the penalty provisions set forth in this ordinance.
- 2.06 False Information. Omission of any information or submission of false information shall be deemed a violation of this ordinance.
- 2.07 Listing, Delisting, and Waste Classification. In the event the agency modifies the lists of wastes by listing or delisting, or classifies a waste as hazardous, the County Board may, by resolution, amend the lists of wastes set forth in this ordinance, or classify certain wastes as hazardous, to incorporate said agency action.
- 2.08 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 hazardous 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 be occupied, the authorized agent shall first present proper credentials and demand entry; and if such building or premises be 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. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry including administrative search warrants.
- 2.09 Inspection. Inspection and evaluation of hazardous waste and used oil facilities or generators may be made by the Department to ensure compliance with the provisions of this ordinance. The facility operator or generator shall be provided with written notice of any deficiencies, recommendations for their correction and the date by which the corrections shall be accomplished. The facility operator or generator 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 facility operator or generator shall provide samples of waste free of charge to the Department to allow for appropriate tests. The facility operator or generator shall allow the Department, free of charge, to take samples of soils, surface water, ground water or other material that could be contaminated with constituents of wastes or hazardous materials managed or used on the site, whether or not they are visibly or otherwise obviously contaminated, to allow for appropriate tests, so that the Department may ascertain compliance with the management standards of this ordinance. The facility operator or generator shall allow free access at all reasonable times to inspect and copy, at a reasonable cost, all business records related to a facility operator's or generator's generation, collection, processing and transportation of hazardous waste or used oil.

3.00 STANDARDS FOR HEALTH, SAFETY, AND ENVIRONMENTAL PRESERVATION

3.01 Standards Adopted. Minn. Rule Parts 7045.0020 to 7045.0990 and 7045.1300 to 7045.1380, inclusive, relating to hazardous waste, which are in effect on September 28, 1999, are hereby adopted by reference and made a part of this ordinance.

3.02 Standards Amended. The above adopted rules are hereby amended as follows:

- A. Wherever the term, "Minnesota Pollution Control Agency," or "agency," appears in these adopted rules, it shall be held to mean the "Department" except in Minn. Rule Parts: 7045.0020, subps 4., 9.C and 73h; 7045.0070; 7045.0075; 7045.0080; 7045.0125, subp. 9, item D; 7045.0129; 7045.0133; 7045.0135, subp. 1., paragraph 3; 7045.0139; 7045.0218; 7045.0243, subp. 3.D.; 7045.0261, subp 5.B., 6.; 7045.0275, subp 2.; 7045.0302; 7045.0361; 7045.0395; 7045.0397; 7045.0450, subp 1.; 7045.0452, subp 2.; 7048.0468, subp. 2.; 7045.0498 to 7045.0524; 7045.0546; 7045.0552, subp 3.A.; 7045.0554; 7045.0556, subp 2.; 7045.0574, subp 2., ; 7045.0608 to 7045.0624; 7045.0655, subp 1.; and where used with "Environmental Protection Agency," or "federal or state agency," where they shall remain unchanged.
- B. Wherever the term "Commissioner" appears in these adopted rules, it shall be held to mean "Department" except in Minn. Rule Parts; 7045.0020, subp 6a.B., 9.C., 13a., 43.b., and 73h; 7045.0075; 7045.0080; 7045.0125, subp. 4, item N and subp. 9, item D; 7045.0129; 7045.0131, subp. 1&7; 7045.0218; 7045.0261, subp 9.; 7045.0265; 7045.0294, subp. 1a. B.; 7045.0302; 7045.0310, subp. 3. B., C., & D.; 7045.0310, subp. 5. C.; 7045.0320, subp. 9. E. (2) & 10. C.; 7045.0474; 7045.0476, subp 3. A.; 7045.0498 to 7045.0524; 7045.0528, subp. 4. D. (4) & 8. D. (1); 7045.0545, subps. 1 through 7; 7045.0546; 7045.0552, subp 1.a.; 7045.0580; 7045.0582, subp 3. A.; 7045.0608 to 7045.0624; 7045.0628, subp. 4. D. (4); 7045.0652, subp 2. B.; 7045.0686; 7045.0875, subp. 8, item B; 7045.0990; 7045.1309; 7045.1315; and 7045.1360 where it shall remain unchanged.
- C. Wherever the term "permit", "permittee", "permitting", or "permitted" appears in these adopted rules, it shall mean "license", "licensee", "licensing", or "licensed" except in Minn. Rule Parts: 7045.0020, subps 10b. and 15.A.(4), 23a, 24 B, and 58a; 7045.0121, subp 2.D.; 7045.0208, subp, 2C., 7045.0210; 7045.0310, subp 3.D. & 6.D.; 7045,0320, subp 9.C; 7045.0397; 7045.0450, subp 1.; 7045.0498 to 7045.0524; 7045.0545, subps 5 and 7; 7045.0546; 7045.0552, subps 1 & 1.a. 7045.0552, subp 2., 3.A.; 7045.0554, subp 1.; 7045.0608 to 7045.0624; 7045.0790, subp. 7; 7045.1380, subp 1 A; and where used with "National Pollutant Discharge Elimination System Permit", "NPDES Permit", "State Disposal System Permit", "Emission Facility Operating Permit", or air quality permit, where they shall remain unchanged.
- D. The terms "Minnesota" or "State of Minnesota" shall be held to mean "County of Anoka" in Minn. Rule Parts 7045.0210, 7045.0212, 7045.0214, 7045.0240 , 7045.0261, subp 5., 7045.0261, subp 6.

(except the phrases "Specific Minnesota" and "in Minnesota" which shall remain unchanged), 7045.0302, subp 1., 7045.0351, subp 1., 7045.0355, and 7045.0361.

- E. Minn. Rule Part 7045.0020, subp 66, is deleted in its entirety.
- F. Minn. Rule Part 7045.0060 is amended to read as follows:
  - No variance may be granted if granting the variance would result in noncompliance with EPA regulations and MPCA rules for the generation, storage, processing, treatment, transportation, or disposal of hazardous waste or the operation of hazardous waste facilities.
- G. Minn. Rule Part 7045.0225 is amended by deleting the last two sentences in their entirety.
- H. Minn. Rule Part 7045.0230, subp 1, is amended to delete the phrase "Except as provided in subpart 1.a,".
- I. Minn. Rule Part 7045.0230, subp 1a., is deleted in its entirety.
- J. Minn. Rule Part 7045.0240, subp 3., is amended to delete the second sentence.
- K. Minn. Rule Part 7045.0243 is amended to delete subps 1 and 3.C.
- L. Minn. Rule Part 7045.0250 is deleted in its entirety.
- M. Minn. Rule Part 7045.0261, subp. 5, is amended to read as follows:
  - Subp. 5. Permitted facilities. The facilities shall be licensed or permitted by:
    - A. the agency if the hazardous waste facility is located in Minnesota; or
    - B. the state agency with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271 (1983); or
    - C. the Environmental Protection Agency; or
    - D. having interim status.
- N. Minn. Rule Part 7045.0292, subps 1, 5, 6 and 8, are amended to insert the word "facility" before the word "permit".
- O. Minn. Rule Part 7045.0302, subp. 2. A, is amended to insert the phrase "Department" between the word "Commissioner" and the word "and".
- P. Minn. Rule Part 7045.0460, subp 1.A., is amended to read as follows:
  - A. Procedures are in effect which will cause the waste to be removed safely before flood waters can reach the facility to a location where the wastes will not be vulnerable to floodwaters. The location to which wastes are moved must be a facility which is either licensed by this Department, or permitted by the Environmental Protection Agency, or by a state with a hazardous waste management program authorized by the Environmental Protection Agency, or which has interim status.

- Q. The term "in Chapter 7001" is deleted wherever it appears in these adopted rules.
- R. Wherever the phrase "under chapter 7046" occurs, it shall mean the "Anoka County Environmental Services Fee Schedule."

3.03 Managing Special Hazardous Waste. Special hazardous wastes that are generated in Anoka County and managed in compliance with the management requirements specified in this ordinance are not subject to the generator licensing requirements in this ordinance or the hazardous waste management requirements in Minn. Rule Parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380, except for those provisions specified by reference in Section 3.05 of this ordinance. But any special hazardous wastes that are not managed in compliance with the requirements specified in this ordinance are subject to licensing requirements of this ordinance and must be managed in accordance with all applicable hazardous waste management requirements in Minn. Rule Parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380.

3.04 Household Special Hazardous Waste. A person who collects special hazardous waste generated by households or commingles special hazardous waste generated by households with any special hazardous waste defined in this ordinance shall manage the collected special hazardous waste or commingled special hazardous waste under the applicable requirements of this ordinance.

3.05 Special Hazardous Waste Management Requirements. A special hazardous waste generator must comply with the following requirements in order to generate special hazardous waste without a license:

- A. Storage container requirements. A generator shall store special hazardous waste in containers that:
  - 1. prevent breakage or other damage to the special hazardous waste during normal handling conditions;
  - 2. are compatible with the waste being stored in the container;
  - 3. will not leak or break open during normal handling conditions;
  - 4. protect handlers and all other persons from physical injury caused by contact with special hazardous waste; and
  - 5. prevent releases of special hazardous waste, including components or residues of special hazardous waste.
- B. Storage time limit. A generator may accumulate up to 500 kilograms of each special hazardous waste type on site without a license or interim status so long as total amount of each type of special hazardous waste accumulated is, within 180 days from the date that the 500 kilogram limit is reached for that type, shipped off site in compliance with the generator transportation requirements set out in item G below.
- C. Storage container labeling. A generator shall label each storage container with:
  - 1. the words "hazardous waste" followed by a brief description of the waste in the container; or
  - 2. a brief description of the waste in the container followed by the words "for recycling."
- D. Inspection of containers. A generator shall regularly inspect areas where special hazardous waste containers are stored, looking for leaking containers or containers that no longer meet storage container requirements. Upon detecting a container that no longer meets storage container requirements, the generator immediately shall conduct required release response activities.
- E. Required release response activities. A generator shall conduct release response activities upon a release of special hazardous waste, including release of any components or residues of a special hazardous waste. Release response activities shall include the following:
  - 1. A generator shall immediately stop and contain any release of a special hazardous waste, including all components or residues of a special hazardous waste.

2. If a container storing a special hazardous waste begins to leak or does not otherwise meet storage container requirements, the generator shall transfer all waste remaining in the leaking or inadequate container to a container that meets storage container requirements.
3. A generator shall determine whether any material resulting from the release is a hazardous waste, and if it is, the generator shall manage the materials in accordance with all applicable requirements of Minn. Rule Parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380.
4. If a release may pollute the environment, a generator shall immediately notify the Minnesota Duty Officer by calling 651-649-5451.
5. Before returning a leaking or otherwise damaged container to service, a generator must repair the container so that it meets all storage container requirements.

F. Treatment. A generator is prohibited from conducting any treatment as defined in Minn. Rule Part 7045.0020, subp. 97, of special hazardous waste, except for those activities associated with:

1. conducting release response activities in response to a release;
2. transferring a type of special hazardous waste from one storage container into another storage container containing the same type of special hazardous waste;
3. separating batteries by chemistry;
4. discharging batteries;
5. removing batteries from waste products or battery packs; or
6. shredding or cutting up circuit boards or printed circuit boards.

G. Transportation Requirements. A generator shall transport, or offer for transport, special hazardous waste in compliance with the following:

1. A generator is prohibited from sending or transporting special hazardous waste to a place other than:
  - a. a site consolidating special hazardous waste located in the State of Minnesota;
  - b. a designated facility; or
  - c. a foreign destination.
2. Unless terms and conditions cause a generator to violate any requirements in this ordinance, a generator shall transport, or offer for transport, special hazardous waste in accordance with all terms and conditions for acceptance established by the consolidation site, designated facility, or foreign destination, that is to receive the waste.
3. A generator must package special hazardous waste for transport so that the waste does not break or leak, spill, or vaporize from its packaging during transport or shipment.
4. If shipping via United States Postal Service, a generator must comply with all postal requirements applicable to the special hazardous waste shipment.
5. Any special hazardous waste defined by Minnesota Department of Transportation (MnDOT) regulations as a hazardous material for any reason other than that the waste is a hazardous waste must be transported in compliance with all MnDOT and United States Department of Transportation (DOT) requirements applicable to hazardous material (Title 49 Code of Federal Regulations).
6. For the following special hazardous waste shipments, a generator must assure that a hazardous waste manifest as set out in Minn. Rule Part 7045.0261 accompanies the shipment:
  - a. any shipment destined for disposal at a designated facility located in the United States;
  - b. any shipment outside of Minnesota not destined for disposal at a designated facility located in the United States where the state in which the designated facility is

- located, or a state through which the waste will be transported, requires a hazardous waste manifest to accompany the shipment; or
  - c. any shipment to a foreign destination, except for bulk shipment exports by water or rail.
- 7. Except for shipments using a hazardous waste manifest, a generator must assure that a DOT shipping paper accompanies the following special hazardous waste shipments:
  - a. a shipment of any special hazardous waste defined by MnDOT regulations to be a hazardous material for any reason other than the fact that the waste is a hazardous waste;
  - b. any shipment outside of Minnesota to a designated facility located in the United States where the state in which the designated facility is located, or a state through which the waste will be transported, requires a DOT shipping paper to accompany the shipment; or
  - c. any bulk shipments by water to a foreign destination.
- 8. Unless a hazardous waste manifest is used or DOT shipping paper is required or the tracking invoice is excluded as a result of a petition submitted in order to comply with consolidation site requirements, a generator must assure that a waste tracking invoice containing all the following information accompanies any shipment of special hazardous waste:
  - a. the name and address of the generator shipping the waste;
  - b. the name of a contact person at the generator's site;
  - c. the name and address for the site or facility to which the generator is shipping the waste;
  - d. the date the shipment is initiated by the generator;
  - e. a general description of each type of waste in the shipment; and
  - f. the quantity of each type of waste in the shipment.
- 9. When a hazardous waste manifest accompanies a shipment, the shipment is subject to MnDOT requirements in Minn. Rule Chapter 8870 regarding use of a hazardous waste transporter licensed by MnDOT.
- 10. When a generator sends special hazardous waste to a foreign destination without first sending the waste to a consolidation site located within the State of Minnesota or to a designated facility located in the United States, the generator shall comply with requirements applicable to a primary exporter in Minn. Rule Part 7045.0302.

H. **Record Keeping.** A generator shall maintain copies of each waste tracking invoice, hazardous waste manifest, or DOT shipping paper; the date the shipment was initiated by the generator shipping paper; and EPA Acknowledgment of Consent related to the shipment of special hazardous waste. Each copy shall be maintained on site in chronological order for a three year period following the date the shipment was initiated by the generator.

#### 4.00 **LICENSING**

4.01 **License Required.** Unless otherwise provided by this ordinance, no person shall, within the County, make or allow property under his, her, or its control to be used for any activity which generates hazardous waste or used oil except at an individual generation site for which a generator license has been granted by the Department. Unless otherwise provided by this ordinance, no person shall, within the County, store, deposit, keep, accumulate, process, treat, reclaim, dispose of, or otherwise handle, process or cause to be transported hazardous waste or used oil except at a site or facility for which a license has been granted by the County Board.

4.02 License on Premises. The hazardous waste or used oil facility or generator license shall be kept at the licensed location and shall be conspicuously displayed at all times.

4.03 Licensing Not Exclusive. The obtaining of a hazardous waste or used oil facility or generator license shall not be deemed to exclude the necessity of obtaining other appropriate licenses or permits except as expressly provided herein.

4.04 Fees.

- A. The County Board shall, by resolution, establish fees, including fees for the initial license, initial application and plan review, and renewal of licenses.
- B. The County Board may, by resolution, establish such other fees as may be necessary for the administration of this ordinance.
- C. Fees for hazardous waste generator license renewal shall be based on the past year's rate of generation. If the license is for new hazardous waste generation, the fee shall be based on an estimated rate of generation which is acceptable to the Department.
- D. Fees for new licenses are due 30 days after the billing date. Fees for renewal of license are due 30 days prior to the expiration of the current license. As used herein, fees include license fees, statewide program fee, application fees, late penalty fee, and such other fees as may be prescribed by the County Board.
- E. License class determines the applicable license fee for the used oil generator license.
  - 1. Class I: used oil is generated only during maintenance or repair activities.
  - 2. Class II: used oil generated during salvage operations, which may involve dismantling, demanufacturing, crushing, or processing for salvage, scrap, or disposal.
- F. In setting the Class II used oil generator license fee, the County Board also may provide amounts to be deducted from the license fee for specific generator activities, such as recycling and best management practices.

4.05 License Term. Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall be non-transferable and shall be for a period of not more than one year, unless earlier suspended or revoked. The license year for hazardous waste or used oil generators shall be from April 1-March 31 and hazardous waste or used oil facilities shall be from July 1-June 30.

4.06 License Application.

- A. Applications for license or license renewal shall be submitted to the Department on forms provided by the Department. Applications shall provide such information as may be needed for the administration of this ordinance. Such information shall include, but not necessarily be limited to: name, address, telephone number, identification numbers, person responsible for hazardous waste or used oil management; management plan; disposal, treatment, or recovery methods or process to be used; and special procedures and/or instructions. The application must be accompanied by the appropriate plan for the hazardous waste or used oil facility or generator. Applicants for a facility license shall submit to the Department, on request, all of the documents and supporting information required by the agency in its permitting procedures.



- B. Applications for a hazardous waste or used oil generator license received more than 75 days after commencement of operation, or applications for license renewal received after January 31, shall be considered late and subject to a late application penalty. Applications for license modification shall be deemed late, and subject to the late application fee, if received later than as set forth in Section 4.04.
- C. Applicants for a hazardous waste or used oil facility license shall not commence any construction or operation until the license application has been approved by the County, nor shall they commence any operation until a license is issued. A facility license shall not be issued until the facility construction has been completed in compliance with this ordinance and the approved plans, and has been approved by the Department.

4.07 Incomplete or Non-Conforming Application.

- A. Generator. If an application for a hazardous waste or used oil generator license or license renewal is not complete or otherwise does not conform with the requirements set forth in this ordinance, the Department shall advise the applicant within sixty (60) days of application receipt, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify, or otherwise alter the application. The applicant shall comply with such requests within the time specified by the Department.
- B. Facility. If an application for a hazardous waste or used oil facility license or license renewal is not complete or otherwise does not conform with the requirements set forth in this ordinance, the Department shall advise the applicant within one hundred twenty (120) days of application receipt, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify, or otherwise alter the application. The applicant shall comply with such requests within the time specified by the Department.

4.08 Renewal.

- A. Generator. Generator applications for hazardous waste or used oil license renewal shall be received by the Department no later than January 31. Applications for license renewal must be accompanied by a statement of any change in information submitted in the last approved license or in the license renewal application. If there are no changes, it shall be so stated in the license renewal application. If the Department does not act on a generator license renewal application, which is complete and submitted on time, the current license shall continue in force until action is taken.
- B. Facility. Facility applications for hazardous waste or used oil license renewal shall be received by the Department no later than February 28. Applications for license renewal must be accompanied by a statement of any change in information submitted in the last approved license or in the license renewal application. If there are no changes, it shall be so stated in the license renewal application. If the County does not act on a facility license renewal application, which is complete and submitted on time, the current license shall continue in force until action is taken.

4.09 Denial

- A. Generator. Failure by the County to act on an initial hazardous waste or used oil generator license application within sixty (60) days, from the date of receipt of a completed application, shall constitute grounds for the applicant to request a hearing. The request for a hearing shall be

governed by Section 2.01 of this ordinance. Failure to act shall be construed as denial without prejudice.

- B. Facility. Except as provided in Section 4.11 D., failure by the County to act on an initial hazardous waste or used oil facility license application within one hundred twenty (120) days from the date of receipt of a completed application, shall constitute grounds for the applicant to request a hearing. The request for a hearing shall be governed by Section 2.01 of this ordinance. Failure to act shall be construed as denial without prejudice.

#### 4.10 Generators.

- A. Management Plan. Applications for a hazardous waste or used oil generator license must include a management plan for used oil and each hazardous waste stream. Such plan shall provide for the proper identification, evaluation, handling, labeling, and storage of hazardous waste; for the collection and transportation of said waste by Environmental Protection Agency registered transporters; and for the disposal or recycling of all hazardous waste generated.
- B. Change in Management Plan. Any change in hazardous waste generation, other than increase in volume, which changes the physical or chemical characteristics of a hazardous waste currently covered by an approved management plan or produces a new hazardous waste not covered by an approved management plan, must be submitted to the Department for approval before any shipment may occur. These procedures must be complied with in addition to the provisions of Section 4.08.
- C. Denial of Change in Management Plan. The Department shall have sixty (60) days after receipt to approve or deny a requested change in a management plan. If denied, notice of denial and the reasons therefore, shall be served upon the generator by mail. The notice shall inform the generator of his right to request a hearing. The generator's request for a hearing shall be governed by Section 2.01 of this ordinance.
- D. On-site Treatment. For licensing purposes, the Department may consider on-site treatment by the generator of on-site generated hazardous waste as part of the generator's licensure and may exempt such on-site treatment from facility licensing requirements. Such exemption shall be limited to the following types of treatment: elementary neutralization for pH adjustment; pretreatment prior to sewerage; recovery of reusable solvents by distillation; combustion with fuel for energy recovery of D001 wastes; and/or thermal treatment of aqueous wastes to reduce volume. The treatment must be described in the generator license application and approved by the Department. The Department may impose such license conditions as may be deemed necessary to monitor the treatment operation and ensure community health and safety.
- E. Fee Exemptions. Hazardous wastes which are feedstocks shall be exempted from the license fee requirement.
- F. Sewered Wastes. Generators utilizing the sanitary sewer system for the disposal of hazardous wastes or used oil shall comply with all of the requirements of this ordinance. They shall maintain on site a copy of reports required by the Metropolitan Council-Wastewater Services, or other appropriate sewer authority, concerning the character, concentration, and quantity of the sewered hazardous waste or used oil for inspection by the Department. These reports shall be maintained for a period of three years from the report date. Generators shall not discharge hazardous wastes or used oil to on-site sewage tanks, soil absorption or disposal systems unless such discharges have been approved by the Department.

4.11 Transfer, Storage, Resource Recovery, Disposal, Treatment, and Other Handling or Processing Sites and Facilities.

- A. Bonds. Unless otherwise provided by the County Board, issuance of a hazardous waste or used oil transfer, storage, resource recovery, disposal, treatment or other handling or processing site or facility license, pursuant to the provisions of this ordinance, shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by resolution of the County Board and naming the County as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The condition of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this ordinance or the license in the operation of the site or facility, or if, for any reason, ceases to operate or abandons the site or facility, and the County is required to expend monies or expend any labor or material to restore the site or facility to the condition and requirements as provided by the ordinance or license, the principal and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with the terms of the ordinance or license, and that the principal and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any default of the principal under the terms of his license to operate and the ordinance of the County. In lieu of the above, for facilities permitted or granted interim status by the agency, the license applicant shall submit, in a form acceptable to the County Board, satisfactory evidence of compliance with the agency's financial assurance requirements.
- B. Insurance. Unless otherwise provided by the County Board, issuance of a hazardous waste or used oil transfer, storage, resource recovery, disposal, treatment, or other handling or processing site or facility license, pursuant to the provisions of this ordinance, shall be contingent upon the applicant furnishing to the County satisfactory evidence of compliance with Minn. Rules 7045.0518 and 7045.0620. The County shall be notified thirty (30) days prior to the effective date of a cancellation or change of insurance.
- C. Change In Facility Operation. No change shall be made in the operation of a hazardous waste or used oil facility unless such change is first approved by the County.
- D. Interim Status. Any person who, on the day this ordinance becomes effective, owns or operates a hazardous waste transfer, storage, disposal, resource recovery, treatment or other handling or processing site or facility shall apply for a hazardous waste facility license within 120 days of the effective date of this ordinance. Said person shall operate the hazardous waste site or facility in conformance with Minn. Rule Parts 7045.0552-7045.0606 and 7045.0626-7045.0642. Any person operating in full compliance with this paragraph shall be considered to be in compliance with Section 4.01 until the County acts to grant or deny the license.

4.12 Financial Assurance. Whenever the Department has reasonable cause to believe that hazardous waste has been mismanaged by a person upon any premises, the Department may require that person to demonstrate to the satisfaction of the County the availability of adequate financial resources as described in Minn. Rule Part 7045.0210. When a generator's site becomes tax delinquent the County may order its owner or operator to provide financial assurance in the form of a bond or letter of credit naming the County as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The amount of the bond or letter of credit shall be set by the Department according to the following formula: estimated cost, submitted by the owner or operator and approved by the Department, for a third party contractor, unrelated to the owner or operator or to the County, to dispose of the hazardous wastes on site and to decontaminate the site, and to perform any other activities

necessary to ensure that the site does not pose a threat to human health or the environment; and an additional 30 percent to cover unanticipated costs and administrative costs that the County might incur.

5.00 TERMINATION OF OPERATION

5.01 Termination/Abandonment. Any person who, for any reason terminates operations at a site or abandons a site, must manage all hazardous waste and used oil prior to termination or abandonment. This management must be accomplished in full compliance with this ordinance. Hazardous materials remaining on a site after termination or abandonment shall be considered hazardous wastes.

6.00 VIOLATIONS AND PENALTIES

6.01 Misdemeanor. Any person who fails to comply with the provisions of this ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

6.02 Injunctive Relief. In the event of a violation or a threat of violation of this ordinance, the County may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations or threatened violations.

6.03 Civil Action or Cost as Special Tax. If a person fails to comply with the provisions of this ordinance, the County may recover cost incurred for corrective action in a civil action in any court of competent jurisdiction or, in the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property.

6.04 Embargo. The Department may issue an embargo order and forbid the removal, transport, disposal, treatment, or use of any material which is or is suspected of being a hazardous waste and which is being mismanaged or which the Department has reason to suspect is or will be managed in violation of this ordinance. The Department shall place a tag to indicate the embargo on the suspect 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 any ownership or management responsibility on the County.

6.05 Orders. The Department may issue orders as necessary to obtain compliance with the Minnesota standards contained in Minn. Rule Parts 7045.0020 to 7045.0990 and 7045.1300 to 7045.1380 as adopted under the provisions of this ordinance.

6.06 Petty Misdemeanor. Any person who fails to comply with an order issued under the provisions of this ordinance within the time period specified in the order is guilty of a petty misdemeanor.

7.00 MODIFICATION OF REQUIREMENTS

7.01 Waivers and Modifications. The County Board may waive or modify the strict application of the provisions of this ordinance by reducing or waiving certain requirements when such requirements are unnecessary or impractical or by imposing additional requirements necessary to reduce risk of harm to persons, property, or the environment.

7.02 Agency Approval. No modification or waiver may be granted if it would result in noncompliance with Minn. Rules Chapter 7045 unless such modification or waiver has been approved or granted by the agency.

This ordinance shall become effective upon approval by the Minnesota Pollution Control Agency as provided for in Minn. Stat. 473.811, subd. 5b.

	<u>County Board Approval</u>	<u>Minnesota Pollution Control Agency Approval</u>
85-4	July 9, 1985	August 7, 1985
86-3	April 15, 1986	June 4, 1986
87-1	July 21, 1987	August 14, 1987
94-3	September 27, 1994	October 27, 1994
99-3	November 9, 1999	December 15, 1999

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