

# COUNTY OF ANOKA

## SOLID WASTE ORDINANCE

### ORDINANCE NOS.

73-1, 82-1, 83-2, 83-3, 84-2, 85-5, 86-1, 88-1,  
88-4, 88-5, 89-1, 91-1, 92-2, 93-1, AND 94-2

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COUNTY OF ANOKA  
Anoka County, Minnesota

ANOKA COUNTY SOLID WASTE ORDINANCE

ORDINANCE NO. 73-1, 82-1, 83-2, 83-3, 84-2, 85-5, 86-1, 88-1, 88-4, 88-5, 89-1, 91-1, and 92-2

An ordinance establishing standards for and regulating the operation of solid waste disposal facilities in Anoka County, Minnesota; requiring a license for the establishing and operating of a solid waste disposal facility; establishing requirements for certain facilities on a disposal site, for control of special solid wastes and for fire protection; providing for an enforcement agency, requirements of a performance bond and penalties for lack of compliance with these provision; in order to promote the health, welfare and safety of the public pursuant to Laws of Minnesota 1969, Chapter 847.

The County Board of Anoka County, Minnesota does ordain:

SECTION I. DEFINTIONS. The following word and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

Subsection 1. "County Board" is defined as the Anoka County Board of Commissioners.

Subsection 2. "Board" is defined as the Anoka County Comprehensive Health Board.

Subsection 3. "Department" is defined as the Anoka County Community Health and Social Services Department.

Subsection 4. "Solid Waste" is defined as garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, but does not include hazardous waste; animal waste used as fertilizer, earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal water pollution control act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

Subsection 5. "Garbage" is defined as discarded material resulting from the handling, processing, storage preparation serving and consumption of food.

Subsection 6. "Refuse" is defined as putrescible and non-putrescible solid wastes, except body wastes, and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid waste.

Subsection 7. "Putrescible Material" is defined as solid waste, which is capable of becoming rotten and which may reach a foul state of decay or decomposition.

Subsection 8. "Cover Material" is soil that can be compacted to provide a tight seal, does not crack when dry and is free of putrescible materials.

Subsection 9. "Hazardous Waste" is defined as set forth in the Anoka County Hazardous Waste Ordinance, Section 2.03C.

Subsection 10. "Demolition Waste" is defined as solid waste which consists of concrete, clack-top, bricks, blocks, structural metal, wood from demolished structures, trees and tree trimmings and other inert waste materials as may be approved by the Department.

Subsection 11. “Sanitary Landfill” is defined as an area of land which is used for the disposal of solid waste without creating nuisances, or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with at least six inches of cover material at the conclusion of each day’s operation or at more frequent intervals as may be necessary and is operated in full compliance with the terms of this ordinance.

Subsection 12. “Demolition Landfill” is defined as an area of land used for the disposal of demolition waste without creating nuisances, or hazards to the environment, public health and safety and is operated in compliance with the provisions of this ordinance.

Subsection 13. “Transfer Station” is defined as an intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

Subsection 14. “Incineration” is defined as the process by which solid wastes are burned for the purpose of volume and weight reduction in facilities designed for such use.

Subsection 15. “Site” and “Facility” are defined as all real and personal property, which is or may be used for the intermediate disposal or final disposal of solid waste and which required a license under the provisions of this ordinance.

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

Subsection 17. “Waste Tire” is defined as solid waste which consists of the rubber or other resilient material product which is used on a vehicle or other equipment wheel to provide tread which is discarded or which cannot be used for its original intended purpose because it is used, damaged or defective.

Subsection 18. “Intermediate Disposal” is defined as the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station operations, open burning, incomplete land disposal, incineration, composting, reduction, shredding, compression, recycling, processing, resource recovery, and any other management or handling of waste short of final disposal.

Subsection 19. “Final Disposal” is defined as the complete and ultimate disposal of solid waste by placement in or on the land.

Subsection 20. “Termination” is defined as all of those activities and duties relating to the closing of a waste site or facility whether performed prior to or after operation of the site or facility has ceased, and the maintenance, monitoring and long-term care of the site or facility after the site or facility has ceased to accept wastes.

Subsection 21. “Closure” is defined as that phase of site or facility termination in which the site or facility is prepared for post-closure care.

Subsection 22. “Post-closure” is defined as that phase of site or facility termination during which the long-term care, maintenance and monitoring of the site or facility takes place.

Subsection 23. "Gate Yard Waste" is defined as a cubic yard of waste measured in the hauling vehicle as received at the site or facility before it is processed or prepared for disposal.

Subsection 24. "Adequate Turf" is defined as a live ground cover mat of native perennial grasses or other suitable vegetation free of noxious weeds, which provides sufficient ground cover to effectively prevent loss of final cover by wind or water erosion. The adequacy of the turf may not be determined until at least one year after seeding.

Subsection 25. "Final Cover" is defined as the cover placed on a finished area of a site or facility after the area has reached the approved development elevation or operations in the area have ceased, and shall consist of three horizons: a lower impervious cap, a middle earthen cover material, and an upper topsoil. The lower impervious cap shall consist of at least twelve (12) inches of a soil or other approved material having a permeability no greater than  $10^{-6}$  cm/sec. The middle earthen cover material shall consist of at least twelve (12) inches of soil classified as sandy clay loam, sandy loam, loam, silty clay loam, loamy sand, or silt loam. The upper topsoil shall consist of at least six (6) inches of soil classified as loam, sandy loam, silt loam, silty clay loam, clay loam, or sandy clay loam. For sites or facilities initially licensed prior to October 1, 1983, the middle and upper soil horizons may consist of a soil manufactured on site which is uniformly mixed, contains between five (5%) and ten (10%) percent organic material, less than eighty (80%) percent silt, less than fifty (50%) percent clay, less than seventy (70%) percent sand, and has a moisture retention capacity of at least 0.2 inched moisture per inch of soil.

Subsection 26. "Mixed municipal solid waste" is defined as garbage, refuse, and other solid waste from residential, commercial, industrial, community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tire, and other materials collected, processed, and disposed of as separate waste streams.

Subsection 27. "Person" is defined as 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.

Subsection 28. "Processing" or "Processed" is defined as the treatment of 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 from one waste facility to another.

Subsection 29. "Processing Facility" is defined as an intermediate disposal facility at which waste is processed.

Subsection 30. "Recyclable Materials" is defined as materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, metals, automobile oil, and batteries. Refuse derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subsection 31. "Recycling" is defined as 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.

Subsection 32. “Recycling Drop-off Center” is defined as a site or facility where recyclable materials are dropped off for temporary storage prior to delivery to a processing facility or market.

Subsection 33. “Solid Waste Management” is defined as activities, which are intended to affect or control the generation of waste and activities, which provide for or control the collection, processing and disposal of waste.

Subsection 34. “Yard Waste” is defined as solid waste consisting of grass clipping and/or leaves, which are collection and managed separate from other wastes, but does not include brush, wood waste, and/or tree trimmings.

Subsection 35. “Yard Waste Composting Site” is defined as a site or facility for the controlled microbial degradation of leaves and/or grass clippings to yield a humus-like conditioner product.

Subsection 36. “Acceptable Waste” is defined as garbage, refuse, and other mixed municipal solid waste from residential, commercial, industrial and community activities, but does not include unacceptable waste.

Subsection 37. “Collection” is defined as the gathering or aggregating of solid waste from public or private places for transportation to a site or facility.

Subsection 38. “County” is defined as Anoka County, Minnesota.

Subsection 39. “Designed Facility” is defined as the facility or facilities identified in Section IX, subsection 4.A.

Subsection 40. “Designated Waste” is defined as acceptable waste generating in the County, which is required by Section IX, Subsection 4, to be delivered to a designated facility.

Subsection 41. “Designation” is defined as the requirement contained in Section IX, Subsection 4, that all of the designated waste that is generated within the County be delivered to a designated facility.

Subsection 42. “Designation Plan” is defined as that document entitle “Anoka County Designation Plan,” and any amendments thereto, which was initially approved by the Metropolitan Council on September 12, 1985, pursuant to Minn. Stat. Section 115A.80, et seq.

Subsection 43. “Dumping Fee” is defined as the fees charged to haulers or other persons for waste delivered to a designated facility.

Subsection 44. “Generate” is defined as the act or process of producing waste, including the production or aggregation of waste occurring at an intermediate disposal facility.

Subsection 45. “Generator” is defined as any person who generates waste.

Subsection 46. “Hauler” is defined as any person, other than an individual resident hauling his or her own household waste, who collects or transports any solid waste.

Subsection 47. “Holidays” are defined as New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day or as specified by County Board resolution.

Subsection 48. “Resource Recovery” is defined as the reclamation for sale, use or reuse of materials, substances, energy, or other products contained within or derived from waste.

Subsection 49. “Resource Recovery Facility” is defined as a 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.



Subsection 50. "Solid Waste Management Charge" is defined as the solid waste management charge established by the County Board pursuant to Minn. Stat. §§ 473.811, sub. 3a, and 400.08.

Subsection 51. "Transportation" is defined as the conveying of solid waste from one place to another.

Subsection 52. "Unacceptable Waste" is defined as waste delivered in quantities which may pose a threat to health or safety, or to the environment, or may cause damage to, or materially adversely affect, the operation of a designated facility including but not limited to: incinerator ash; foundry sand; explosives; hospital, pathological and biological waste; hazardous waste; chemicals and radioactive materials; oil sludges; asbestos in identifiable quantities; cesspool or other human waste; sewage and other highly diluted, water-carried materials or substances; materials in gaseous form; human or animal remains; street sweepings; ash; mining waste; sludges; demolition debris; and hazardous refuse of any kind, such as cleaning fluids, crank case oils, cutting oils, paints, acids, caustics, poisons or drugs.

Subsection 53. "Waste" is defined as solid waste.

## SECTION II. LICENSING PROVISIONS

Subsection 1. License Required. Unless otherwise provided by this ordinance or the County Board, no person shall make nor allow property under his or its control to be used for intermediate or final disposal of any solid waste, except at a site or facility for which a license has been issued by the County before operation commences. A license shall not be required for any single household yard waste composting activity, but such site shall be operated and maintained in a nuisance free and aesthetic manner consistent with the intent of this ordinance. A license shall not be required for any site or facility used as a recycling drop-off center, but such site shall be registered with the Department as provided herein. Registration is valid if the registrant is in compliance with all applicable provisions of this ordinance. Any site or facility to be used for any method of solid waste disposal not otherwise provided for in this ordinance must be licensed by the County Board before operation may be commenced. No hauler shall collect or transport acceptable waste generated in the County, without first obtaining a license from the Department for such collection or transportation. If more than one activity or service requiring a license is conducted at the site or facility, the Department shall issue one consolidated license covering all of the approved activities or services.

Subsection 2. Any license under this ordinance shall be nontransferable. Licenses issued to corporations shall be valid only so long as there is no change in the officers, charter, articles, by-laws or ownership of the corporation unless such change is approved by the County Board, in which event said license shall continue in force until the end of the then current license year. Licenses issued to associations or partnerships shall be valid only so long as there is no change in the partnership or association agreement or in the ownership of said association or partnership unless such change is approved by the County Board, in which event said license shall continue in force until the end of the then current license year. Corporations, partnerships or associations holding licenses shall submit written notice to the County Auditor of any such changes described herein 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 County Auditor

when a person not listed in the application acquires an interest, and shall give all information about said person as is required of a person pursuant to the provisions of this ordinance.

Subsection 3. An application for a license to operate an intermediate or final solid waste disposal facility shall be submitted to the Department. The application shall not be considered complete until the Department receives all of the following materials showing satisfactory compliance with this ordinance:

- A. Plans, specifications, reports, prepared by a registered professional engineer of Minnesota, showing:
  - 1) A current map or aerial photograph of the area showing land use and zoning within one fourth (1/4) mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, building, lakes, ponds, water courses, wetlands, dry runs, rock outcropping, 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 photograph. United States Geological Survey datum shall be included and a north arrow drawn. A location insert shall be included.
  - 2) 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.
  - 3) An ultimate land use plan, including intermediate stages, identifying the total and complete land use and showing finished contour lines and elevations. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.
  - 4) A report shall accompany the plans indicating:
    - a) Population and areas expected to be served by the proposed site.
    - b) Anticipated type, quantity and source of material to be disposed of at the site or facility.
    - c) Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the site, including the high water table. Such data shall be obtained by soil borings or other appropriate means. Distance to Shoreland must be indicated.
    - d) Source and characteristic of cover material and method of protecting cover material for winter operation.
    - e) Type and amount of equipment to be provided at the site for excavating, earth moving, spreading, compacting and other needs.
    - f) Area of site in acres.
    - g) Owner of site or facility.

- h) Persons responsible for actual operation and maintenance of the site and intended operating procedures.
    - i) Estimate of the number of trucks per day, the volume of solid wastes per day (week or month) and the estimated life of the site.
- 5) An operational and financial plan for closure and post-closure indicating the actions to be taken and estimating the costs for closure and the long-term care, monitoring, and maintenance of the waste site or facility for a period of at least twenty (20) years. The plan shall be written to comply with the provisions of this ordinance and applicable statutes, rules, regulation and requirements of the State of Minnesota, and the policy plan of the Metropolitan Council. This plan shall be reviewed annually until the end of the post-closure period and revised as necessary as costs and needs for closure and post-closure change and as standards set by the county and state governments and the Metropolitan Council are altered. The plan for closure and post-closure and any amendments to the plan must be approved by the County Board. Except as provided in Section V, subsection 9, existing sites or facilities licensed prior to October 1, 1983, shall submit a plan acceptable to the County on or before December 31, 1983. Said existing sites or facilities must comply with the requirements of this subsection except that the plan for the post-closure period may be reduced to a period of five years unless monitoring data or inspection indicates that additional monitoring, maintenance or long-term care is likely to be needed.
- 6) An application for only an incinerator license shall include:
  - a) The location, type, and height of all building within 500 feet of the proposed incinerator.
  - b) An engineering report specifying furnace design criteria and expected performance data.
  - c) Plans for disposal of incinerator residue and emergency disposal of solid waste in the event of breakdown.
- B. Written proof that the local applicable municipal or township government has considered the establishment of the site or facility and results of that consideration.
- C. A completed application form provided by the Department plus the application fee and the base license fee.
- D. Additional data as may be requested by the Board or County Board.
- E. Submission of application information required by this subsection which the Department may deem unnecessary in determining compliance with the intent of this ordinance may be waived by the Department. The applicant and Board shall be informed in writing of the specific application information waived by the Department.

Subsection 4. Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall be for the period as set forth below unless sooner revoked or suspended:

- A. The license year for haulers shall be from Jul 1 to June 30.
- B. The license year for intermediate and final disposal facilities shall be from July 1-June 30.

Subsection 5. Application for license renewal shall be made in writing to the Department by the dates set forth below. Application for renewal shall contain a statement of any changes in the information submitted in the last approved license application and the license fee for the coming year.

- A. Hauler license renewal application shall be due by April 30 of each year.
- B. Intermediate and final disposal facility license renewal applications shall be due by April 30 of each year.

Subsection 6. Omission of any information or submission of false information may constitute grounds for denial of a license application or license renewal application or suspension or revocation of an issued license.

Subsection 7. Unless otherwise provided by the County Board, of the County Board sees fit to issue a license, issuance of any license for a site or facility pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the County Board and naming the County as obligee with sufficient sureties duly licensed and authorized to transact 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 statutes, rules, regulations or requirements of the State or the policy plan of the Metropolitan Council in the operation of the solid waste disposal site or facility, or if, for any reason, ceases to operate or abandons the solid waste disposal site or facility, and the principal has failed to bring the site or facility into compliance, the surety may bring the site or facility into compliance or shall pay the County for all costs to remedy said failure of the principal, and that the surety will indemnify and save harmless the County because of any default of the principal under the terms of his license to operate and comply with all said provisions. In lieu of part or all of said bond, the licensee may provide financial assurance in an amount and form acceptable to the County Board to be used to bring the facility into compliance with said requirements.

Unless otherwise provided by the County Board, the site or facility licensee shall furnish certificates of insurance issued by insurers duly licensed within the State of Minnesota in amounts and forms determined by the County Board. In cases of hardship, the County Board may allow the licensee to provide financial assurance by the substitute mechanism of a letter of credit, acceptable to the County Board in lieu of all or a part of the required insurance.

Any insurance or bond required by this Subsection shall provide that said insurance or bond may not be cancelled during the license term without first giving the Department and the licensee thirty (30) days written notice of cancellation. The cancellation shall not relieve an insurer or a surety from liabilities or indebtedness arising from defaults of the licensee occurring prior to said cancellation. A surety shall continue to be liable on a bond in spite of cancellation or expiration of said bond for all costs related to the closure of the principal's site or facility unless a substitute bond, or other financial assurance, acceptable to the County Board is provided. At the time that an application for a new license or a license renewal is submitted, the applicant shall submit evidence that he has obtained insurance and bonds meeting the requirements of this ordinance for the full term of said license.

Recycling drop-of centers and clean fill demolition landfills shall be exempt from the insurance and bonding requirements set forth in this subsection, unless otherwise determined by the County Board.

Subsection 8. Unless otherwise provided by the County Board, issuance or renewal of any license shall be contingent upon the owner of the site or facility or the operator or both providing financial assurance to assure post-closure maintenance, monitoring and long-term care of the site or facility. Use of this financial assurance shall be limited to the site or facility for which it was provided.

The financial assurance may be paid by one or a combination of more than one of the following methods:

A. The owner or the operator may submit financial assurance on a monthly basis in an amount calculated at the beginning of each license year by subtracting the amount of financial assurance already provided from the total estimated post-closure costs specified in the approved post-closure plan, dividing the remainder by the total of cubic yards of volume remained to be filled in the licensed fill, and multiplying the quotient by the number of gate yards received in the preceding month. For purposes of the Subsection, gate yard of waste shall not include materials approved by the Department for use as daily cover or final cover. The County Board may modify the formula for calculating the amount of financial assurance to allow for a demonstrated rate of waste compaction, the interest rate to be paid on the financial assurance fund, or the estimated rate of inflation. Except as provided in Section V, subsection 9, for sites or facilities initially licensed prior to October 1, 1983, this amount shall not exceed \$.50 per gate yard of compacted waste or \$.35 per gate yard of loose, uncompacted waste unless the owner or the operator requests that an additional amount be provided and the County Board approves this request. For solid waste on which the surcharge ( as imposed in Section II, subsection I) is based on weight, the post closure financial assurance shall also be paid on the basis or weight at the rate of \$1.67 per ton. The operator shall maintain adequate records to verify the gate yards of waste received each month and shall provide those records to the Department upon request. Financial assurance submitted in accordance with this subparagraph shall be handled in one or more of the following ways:

- 1) The owner or the operator may deposit cash, certificates of deposit, or U.S. government securities with the County in a minimum amount determined by this subparagraph. Deposits placed with the County will be segregated and, if applicable, invested in an interest bearing account. The County shall have the right to use part or all of the funds to carry out post-closure requirements if the owner or the operator fails to do so.
- 2) The owner or the operator may establish an escrow account acceptable to the County with a bank or other financial institution acceptable to the County and deposit an amount no less than determined according to this subparagraph. The escrow account shall consist of cash, certificates of deposit, or U.S. government securities. The County shall be party to the escrow agreement, which shall provide that there shall be no withdrawals from the escrow account except as authorized in writing by the County. The escrow agreement shall further provide

that the County shall have the right to withdraw and use part or all of the funds in the escrow account to carry out post-closure requirements if the owner or the operator fails to do so.

- 3) The owner or the operator may create an irrevocable trust acceptable to the County exclusively for the purpose of ensuring that the owner and any successor in interest or the operator will comply with post-closure requirements. The trust agreements shall designate a bank or other financial institution acceptable to the County as trustee and the County of Anoka as the sole beneficiary. The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The trust corpus shall consist of cash, certificates of deposit or government securities. The owner or the operator shall deposit an amount no less than the amount determined according to this subparagraph. The trust agreement shall further provide that sufficient monies shall be paid from the trust to the beneficiary to carry out post-closure requirements in the event that the owner or any successor in interest or the operator fails to perform any of said requirements.
- B. The owner or the operator may submit financial assurance in any of the following forms in an amount which equals or exceeds the total estimated post-closure costs specified in the approved post-closure plan. Except as provided in Section V, subsection 9, for sites or facilities initially licensed prior to October 1, 1983, this financial assurance need not exceed the total which would have been collected prior to site closure if financial assurance had not been provided in accordance with Subparagraph A.
- 1) The owner or the operator may submit an irrevocable standby letter of credit acceptable to the County. The issuing institution must be a bank or other financial institution acceptable to the County which has authority to issue letters of credit and whose letter or credit operations are regulated and examined by a federal or state agency. The letter of credit must be irrevocable and issued for a period of at least one (1) year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one (1) year. If the issuing institution decides not to extend the letter of credit beyond the then current expiration date it must, at least ninety (90) days before that date, notify the owner, the operator, and the Department by certified mail of its decision. The ninety (90) day period shall begin on the date of receipt by the Department. Expiration cannot occur while the owner or the operator is in default in carrying out post-closure requirements. The County may draw upon the letter of credit to carry out post-closure requirements in the event that the owner or any successor in interest or the operator fails to perform any of said requirements. The letter of credit shall provide that in the event the owner or any successor in interest or the operator does not provide alternate financial assurance meeting the requirements of this ordinance within thirty (30) days prior to the current expiration date of the letter, the entire amount of the letter of credit remaining undrawn shall be paid to the county. The County shall deposit these funds in accordance with Subparagraph A.

- 2) The owner or the operator may submit a performance bond acceptable to the County naming the County as obligee. The bond shall be issued by a surety company licensed to do surety business in the State of Minnesota. The condition of the bond shall be that if the principal fails to perform any of the actions or duties required for post-closure termination, the surety may bring the site or facility into compliance or shall pay the County for all costs to remedy said failure of the principal, and that the surety will indemnify and save harmless the County because of any default or the principal to perform actions or duties required for post-closure termination. Each bond shall be issued for a period of at least one (1) year and shall provide that the expiration date will be automatically extended for a period of at least one (1) year. If the surety wished to cancel its bond, it must, at least ninety (90) days before that date, notify the owner, the operator and the Department by certified mail of its decision. The ninety (90) day period shall begin on the date of receipt by the Department. Expiration cannot occur while the owner or the operator is in default in carrying out post-closure requirements. The bond shall provide that in the event that the owner or any successor in interest or the operator does not provide alternate financial assurance meeting the requirements of this ordinance, within thirty (30) days prior to cancellation of this bond, the entire face amount of the bond shall be paid to the County. The department shall deposit these funds in accordance with Subparagraph A.
- C. The Department shall mail notification of its intent to use funds for the purpose of carrying out post-closure requirements to the last known address of the owner or the operator. If the owner or the operator requests a hearing in writing within ten (10) days thereafter, the Department shall, prior to using the funds, hold a hearing in accordance with Section 5.06 of the Anoka County Administrative Procedures Ordinance, Ordinance No. 79-1, for the purpose of determining whether or not the owner or the operator has failed to perform activities or duties required for post-closure maintenance, monitoring, or care. In the event that a hearing is requested regarding the County's decision to draw upon these funds prior to the hearing, but shall not use the funds to carry out post-closure requirements until a hearing has been held.
- D. During the post-closure period, the County may refund monies or decrease the amount of a letter of credit or a bond if the owner or the operator demonstrates to the satisfaction of the County that the amount of financial assurance exceeds the remaining cost of post-closure monitoring, maintenance, and long-term care. Upon completion of the post-closure period, the County shall release any remaining monies or other financial assurance to the person providing said monies or financial assurance.

Subsection 9. Fees. The following shall apply to fees required by this ordinance:

- A. The amount of each license, application, and other fees plus the method and time of payment thereof shall be determined by resolution of the County Board.

- B. Where a license application for the first year of operation is for a period less than the applicable license year, the license fee shall be prorated on a quarterly basis except that a clean fill demolition landfills shall not be prorated.
- C. In the event that the County Board denies a license application or renewal application, the license fee shall be returned to the applicant.

Subsection 10. The owner of the site or facility shall place of record an instrument with the County Recorder or Registrar of Title, as applicable, in a form prescribed by the Department placing the public on notice of the existence and location of the site or facility and of the obligations placed upon parties holding an interest in the property and the restrictions which may affect the use of property. If the owner fails to file or record such an instrument promptly upon request of the County, the operator shall do so. The County may require additional instruments to be placed of record if changes occur in location, obligation, or use restrictions, or if the County determines that modification of the initial instrument is necessary.

Subsection 11. Fee on Operators of Disposal Facilities.

- A. Fee on Operators of Disposal Facilities. There is imposed a fee on operators of facilities which accept and dispose of mixed municipal solid waste in the County of Anoka.
- B. Amount of Fee. The fee shall be \$1.31 per gate yard based on equivalent gate yards of waste computed as follows: 600 pounds of waste is equivalent to one gate yard. An operator has the option to vary or alternate the method of determining the amount of waste accepted at the entrance, between weighed and measured volume, but in any event the fee shall be calculated in accordance with Minn. Rule Part 8121.0300, subparts 2 and 3.
- C. Partial Exemption from Fee.
  - 1. Waste residue from energy and resource recovery facilities at which solid waste is processed for the purposes of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from one-half the amount of the fee imposed if there is at least an eighty-five percent (85%) volume reduction in the solid waste processed. To qualify for exemption under this clause, waste residue must be brought to the facility separately. Before any fee is reduced, the verification procedures of Section 73, Subdivision 1, Paragraph (c), of Laws 1984, Chapter 644, must be followed and submitted to the department.
  - 2. Non-hazardous solid waste from metal casting facilities shall be exempt from the fee imposed under this subsection until January 1, 1988.
  - 3. Materials approved by the Department for use as daily or final cover shall be exempt from the fee imposed under this subsection.
- D. Returns, Fee Payment and Reporting Requirements.
  - 1. Time for Payment of Fee to County. The fee imposed by this subsection shall be due and payable by the operator of the facility to the County of Anoka monthly on or before the



twentieth day of the month immediately following the month in which the solid waste was received at the facility.

2. Returns. Any operator subject to the fee imposed by this subsection shall file a return prescribed by the department. The return must be signed by the operator or person authorized by the operator to do so. The return shall be filed with the department on or before the twentieth day of the month immediately following the month in which the solid waste was received at the facility and must be accompanied by payment of the fee.
3. Extensions. The department may extend for reasonable cause the time for filing returns and remittance of fee for not more than sixty (60) days. The department may require a tentative return at the time fixed for filing the regularly required return and payment of the fee therewith on the basis of such estimated return.
4. Reporting Requirements. The monthly return required to be file shall show: (a) number of gate yards of solid waste accepted and disposed of at the facility; (b) for a facility that weighs waste, the total weight of solid waste accepted and disposed of at the facility converted to equivalent gate yards of solid waste; (c) if a facility has accepted and disposed of solid waste exempted from the fee under Subsection 11.C., the number of gate yards of solid waste exempt from the fee, together with verification acceptable to the Department that the waste is exempt from the fee; (d) the amount of fee due on the return; and (e) such other information as may be required by the department in order to administer this subsection.
5. Failure to File Return. If any operator required to file any return shall fail to do so within the time prescribed by this subsection or shall make, willfully or otherwise, an incorrect, false or fraudulent return, such operator, upon written notice and demand, shall immediately file such return or corrected return and at the time pay any fee due on the basis thereof. If such operator shall fail to file such return or corrected return, the department may make for him a return, or corrected return, from its knowledge and from such information as the department can contain through testimony or otherwise and assess a fee on the basis thereof, which fee (less any partial payments for the fee covered by such return) shall be immediately paid upon written notice and demand. Any such return or assessment made by the department shall be prima facie correct and valid and such operator shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Nothing in this paragraph shall preclude the County of Anoka from enforcing this subsection by pursuing any other remedy authorized by law or ordinance.
6. Records. Every operator of a facility at which mixed municipal solid waste is accepted and disposed of shall keep adequate and complete records showing the total gate yards of solid waste accepted and disposed of at the facility for each day or, if such waste is weighed, the total weight of such solid waste for each day.

7. Examination of Records. The County or its designated agent shall have the right to examine records and accounts of the operator required to file a return.

Subsection 12. Yard Waste Composting Center Application Requirements. An application for a license to operate a yard waste composting center shall be submitted to the Department on forms provided by the Department. Unless otherwise provided by the County Board, the application shall not be considered complete until the Department received all of the following materials showing satisfactory compliance with this ordinance:

- A. License information including at least the following: name, address, telephone number of the licensee; licensee's social security number and/or Minnesota business identification number; business name, address and telephone number; name, address and telephone number of the responsible party; corporate or partnership information if applicable; and such other information as the Department may request for the purpose of administering the provisions of this ordinance.
- B. Site information including at least the following: facility name, address, and telephone; property ownerships; location map; property description; and site drawing ( to scale no greater than 100 feet to the inch) showing all pertinent features of the site (i.e., property lines, structure, equipment, dimensions, activities, drainage).
- C. Operational information including at least the following: materials to be accepted; description of the operation to be conducted and procedures to be followed; markets; and, if requested by the County, closure/post closure plan.
- D. Evidence that the local applicable city or township government has considered the establishment of the site or facility and results of that consideration.
- E. Any required fees and such additional information requested by the County to determine compliance with this ordinance.

Subsection 13. Recycling Drop-Off Center Registration Requirements. Information necessary to register a recycling drop-off center shall be submitted to the Department on forms provided by the Department. Unless otherwise provided by the County Board, the registration shall not be considered complete until the Department received all of the following materials showing satisfactory compliance with this ordinance:

- A. Registration information including at least the following: name, address, telephone number of the licensee; licensee's social security number and/or Minnesota business identification number; business name, address and telephone number; name, address and telephone number of the responsible party; corporate or partnership information if applicable; and such other information as the Department may request for the purpose of administering the provision of this ordinance.
- B. Site information including at least the following: facility name, address, and telephone; property ownerships; location map; property description; and site drawing (to scale no greater than 100 feet to the inch) showing all pertinent features of the site (i.e., property lines, structure, equipment, dimensions, activities, drainage).

- C. Operational information including at least the following: materials to be accepted; description of the operation to be conducted and procedures to be followed; markets; and, if request by the County, closure/post-closure plan.
- D. Evidence that the local applicable city or township government has considered the establishment of the site or facility and results of that consideration.
- E. Any required fees and such additional information requested by the County to determine compliance with this ordinance.

Subsection 14. Hauler Application Requirements. An application for a hauler’s license shall comply with the following:

- A. Application for a license shall be made to the Department and shall be on forms available from the Department. The application shall not be considered complete until all required fees and materials are submitted to the Department.
- B. Application for a license shall contain at least the following information: name, address, telephone number of the licensee; licensee’s social security number and/or Minnesota business identification number; business name, address and telephone number; name, address and telephone number of the responsible contact person; corporate or partnership information if applicable; list and description of all vehicles, conveyances and other equipment (including at least the motor vehicle license, make, model, year and capacity of each vehicle) used for solid waste storage, collection, or transportation within the County; types (i.e., residential, commercial, industrial) and number of accounts receiving service within each city or township in the County; quantity of waste expected to be collected or transported during the license year; and such other information as the Department may request for the purpose of administering the provisions of this ordinance.

SECTION III. PROCEDURES FOR PROCESSING LICENSE APPLICATION, RENEWALS, SUSPENSION AND REVOCATIONS.

Subsection 1. After receiving an application for a license to operate an intermediate or final solid waste facility, the County Board shall have 90 days to issue or deny the license. Failure of the County Board to act on an application within 90 days shall constitute a denial. A denial shall be without prejudice to the applicant’s right to file a further application.

Subsection 2. All of the provision of the Anoka County Administrative Procedures Ordinance, Ordinance No. 79-1, shall apply as if fully set forth herein, unless inconsistent with the provisions of this ordinance.

SECTION IV. DUTIES OF THE COMPREHENSIVE HEALTH BOARD AND THE DEPARTMENT OF COMPREHENSIVE HEALTH.

Subsection 1. The department under the supervision of the Board shall be responsible for the administration of this ordinance. Its duties shall include but not be limited to the following:

- A. To encourage and conduct studies, investigation, and research relating to aspects of solid waste disposal such as methodology, chemical and physical consideration, and engineering.
- B. To advise, consult, and cooperate with other governmental agencies in furtherance of the purposes of this ordinance.

SECTION V. SANITARY LANDFILL CONSTRUCTION REQUIREMENTS AND OPERATING PROCEDURES.

Subsection 1. The following shall be established, constructed, or provided for at a sanitary landfill site or facility

- A. Sanitary facilities and shelters;
- B. Electrical service for operations and repairs;
- C. Firefighting facilities adequate to insure the safety of employees;
- D. Emergency first aid equipment to provide adequate treatment for accidents, including those resulting from hazardous and toxic wastes;
- E. Potable water for site personnel;
- F. Adequate facilities to insure that no vehicle desiring entry into the site may have to wait outside the perimeter of the sanitary landfill site;
- G. A telephone shall be provided;
- H. The site shall be fenced and a gate shall be provided at the entrance to the site and kept locked when an attendant is not on duty;
- I. An all-weather haul road to the unloading area;
- J. Equipment sufficient for spreading, compacting and covering operations to include sufficient reserve equipment or arrangements to immediately provide for equipment during the periods of breakdown;
- K. At each entrance to the site, the licensee shall direct and maintain a sign stating the name of the facility, the schedule of days and hours the facility is opened to the public, a statement that dumping or operation of any hours other than what is stated is unlawful, prices for the use of the facility, and Minnesota Pollution Control Agency Permit Number and penalty for nonconforming dumping. The sign and its placement shall be subject to the approval by the Department;
- L. At the County Board's discretion a ground and surface water monitoring system may be required at the licensee's expense;
- M. Visual screening, where necessary, adequate to reduce visibility of above grade operations from housing or public right-of-ways shall be provided. The extent and location of said screening shall be reviewed and altered to meet changing conditions in the operation of the site or facility;
- N. Suitable disposal facilities shall be provided for individuals who wish to transport and dispose of their own solid waste.

Subsection 2. A Sanitary Landfill shall be operated pursuant to the following procedures:

- A. Open burning of solid waste is prohibited. No scavenging shall be allowed. Salvaging shall be allowed only if specifically set forth in the license and application therefore and then only if salvaged materials are daily removed from the premises or placed in an approved rodent free and rodent proof device or building. Animal feeding within the site is prohibited.
- B. Putrescible wastes shall not be deposited within five (5) feet above the highest known water table at the landfill site.
- C. A minimum separating distance of twenty (20) feet shall be maintained between the disposal operation and the adjacent property line.
- D. Unloading of solid waste shall be confined to as small an area as practicable. Arrangements shall be made to confine possible windblown material within the unloading area. At the conclusion of each day of operation, windblown material resulting from the operation shall be collected and returned to the area by the licensee, including that along public and private access routes.
- E. Solid waste shall be compacted as densely as practicable and covered after each day of operation with a compacted layer of at least six (6) inches of suitable cover material.
- F. Surface water drainage shall be diverted around the landfill operating area.
- G. Putrescible materials which have reached a foul state of decay or composition, such as spoiled food and animal carcasses, shall be immediately covered and compacted.
- H. Control of vectors such as rodents and flies and of odors, dust, windblown material and other potential public nuisances shall be sufficient to prevent or eliminate any public nuisance. The licensee at his own expense, shall engage a qualified exterminator or pest control agency acceptable to the Department to inspect the landfill on at least a monthly basis and perform any necessary eradication. A copy of each inspection report shall be sent to the Department immediately by said exterminator or pest control agency.
- I. An attendant shall be on duty at the site at all times while it is open for public use. Unloading of refuse shall be continuously supervised at the working face of the landfill.
- J. The depth of any cell of solid waste in the landfill shall not exceed eight (8) feet.
- K. Within one month after an area of a site has reached final elevation or operations in an area have ceased, the area shall receive final cover application of at least two and one-half (2 ½) feet. Each horizon of the final cover shall be separately compacted, graded until smooth, and sloped to allow surface water runoff. No holes or depressions which might result in collection of surface water shall remain or exist after such covering.
- L. The final cover of the filled area shall be seeded with native grasses or other suitable vegetation immediately upon completion of final cover application, or immediately in the spring on areas finishing during winter conditions. If necessary, seeded slopes shall be covered with straw or similar material to prevent erosion. Appropriate seeding, turf development and turf maintenance practices shall be used in order to establish adequate turf.

- M. Unless otherwise provided by the County Board, the licensee shall accept all solid waste offered for disposal during the posted hours of operation which may be legally and reasonably disposed of at the site. Vehicles such as automobiles and trucks are not considered reasonable items for disposal, but when accepted must be crushed prior to disposal.
- N. No solid waste disposal facility shall be opened for use and shall not receive solid waste deposits before 6:00 A.M. or after 8:00 P.M.; and no equipment operation shall commence before 6:00 A.M. or continue after 10:00 P.M.; and all solid waste deposits shall be covered by 10:00 P.M. on the day received.
- O. Prior to September 1 of each year, the licensee shall submit to the Department for its approval, plans for providing earthen cover during winter operation.
- P. The licensee shall maintain the site and all access roads free of litter. The licensee shall take measures to prevent litter from blowing onto and/or accumulating on real estate adjacent to the landfill operation.
- Q. Accurate daily records of site operations shall be maintained. These records shall contain information pertinent to site operation. Intake of solid waste in tons or cubic yards shall be daily recorded in the manner acceptable to the Department. General areas in which a particular type of solid waste disposal takes place within the landfill shall be filed. These records shall be available at times for review and inspection by the Department.
- R. The fill and trench areas are prohibited within Shoreland areas.

Subsection 3. Disposal of bulky waste in a sanitary landfill is conditioned upon the following requirements:

- A. Trees and branches shall be reduced to the smallest size that is practical and buried in the manner of any other solid waste.
- B. Leaves shall be treated as any other solid waste.

Subsection 4. The licensee of the sanitary landfill is responsible for adequate fire protection on the site. Adequate firefighting equipment shall be available at all times on the site or the licensee shall furnish the Department with proof of a firefighting agreement between the licensee and the local fire protection agency to immediately acquire its services when needed.

Subsection 5. The licensee and the owner and any successors in interest shall be responsible for site closure for a period of time ending five years after completion of the requirements in Subparagraphs A-H have been approved by the County. In addition to the requirements established by the State of Minnesota, the Metropolitan Council, the approved closure plan, the license conditions established by the County Board, and any other duties imposed by the law, the following actions shall be taken by the licensee and the owner and any successor in interest to accomplish site closure for all sites and facilities which have not received approval from the County as having completed closure requirements prior to October 1, 1983, unless otherwise specified by the County Board:

- A. Notice shall be provided to the Department at least ninety (90) days prior to cessation of landfilling activity indicating the licensee's planned closure date and arrangements for compliance with this

- policy. The Department shall be provided with certification of compliance with each of the closure requirements within five (5) days of the specified due date.
- B. Regular customers of the landfill shall be notified in writing not less than sixty (60) days prior to cessation of landfilling activity of the site's closure date and of alternative disposal sites. This notification of regular customers shall be repeated not less than thirty (30) days prior to cessation of landfill activity and again upon cessation of landfilling activity.
  - C. A sign shall be posted at the site gate and gate attendant's window sixty (60) days prior to , and until 120 days after cessation of landfilling activity indicating the date of closure and alternative disposal sites.
  - D. Notices shall be published in all newspapers serving Anoka County indicating the projected date of site closure and the location of alternative disposal sites. These notices shall be published at least sixty (60) and no more than ninety (90) days, and at least thirty (30) and no more than sixty (60) says prior to, and again upon cessation of landfilling activities.
  - E. Upon cessation of landfilling activity, access to the landfill shall be restricted by the use of gates, fencing, or other appropriate means to eliminate further utilization of the site for the disposal of solid waste or trespass.
  - F. Upon cessation of landfilling activity, provide the Department with the name, address, and telephone number of the person responsible for the facility during the post-closure period.
  - G. The surface of the area used for solid waste disposal shall be covered with at least two and one-half (2 ½) feet of final cover in accordance with Subsection 2.K., the approved closure plan, and license conditions. The surface of the area used for solid waste disposal shall be graded to provide drainage off the filled area. Surface water shall be diverted around filled areas and arrangements made to prevent erosion. Said final cover application and grading shall commence no later than thirty (30) days prior to, and be completed no later than thirty (30) days following, cessation of landfilling activity. When this activity has been completed, the Department shall be notified and allowed access to the site in order to inspect the final cover.
  - H. Within sixty (60) days after the site or facility has ceased to accept wastes and following Department approval of final cover, the finished surfaces shall be seeded, mulched, and fertilized in accordance with Subsection 2.L., the approved closure plan, and licensing conditions.
  - I. Adequate turf shall be established in all areas of the site or facility.
  - J. The placement of final cover and seeding activities may be delayed in the event of adverse weather conditions provided that in this event short-term erosion control measures shall be instituted to protect the surface area from erosion and that the work delay has been approved by the Department.
  - K. Commencing when a site or facility ceases to accept wastes, the requirements of Subsection 6 shall be performed.
  - L. Upon completion of the landfill closure activities required in Subparagraphs A-H the Department shall be provided with certification by a qualified registered professional engineer that the landfill has been

closed in accordance with the approved plans, ordinance, and license conditions. Said certification shall be submitted no later than sixty (60) days following completion of said landfill closure activities.

- M. A detailed description of the completed landfill site shall be submitted to the Department prior to approval of the final condition of the landfill. This description shall include the general type, quantity and location of deposited solid waste, the depth of waste fill, original and final terrain description, and other pertinent characteristics of the completed sanitary landfill site.
- N. The final condition of the closed landfill shall be approved by the County. Such inspection and approval shall not occur until after the Department has received the certification required in Subparagraph L.

Subsection 6. The licensee and the owner of the site or facility and any successor in interest shall be responsible for the post-closure termination of the site. The post-closure period shall commence upon expiration of the closure period and continue for a period of twenty (20) years for site and facilities initially licensed after October 1, 1983. Except as provided in Section V, subsection 9 and subject to the provision of Subparagraph H, the post-closure period shall continue for a period of five (5) years for sites or facilities initially licensed prior to October 1, 1983 and which have not received approval from the County as having completed closure requirements prior to October 1, 1983. In addition to the requirements established by the State of Minnesota, the Metropolitan Council, the approved post-closure plan, the license conditions established by the County Board, and any other duties imposed by the law, the following actions shall be taken by the licensee and the owner and any successor in interest during the post-closure period, unless otherwise specified by the County Board.

- A. The landfill shall be inspected during the months of April and September of each year. Such inspections shall evaluate leachate generation, soil erosion, sedimentation, vegetative cover maintenance, ground water monitoring wells, soil gas monitoring probes, gas migration control equipment, and site security to determine their condition. The County may reduce the number of inspections required if fewer are needed.
- B. Conduct a water monitoring program meeting the standards set forth in the "Policy and Procedures For Landfill Water Monitoring" adopted by the Anoka County Board of Commissioners in its meeting of May 26, 1981. During the first five (5) years after the site or facility ceases to accept waste the samples shall be collected quarterly as outlined in the policy. During the second five (5) years the sampling frequency may be reduced to three (3) times a year, (April, August and December). During the third five (5) years the sampling frequency may be reduced to two (2) times a year (April and October). During the fourth five (5) years the sampling frequency may be reduced to once per year (July). Said sampling reduction may be allowed only if the date indicated no increasing leachate impact and the reduction is approved by the County.
- C. Methane gas generation and migration shall be tested at least every six (6) months, and more frequently if necessary, and records of the results of such tests shall be maintained and submitted to the Department.



- D. The final cover of the landfill shall be maintained in accordance with the approved plans and solid waste ordinance. In the event that gullying or erosion occurs, additional earthen material shall be placed and compacted and measures shall be taken to prevent further occurrence of erosion.
- E. The turf shall be maintained in accordance with the approved plans and solid waste ordinance. Dead or diseased vegetation shall be replaced and modifications of the tuft shall be instituted as necessary to ensure the growth and maintenance of adequate turf on the landfill.
- F. All equipment, monitoring probes and wells and fencing shall be repaired if necessary. Corrective action shall be taken to prevent adverse effects from gas and leachate production. All site maintenance, monitoring, and restorative action shall be complete within thirty (30) days following the inspection due date throughout the post-closure period.
- G. Report describing the inspection, conditions, corrective actions, and monitoring activities performed in connection with the landfill shall be prepared and transmitted to the Department within thirty (30) days following the inspection due date. Said report shall be considered as notification that the site is in compliance with license conditions, the post-closure plan, and the solid waste ordinance and that the County may inspect the site to verify said conditions. Inspections conducted by the County for such verification or correction of problems shall be at the expense of the owner or the operator or both.
- H. For sites or facilities with a five (5) year post-closure period, the County Board may extend the duties created under this subsection for up to an additional ten (10) years as reasonably necessary to correct and/or monitor problems with leachate, methane, turf or final cover. A problem exists with leachate or methane if the monitoring data does not indicate a significant decrease in leachate impact or methane generation.
- I. The work required by this subsection may be delayed in the event of adverse weather conditions, provided that the delay has been approved by the Department.
- J. No use of the site shall be allowed which may be detrimental to the maintenance of final cover, turf, ground and surface waters, monitoring wells, and/or gas probes or control systems.

Subsection 7. The County Board may vary or modify the strict application of the provisions of Subsection 2, 5 and 6 by reducing or waiving certain requirements when unnecessary or imposing additional requirements to take place within said closure and post-closure periods to prevent risk of harm to persons, property, or the environment. The County Board shall consider the special circumstances or conditions affecting the site or facility, the leachate or ground water monitoring results, methane gas monitoring results, characteristics of the waste, the nature of technology utilized at the site or facility, and the risk of harm to persons, property and the environment.

Subsection 8. The owner shall grant and guarantee access to the County, or its authorized agent or any other person responsible for closure and post-closure requirements, and shall allow such access to the closed site at any reasonable time for purposes of evaluating the conditions of the closed landfill, monitoring, maintenance, or restoration.

Subsection 9. For purposes of Section II, subsections 3. A. 5), 8.A. and 8.B., and Section V, subsections 5 and 6, sites and facilities which expand their disposal capacity beyond that approved on October 1, 1983 shall be subject to all of the requirements for a site or facility license after October 1, 1983.

Subsection 10. A Liner and leachate management systems must be constructed, operated, and maintained as required by Minnesota Rules Par 7035.2815. Leachate must be treated and disposed as required by law.

#### SECTION VI. INCINERATION.

Subsection 1. This section applies only to existing and new incinerators having a capacity greater than 1,000 pounds per hour and those for the incineration of toxic and hazardous wastes. All incinerators shall be designed and operated in a manner to conform to emission limitations of state and local air pollution regulations.

Subsection 2. It is unlawful for any person to construct, establish, maintain, or operate an incinerator without first acquiring a license from the County Board. It shall not be necessary to have more than one license per incinerator for purposes of this ordinance.

Subsection 3. The incinerator operation for each proposed installation shall be considered for approval on its own merits, shall be in compliance with the following criteria and in accordance with accepted engineering practices.

- A. The incinerator plant shall be so situate, equipped, operated and maintained as to minimize interference with other activities in the area. All incoming and outgoing traffic shall be controlled by the licensee in such manner as to provide orderly and safe ingress and egress.
- B. Shelter and sanitary facilities shall be available for plant personnel.
- C. A permanent sign shall be posted at the site entrance identifying the operation and showing the Minnesota Pollution Control Agency permit number of the plant, and indicating the hours and days when the plant is open for public use. Access to the plant shall be limited to those times when authorized personnel are on duty.
- D. All incoming solid waste to be incinerated at the plant shall be confined to the unloading area. Adequate holding bin capacity shall be provided.
- E. Facilities shall be designed to provide for dust control in the unloading and charging areas.
- F. The incinerator plant shall have weighing facilities available. Permanent records shall be maintained indicating the total weight of material incinerated, the total quantity or resulting residue and total hours of plant operation. These records shall be available for inspection upon request by the Department.
- G. Fire-fighting equipment, meeting the standards of Underwriters Laboratory, Inc., or other approved nationally recognized safety standards, shall be available in the storage and charging areas and elsewhere as needed.
- H. Arrangements shall be made with the local fire protection agency to provide fire-fighting forces in an emergency.
- I. Adequate communication facilities shall be provided for emergency purposes.

- J. Equipment shall be provided in the storage and charging areas and elsewhere as needed to allow cleaning after each day of operation or as may be required in order to maintain the plant in a sanitary condition.
- K. The charging openings as well as all equipment throughout the plant shall be provided with safety equipment.
- L. During normal operation, the temperature in the combustion changers shall conform to Regulation ApC7 and other Air Pollution Control Regulations of the Minnesota Pollution Control Agency now or hereafter adopted, to produce a satisfactory residue and to result in an odor-free operation.
- M. A continuously recording pyrometer shall be provided in order to maintain continuous records of temperature in the combustion chambers. A copy of such records shall be available for the Department.
- N. All residue removed from the incinerator plant shall be promptly disposed of in a manner that will prevent nuisances, pollution and public health hazards. Residue containing combustible material shall be disposed of in a sanitary landfill.
- O. Upon completion of the plant and prior to initial operation, the Department shall be notified to allow personnel of the Department to inspect the plant both prior to and during the performance test.
- P. Performance tests of the plant may be required by the County Board. A report covering the results of the performance tests in such cases shall be prepared by the design engineer of the project and submitted to the County Board with a copy of all supporting data.

## SECTION VII. TRANSFER STATIONS.

Subsection 1. A license shall first be obtained from the County Board to construct, establish, maintain or operate a transfer station.

Subsection 2. The following shall be established and maintained at the transfer station site.

- A. A sign, subject to the approval of the Department, shall be posted on the premises indicating that station name, the schedule of days and hours it is open to the public, and the prices for use.
- B. Roads on the premises shall be all-weather surfaced. The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance.
- C. Adequate sanitary facilities and shelter for personnel shall be provided on the premises.
- D. Records approved by the Department shall be maintained indicating the types and quantity of solids waste passing through the transfer station.
- E. The transfer station shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.

Subsection 3. A transfer station licensee shall comply with the following regulations.

- A. When stated in and as a part of the license, the licensee shall take away all solid waste, and wash, clean and disinfect the station at the end of each day of use.
- B. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.

- C. 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. All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to eliminated odor and litter outside the station.

**SECTION VIII. DEMOLITION LANDFILLS.**

Subsection 1. The licensing requirements of Section II shall be applicable to demolition landfills except that the County Board may waive requirements not reasonably necessary based upon the characteristics of the waste, the site or the service proposed.

Subsection 2. The construction requirements, operational procedures and closure and post-closure requirements of Section V, applying to sanitary landfills, shall be applicable to demolition landfills, except that the County Board may waive requirements which are not reasonably necessary based upon the characteristics of the waste, the site, or the service proposed.

Subsection 3. In addition to the foregoing requirements, the following requirements shall apply:

- A. No public usage will be allowed except when specifically approved by the County.
- B. Before any materials from demolished structures may be posited, the licensee must submit proof acceptable to the Department that the demolished structure has been subjected to satisfactory pest eradication prior to demolition.
- C. No paper, plastic, cardboard, cans, bottles, tires, appliances, vehicles, or other refuse materials not specifically permitted by this ordinance shall be deposited.
- D. A site shall be considered finished or closed, and require final cover when the site can no longer reasonably be used for the disposal of demolition waste and/or a current license is not in effect.

Subsection 4. The Department is hereby authorized to issue clean fill demolition landfill licenses upon the applicant complying with this ordinance, except for those provision specifically waived by the Department, and payment of the appropriate fees. Once the Department decides upon the disposition of an application it shall notify the applicant of its decision in writing. If the applicant feels aggrieved by the Department's decision, he may invoke the procedural rights provided by Section III of this ordinance.

Subsection 5. A clean fill demolition landfill is a land disposal facility which meets the following criteria:

- A. Fill material is limited to clean concrete, concrete block brick, or similar inert material acceptable to the Department.
- B. The site location is in a low density population area with less than 100 dwellings within 1,320 feet of the site.
- C. The facility is not open to the public, the source of the fill material is specifically identifies in the application, and the facility operator contracts directly with the source of the fill material.
- D. Adequate site security is available to control site usage.

**SECTION IX. SOLID WASTE MANAGEMENT REQUIREMENTS.**

Subsection 1. Tires.

- A. No person shall cause or permit the managements, storage, collection ,transportation, processing or disposal of waste tires, except in full compliance with the provisions of this ordinance. For the purpose of this subsection, a transporter of waste tires shall be considered to be the agent of a person who produces or otherwise accumulates waste tires in the course of his business.
- B. The land storage or land disposal of waste tires is prohibited unless said waste tires are first processed to a maximum particle size of six (6) square inches on any surface. This section shall not preclude the storage of waste tires at collection centers licensed by the county or on-site storage by persons who produce or otherwise generate waste tires.
- C. Persons who produce or otherwise accumulate waste tires in the course of their business shall keep records concerning their waste tire management. Such records shall include, but not necessarily be limited to: the volume of waste tires generated; identification of transporters, disposers, and processors utilized by said persons or their agents; dates and quantities of waste tire shipments, disposal or processing; documentation certifying the proper management of such waste tires, and such other information or data requested by the Department that may reasonably be needed to ensure the proper management of waste tires. When requested by the Department, said persons shall disclose these records to the Department. Waste tire management records must be maintained by the said persons for at least three years following waste tire shipment, disposal or processing.

Subsection 2. recycling Drop-Off Center and Yard Waste Composting Center Construction Operating Requirements. Unless otherwise provided by the County Board, the flowing shall apply to the construction, establishment, and/or operation of a recycling drop-off center:

- A. A sign shall be posted at the entrance stating days and hours of operation, materials accepted or not accepted, conditions of acceptance, and any other pertinent information.
- B. Adequate security shall be provided to prevent unauthorized site use. Any unauthorized materials left at the site will be promptly removed and properly disposed. The site shall be maintained free of litter, vermin, and other nuisances.
- C. Records shall be maintained corning the quality and types of materials received, and the disposition of materials received.
- D. Records shall be maintained concerning the quantity and types of materials received, and the disposition of materials received.
- E. An operating report shall be submitted by the last day of the month following the close of each calendar quarter. The report shall contain at least the following for each type of recyclable material: quantity of materials received; quantity of materials marketed; and the disposition of materials received. Recycling drop-off center reports shall also include any correction or amendments necessary to update and maintain a correct registration.
- F. Upon cessation of site operation all materials shall be removed and the site shall be left in a clean and nuisance free condition.

Subsection 3. Operating Requirements for Licensed Haulers.

- A. License Display. Each vehicle or other conveyance used by a hauler for the collection or transportation of acceptable waste generated within the County shall be identified by a license decal used by the Department for that vehicle or conveyance for the current license year. The hauler must affix the decal in a conspicuous place on the left side of the cab of the vehicle or conveyance for which it was issued as directed by the Department. The hauler must maintain the license decal so that it is readily visible and legible at all times. If a licensed hauler finds it necessary to use a vehicle other than one included in its original or amended license application, the hauler may obtain and display, in place of a license decal, a temporary vehicle permit issued by the Department for periods of up to seven calendar days per permit.
- B. Identification. The business name and telephone number of the hauler shall be printed or painted in legible characters on both sides of all vehicles, containers, and conveyances used by the hauler to store, collect, or transport acceptable waste generated within the County. Such characters shall be at least four inches in height for all vehicles and conveyances and at least two inches in height for all containers. This provision shall not apply to container owned and maintained by a solid waste generator.
- C. Reporting. On or before January 31 of each year, each hauler shall submit to the Department a written report for the previous calendar year, acceptable to the Department, which addresses the hauler's recycling and other waste abatement activities.
- D. Insurance. Each hauler shall maintain insurance as may be required by law.
- E. Solid Waste Management Charge. In the event the County Board established or modifies a solid waste management charge to be collected by haulers, the County Board may amend the conditions of a hauler's license at any time to impose or modify license conditions of a hauler's license at any time to impose or modify license conditions necessary to implement said solid waste management charge. The County shall provide the hauler with written notice of the new or modified license condition at least ninety days prior to its effective date.

Subsection 4. Designation.

- A. The Elk River Resource Recovery Facility on 165<sup>th</sup> Avenue N.W. near Highway 10 in the City of Elk River, Minnesota, the designated facility, is hereby established as the designated point of delivery for all designated waste generated in Anoka County.
- B. On and after the effective date established by the County Board resolution, all acceptable waste generated in the County and deposited in the State of Minnesota must be delivered to a designated facility, and may not be delivered to any other site or facility except as otherwise provided in this subsection. Nothing in this subsection shall preclude delivery of designated waste to a privately owned site or facility located within the County for transfer to a designated facility, provided that the site or facility license specifically permits the receipt of designate waste. This section is binding on all political subdivisions, landfill operators,

waster generators, and haulers in the County. The provisions of this subsection shall be in full force and effect upon a date to be specified by resolution of the County Board adopted at least sixty (60) day sin advance of the effective date.

C. Exceptions. The following materials are exempt from the designation requirements of this subsection:

1. Materials that are separated from solid waste and recovered for reuse in their original form or for use in manufacturing processes.
2. Waste excluded from the County’s Designation Plan by Metropolitan Council action on September 12, 1985, but only so long as, and only to the extent that, such exclusions remain in effect.
3. Material otherwise subject to designation for which negotiated contractual arrangements with the County exist that will require the delivery of the waste to a designated facility, provided that this exemption shall apply only so long as the contract remains in full force and effect.
4. Yard waste delivered to a yard waste composting site.
5. Public Health and Safety Exemptions. The Department may determine on a case-by-case basis if acceptable waste should be exempt for reasons of public health and safety and may specify conditions for such exemptions. The Department shall make its determination based upon written application and may classify the waste as exempt on a temporary basis until the application is granted or denied. The Department shall convene an administrative hearing to consider the application. Notice of such hearing specifying the time, place, and matters to be considered shall be published in the official newspaper of the County at least ten (10) days in advance of such hearing. Failure of the Department to act upon the request within 60 days shall constitute a denial of the application, without prejudice to the applicant to reapply.
6. Materials that are processed at another resource recovery facility provided that:
  - a. Such facility was in operation at the time of approval by the Metropolitan Council of the County’s Designation Plan on September 12, 1985.
  - b. The quantity of exempt material shall not exceed the facility’s processing capacity used for the processing of wastes generated in the County. The term “processing capacity” shall mean the specific processing procedure if effect on September 12, 1985 and shall be the arithmetic mean of the weekly quantity of County waste processed by the facility for the 52 weeks preceding the approval of the designation plan. For facilities not in existence for a full 52 weeks preceding the September 12, 1985, the Department shall establish a prorated capacity based on the facility’s

actual period of operation. The average weekly quantity as determined herein shall constitute the maximum weekly quantity of exempt material.

- c. The facility owner or operator has requested an exemption and has provided documentation, acceptable to the Department, which substantiates the requested exemption. Such exemption request and documentation must clearly demonstrate that the waste was in fact processed and not landfilled and must include at least the following: the existence of the facility on September 12, 1985; the quantity of County waste processed at the facility and the quantity of waste landfilled for the 52 weeks prior to September 12, 1985; a list of all haulers delivering County waste to the facility during said 52 weeks; a list of all haulers currently delivery County waste to the facility; and such other information as the Department may require to establish the facility's exemption. Upon a clear demonstration of processing capacity as set forth herein, the Department shall approve the exemption in writing.
  - d. The Department has approved the exemption in writing.
  - e. The owner of such facility shall, by January 31 of each year, submit to the Department a written report for the previous calendar year, acceptable to the County, which addresses at least the following; the quantity of County waste, by hauler, delivered to the facility; the quantity of County waste, by type of generator and generation district, delivered to the facility. The quantity of materials covered; the quantity of materials marketed; the quantity of materials landfilled and the percent of landfill abatement achieved; and such other information as the Department requires for monitoring compliance with this ordinance or reporting tot eh Metropolitan Council.
- D. Unless the facility has notified hauler and the County that the facility is inoperative and the County suspends designation, a designated facility must accept all designated waste delivered to the facility.
- E. Receiving Hours. Designated waste must be delivered to a designated facility between 6:00 a.m. and 6 p.m., Monday through Saturday, excluding holidays, or at such other times as the County may determine. The facility will not be required to accept waste delivered at any times other than those specified herein.
- F. Dumping Fees.
- 1. Payment. All persons must pay a dumping fee to the facility operator for waste delivered to a designated facility.



2. Establishment of Fees. The County Board shall, after a public hearing, establish and amend the dumping fee by resolution. The resolution shall state the effective date of the fees.
  3. Factors to be Considered by the County Board. The County shall set the dumping fee and any amendments thereto at a reasonable amount, taking into account any of the following factors:
    - a. The cost to the County for waste management services, including those provided by a designated facility;
    - b. Special fees needed to cover the cost of handling and/or disposing of special wastes and unacceptable waste; and
    - c. Any other factors which the County may determine to have an impact on the reasonableness of the dumping fee at a designated facility.
- G. Suspension of Designated Requirement. The County may suspend the designation requirements of this subsection. This provision does not relieve any person of any obligation to comply with all other applicable federal, state or local laws, regulations, or ordinances. The County will provide notice of any suspension or subsequent reinstatement of the designation requirements to haulers, municipalities and landfill operators in the County.
- H. Delivery of Waste. No person may deposit unacceptable waste at designated facility. The designated facility operator may reject any load which he has reasonable basis to believe contains unacceptable waste by refusing to allow disposal of the load at the facility. At the time of such rejection, the facility operator will provide the vehicle operator with a certificate of rejection stating the reason or reasons therefore.

Rejection waste must be disposed of in accordance with all applicable federal, state and local laws, regulations, and ordinances. A certificate of rejection must be presented to the operator of any waste facility used for disposal of rejected waste. The hauler or other person responsible for the rejected waste shall submit to the Department, within five days of waste rejection, a certification acceptable to the Department of proper disposal of the rejected waste. Any hauler or other person who deposits unacceptable waste at a designated facility must recover all such unacceptable waste immediately upon demand of the facility operator. Such unacceptable waste shall be considered rejected waste, and must be disposed of in accordance with this subsection and all applicable federal, state, and local laws, regulations and ordinances.

Any hauler may contest a wrongful rejection of waste by delivering a written notice of its claim of wrongful rejection to the Department. Such written notice shall state the date of

waste rejection and the grounds for the hauler's claim that the designated facility operator wrongfully refused to accept designated waste.

- I. Delivery Conditions. Each hauler or other person shall deliver all designated waste in accordance with the following terms and conditions:
  1. Each hauler or other person delivering waste pursuant to this ordinance shall comply with all rules for use of a designate facility that have been approved by the County and are posted at the designated facility or otherwise made available to the hauler.
  2. Each hauler shall, upon delivery of any waste to a designated facility, give the facility operator a load report, on a form acceptable to the Department, for each load which contains at least the following information; hauler name, address, telephone number, designated facility identification number; source of waste (Anoka County city of township or other county of origin); type of waste (i.e. residential or non-residential); percent of waste by city or township and type of generator; percent of waste from each other county; date of delivery; and signature of hauler or hauler's agent delivering the load.
- J. No waste facility may permit any designated waste to be deposited at such waste facility unless the person or hauler seeking deposit presents a certificated of rejection from the designated facility or the County has issued a notice of suspension of designation. The facility operator shall promptly notify the Department of any hauler not complying with this requirement.
- K. Mixing of Waste Prohibited. No person shall mix County designated waste with unacceptable wastes or wastes form other counties. Upon written request the Department may grant a waiver to allow the mixing of acceptable waste generated outside of the county with County designated waste prior to delivery to a designated facility. The waiver shall be given in writing by the Department and shall be subject to such conditions as the Department may establish to verify compliance with this ordinance.
- L. Petition fro Exclusion. Any person proposing to own or operate a resource recovery facility using designated waste, may petition the County for exclusion of the materials form designation. In order to qualify for the exclusion of materials under this subsection, the petitioners shall submit with the petition a written description of the proposed facility, its intended location, its waste supply sources, purchasers of its products, its design capacity, and other information that the County may reasonably require.

The County, after appropriate notice and hearing, shall issue a written decision with findings of fact and conclusions on all material issues. The County shall grant the petition if it determines that: (a) the materials will be processed at another resource recovery facility, and (b) the exclusion can be implemented without imparting the financial viability of a designated

facility or impairing the contractual obligations or preventing the performance of contracts by a designated facility owner or operator, the County, or users of a designated facility.

Any person aggrieved by the decision of the County may appeal to the Metropolitan Council in accordance with Minn. Stat. Section 115A.893.

Subsection 5. General Collection and Transportation Requirements.

- A. Equipment. All vehicles, conveyances, and other equipment used by any hauler for the collection or transportation of solid waste within the County shall be enclosed or securely covered and shall not leak. All haulers shall maintain their equipment in good repair, free of nuisances, and in safe operating condition. Each vehicle used for the collection or transportation of solid waste in the County shall, when requested by the Department, be subject to inspection.
- B. Clean Up. Any hauler responsible for littering roadways or other property with solid wastes shall promptly recover and remove such wastes. If the hauler fails to promptly recover and remove such waste, the hauler shall reimburse the County for the entire cost of the removal and disposal of such waste.

Subsection 6. Collection Records and Load Reports.

- A. Each hauler shall, upon delivery of any waste to a facility in the County, give the facility operator a load report, on a form acceptable to the Department, which contains at least the following information: hauler's business name, address, telephone number, and vehicle license number; source of waste (Anoka County city or township or other county of origin); type of waste (i.e. residential, commercial, industrial); date of delivery; and signature of hauler or hauler's agent delivering the load.
- B. No site or facility shall accept waste delivered by another hauler, unless the hauler submits a load report complying with the requirements of subparagraph A. This requirement shall not apply to deliveries of recyclable materials. The site or facility operator shall forward all load reports received from haulers to the County. The site or facility operator shall promptly notify the Department of any hauler attempting to deliver waste without submitting a load report complying with subparagraph A.
- C. The hauler shall maintain their business records relating to the collection, transportation and disposal of solid waste generated in the County for a period of five (5) years. The hauler shall allow the County or its designated free access to said business records.

SECTION X. ADDITIONAL REQUIREMENTS.

For the purposes of protecting and providing for public health, safety and welfare, the County Board may impose additional requirements as conditions of licensure, consistent with the intent of this ordinance, for the conduct of any activity regulated by this ordinance.

SECTION XI. PROMOTION OF PUBLIC HEALTH, SAFETY, AND WELFARE.

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

#### SECTION XII. LICENSE RESPONSIBILITY.

Subsection 1. The licensee and, if applicable, the owner of a site or facility shall be responsible for compliance with all of the provisions of this ordinance.

Subsection 2. The licensee shall allow the Department, Board, County Board, or the proper representatives of any other governmental agency, free access to the site or facility at any time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance or any other applicable statute, ordinance, or regulation.

Subsection 3. The licensee shall allow the Department, Board, County Board, or its designate, access to records concerning the operation of licensed site or facility.

Subsection 4. No licensee, person, partnership, corporation of any entity shall operate a site or facility, or dispose of, or permit to be disposed, any solid wastes or toxic or hazardous material, in a manner so as to degrade the soil, air or waters of Anoka County. Any licensee, person, partnership, corporation, or any entity who causes any degradation of the soil, air or waters of the County of Anoka shall undertake whatever action is necessary to correct the degradation and restore said soil, air or waters to its condition prior to its degradation. Evidence of degradation discovered from site monitoring shall be presumed to have resulted from the operation of the site or facility in violation of this ordinance. The burden of rebutting such a presumption shall be on the party causing said degradation and shall be supported by substantial evidence.

#### SECTION XIII. ILLEGAL DUMPING.

It shall be a violation of this ordinance for any person, to dispose of solid waste within Anoka County at any place except at a site or facility authorized by this ordinance.

#### SECTION XIV. VIOLATIONS.

Subsection 1. Misdemeanor. Any person who fails to comply with the provisions of this ordinance, may be charged with a misdemeanor and upon conviction thereof, shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Subsection 2. Injunctive Relief. In the event of a violation of a threat of violation of this ordinance, the Department may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations; and the County Attorney may institute a civil action.

Subsection 3. Civil Action. The County may recover damages resulting from violation of this ordinance in a civil action in the name of the County. The County attorney may institute such an action. This remedy shall be in addition to each and every other remedy prescribed herein.

Subsection 4. Costs in Civil Action or as Special Tax. If the owner of the operator or both of the waste facility or a solid waste collection operation fail to comply with the provisions of this ordinance, the County may recover the costs incurred by the County in completing the required procedures in a civil action in any court of competent jurisdiction of, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land.

SECTION XV. REPEAL AND ENACTMENT.

The enactment of this ordinance repeals and replaces Ordinance No. 70-3 as amended, adopted August 11, 1970 and amended November 10, 1970. All licenses previously granted pursuant to Ordinance No. 70-3 shall remain in effect upon enactment of this ordinance and shall be subject to all the provisions of this ordinance.

SECTION XVI. EFFECTIVE DATE.

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

- Ordinance No. 73-1 adopted on January 2, 1973
- Ordinance No. 82-1 adopted on May 25, 1982
- Ordinance No. 83-2 adopted on June 28, 1983
- Ordinance No. 83-3 adopted on September 27, 1983
- Ordinance No. 84-2 adopted on October 30, 1984
- Ordinance No. 85-5 adopted on July 9, 1985
- Ordinance No. 86-1 adopted on March 18, 1986
- Ordinance No. 88-1 adopted on February 9, 1998
- Ordinance No. 88-4 adopted on November 8, 1988
- Ordinance No. 88-5 adopted on November 8, 1988
- Ordinance No. 89-1 adopted on March 21, 1989
- Ordinance No. 91-1 adopted on July 23, 1991
- Ordinance No. 92-2 adopted on March 24, 1992
- Ordinance No. 93-1 adopted on August 3, 1993
- Ordinance No. 94-2 adopted on August 23, 1994

Ordinance No. 95-1  
Anoka County, Minnesota

1.00 Authority, Purpose, and Title

1.01 Authority. This ordinance is adopted pursuant to Minn. Stat. §§ 115A.93, 375.51, 400.08 and 473.811.

1.02 Purpose. The purpose of this ordinance is to establish rules, regulation, and standards for the regional licensing of mixed municipal solid waste haulers in the seven metropolitan Counties.

1.03 Title. This ordinance may be referred to as the regional Mixed Municipal Solid Waste Hauler Licensing Ordinance.

2.00 Definitions

2.01 General. Unless specifically defined herein, term used in this ordinance shall have common usage meaning. For purposes of this ordinance, the words “must” and “shall” are mandatory and not permissive.

Terms which are define in the Waste Management Act, Minn. Stat. §115A.01 et seq. shall have the same definition in this ordinance.

- 2.02 “Base County” shall mean the metropolitan county in which a Hauler’s office, records, and vehicles are primarily located. If differing parts of the Hauler’s business are located in more than one metropolitan county, the Base County shall be the metropolitan county in which most of the vehicles are kept as determines by the Department at the time of license application. The Base County for Haulers based in a county not participating in the regional Hauler Licensing Program shall be adjacent metropolitan county as determined by the Department.
- 2.03 “Base License” shall mean the license obtained by the Hauler form the Base County as a precondition to obtaining an Operating License from the County or other Counties.
- 2.04 “Counties” shall mean Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties or, if one ore more of said counties withdraws form the Regional Hauler Licensing Program, the remaining counties.
- 2.05 “County” shall mean Anoka County.
- 2.06 “County Board” shall mean the Anoka County Board of Commissioners.
- 2.07 “Department” shall mean the County agency assigned the responsibility to administer the Regional Hauler Licensing Program in the County, as set forth in Section 7.01.
- 2.08 “Hauler” shall mean any person, firm, corporation, association, partnership, or other entity, other than an individual resident hauling his or her household waste, who collects or transports mixed municipal solid waste that is generated in the Counties.
- 2.09 “Operating County” shall mean any of the Counties, including the Base County, in which the Hauler collects or transports mixed municipal solid waste.
- 2.10 “Operating License” shall mean the license issued by an Operating County to operation within each Operating County, including the Base County, in which the Hauler collects or transports mixed municipal solid waste and which may contain specific conditions imposed by the issuing County.
- 2.11 “Regional Hauler Licensing Program” shall mean the cooperative Hauler licensing program established by joint powers agreement of February 1, 1995, by and between Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties.
- 2.12 “Solid Waste Management Coordinating Board” or “SWMCB” shall mean the joint powers board established by agreement of the Counties for the coordination of solid waste management issues in the metropolitan area.
- 3.00 Licensing General
- 3.01 License Required. No Hauler shall collect mixed municipal solid waste generated in Anoka County unless the Hauler has a valid Base License and a valid Anoka County Operating License. In the expiration date of the current license, any activity for which the license is required shall cease.
- 3.02 License Application for Base and Operating Licenses. The Hauler shall submit a completed application to the Base County on forms provided by the Base County. The Hauler shall submit to the Base County all

license application information necessary to obtain a Base License and all Operating Licenses. Information necessary to obtain Base and Operating Licenses shall be set forth on the application forms as determined by the Department. Applications which are not complete may be returned to the Hauler. An application will be deemed incomplete if information is omitted, incomplete, inaccurate, non-conforming or non-compliant, or if required fees do not accompany the application.

- 3.03 Incomplete or Non-Conforming Application. If an application for a Base or Operating License I not complete or otherwise does not conform to the requirements set forth in this ordinance, the Department shall notify the applicant, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify, or otherwise alter the application. The notification required in this section shall be served upon the applicant by first class mail sent to the address provided on the application form.
- 3.04 License Fees. The Hauler shall pay to the Base County all license fees for a Base License and all Operating Licenses issued pursuant to the Regional Hauler Licensing Program. Such license fees shall be established by the Solid Waste Management Coordinating Board. No license fee shall be prorated for a portion of a year and no license fee shall be refunded.
- 3.05 Late Fee.  
Compete applications submitted after the due dates specified in Section 3.07 shall be subject to the following late fee:
1. One to seven days late- twenty-five percent (25%) late fee;
  2. Eight to thirty days late- fifty percent (50%) late fee;
  3. Thirty-one or more days late- one hundred percent (100%) late fee;
- 3.06 No Bar to Enforcement Action. Payment of the license fee together with payment of any late fee shall not bar other enforcement action by the County.
- 3.07 Application Due. Hauler license renewal applications must be submitted to the Base County by April 30 each year. A Hauler license renewal application received after April 30 shall be considered late and subject to a late fee.
- 3.08 Failure to Act on License Application. If the Base County does not act on a license renewal application, which is complete and submitted by June 30, the current Base License and Operating Licenses shall continue in force until the Base County takes action on the application. A reapplication for a license that has expired shall be deemed an initial application except that the application shall also be accompanied by the late fees imposed pursuant to Section 3.05. If the Department fails to act within 60 days of receipt of a properly completed initial application or a renewal application that is received after the due date, the applicant may request a hearing on the application. The request for a hearing shall be governed by the Anoka County Administrative Procedures Ordinance.
- 3.09 Notice of Denial. If the Department denies a license to an applicant, the applicant shall be notified of such denial in writing.
- 3.10 License Transfer. All Base Licenses and Operating Licenses are non-transferable.
- 3.11 License year. The license year shall be July 1 through June 30.



3.12 License Issuance. Base and Operating Licenses shall be issued by the Department consistent with this ordinance.

4.00 Base License

4.01 Base License. A Hauler which collected mixed municipal solid waste generated in the County shall obtain and maintain a Base License from the Base County. A Hauler which collected or transports mixed municipal solid waste generated in any of the Counties shall obtain and maintain a Base License from the County, if the County is the Hauler's Base County.

4.02 Vehicles Licensed. All vehicles used by the Hauler for the collection or transportation of mixed municipal solid waste generated within the Counties shall be included in the Hauler's Base License application.

4.03 Decalomania. Each vehicle used by a Hauler for the collection or transportation of mixed municipal solid waste generated within the Counties shall be identified by a license decal issued for that vehicle for the current license year. The Hauler must affix the decal in a conspicuous place on the left side of the cab of the vehicle for which it was issued as directed by the Department. The Hauler must maintain the license decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed. If a vehicle is put into service during the license year, the Hauler shall submit the required information for this vehicle to the Base County and shall not use the vehicle to collect or transport mixed municipal solid waste within the Counties until a decal has been issued and affixed to the new vehicle.

4.04 Insurance. The Hauler shall obtain and submit 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 Minnesota Commissioner of Commerce for providing equivalent coverages:

- A. General liability coverage in the amount of \$500,000 for bodily injury per occurrence, \$250,000 for property damage per occurrence, or \$500,000 combined single limit;
- B. Automobile liability coverage in the amounts of \$500,000 for property damage, \$250,000 for bodily injury per person and \$500,000 for bodily injury per accident, or \$50,000 combined single limit; and
- C. Workers Compensation insurance in accordance with Minn. Stat. Chapter 176.

Nothing in this provision shall prohibit a hauler from providing insurance with limits higher than the limits provided herein. All such required policies shall name the Solid Waste Management Coordinating Board, Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties as additional insureds. All policies and certificates shall be endorsed to require that the insurer provide at least a sixty (60) day written notice to the County prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Hauler shall maintain insurance in compliance with this paragraph throughout the term of the Base License.

5.00 Operating License

5.01 Operating License. Any Hauler which collects mixed municipal solid waste in the County must obtain and maintain an Operating License from the County. A Hauler shall obtain and maintain a Base License from

the Base County in order to be eligible for an Operating License. Suspension or revocation of a Hauler's Base License by the Base County shall result in the summary suspension of the Hauler's Operating License issued by the County. Revocation or suspension of the Base License shall constitute sufficient basis for summary suspension of the County Operating License in accordance with Section 8.02 of this ordinance.

- 5.02 Vehicles Licensed/Vehicle Decals. All vehicles used by the Hauler for the collection of mixed municipal solid waste within the County shall be included in the Hauler's Base License application to the Base County. The Hauler shall affix a decal as required by the Base County in a conspicuous place on the left side of the cab of the vehicle for which it was issued as directed by the Base County. The Hauler must maintain the license decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed.
- 5.03 Identification. The business name and telephone number of the Hauler shall be printed or painted in legible characters on both sides of all vehicles or containers used by the Hauler to store, collect, or transport mixed municipal solid waste in the County. Such characters shall be at least four inches in height for all vehicles and at least two inches in height for all containers. This provision shall not apply to containers owned and maintained by a solid waste generator.
- 5.04 Standards. The issuance of an Operating License shall be subject to the provision of Anoka County ordinances and any conditions established by the County Board.
- 6.00 Enforcement
- 6.01 Misdemeanor. Any Hauler 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 action to compel performance or other appropriate action requesting injunctive relief to prevent, restrain, correct or abate any violation or threatened violation of this ordinance.
- 6.03 Civil Action. If the Hauler fails to comply with the provision of this ordinance, the County may recover costs, including staff costs and reasonable attorneys' fees, incurred for corrective action in a civil action in any court of competent jurisdiction.
- 6.04 License Suspension or Revocation. The Department may suspend or revoke any Hauler's Base License issued by the County for violation of any of the requirements set forth in Sections 3.04, .05, 4.01-4.04, and 7.04 of this ordinance or violation of any Base License conditions. The Department may suspend or revoke any Hauler's Operating License issued by the County for violation of any of the requirements set forth in this ordinance or violation of any Operating License condition. Suspension or revocation of a Hauler's Base License by the Base County shall result in the summary suspension of the Hauler's Operating Licenses.
- 7.00 General Provisions

- 7.01 Administration. The Department assigned the responsibility for the administration of this ordinance shall be the Anoka County Community Health & Environmental Services Department.
- 7.02 Administrative Procedures. Except to the extent superseded by this ordinance, all of the provisions of the Anoka County Administrative Procedures Ordinance shall apply as though fully set forth herein.
- 7.03 Conditions. Violation of any condition imposed by the County on a license or variance shall be deemed a violation of this ordinance and subject to the enforcement provisions set forth in this ordinance.
- 7.04 False Information. Submission of false information shall be deemed a violation of this ordinance.
- 7.05 Interpretation. In their interpretation, the provisions of this ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers or authority granted by Minnesota Statutes or Rules or other ordinances.
- 7.06 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, except as specifically stated herein. Where this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- 7.07 Severability. It is hereby declared to be the intention of the County Board that the provisions of this ordinance are separable. If any court of competent jurisdiction shall rule that any provision of this ordinance is invalid, other provisions not specifically included in said judgment shall not be affected.
- 7.08 Provisions Cumulative. The provisions in this ordinance are cumulative and are additional limitations upon all other laws and ordinances covering any subject matter in this ordinance.
- 8.00 Administrative Procedures
- 8.01 Suspension or Revocation of License. Any license required under this ordinance may be suspended or revoked for violation of any provision of this ordinance. Suspensions shall be for a period up to sixty (60) days or until the violation is corrected. Written notice of a suspension or revocation shall be served personally or by registered or certified mail upon the licensee at least five (5) County working days prior to the effective date of the suspension or revocation. The written notice shall contain the effective date of the suspension or revocation; the facts which support the conclusion that a violation or violations have occurred; a statement that if the licensee desires to appeal, a written request for a hearing must be received by the Department within five (5) County working days following service of the notice, exclusive of the day of service; and that the request for hearing must state the grounds for appeal. If a hearing is requested, the suspension or revocation shall be stayed pending outcome of the hearing. Upon receipt of request for hearing, the Department shall set a date, time and place for the hearing. The hearing shall be conducted pursuant to the procedures set forth in the Anoka County Administrative Procedures Ordinance.
- 8.02 Summary Suspension of License. If the Department finds that the public health, safety, or welfare requires emergency action, summary suspension of a license may be ordered. Written notice of a summary suspension shall be by personal service upon the licensee, certified mail, or posting notice of the summary suspension of the license at Anoka County's designated solid waste facility. The Department shall also take reasonable steps to notify the licensee by telephone prior to the summary suspension. The written notice shall state the effective date of the summary suspension, the violation requiring emergency action; the

facts which support the conclusion that a violation has occurred; a statement that if the licensee desires to appeal, a written request for hearing must be received by the Department within five (5) County working days following service of the notice, exclusive of the day of service; and that the request must state the grounds for appeal. Upon receipt of a request for hearing, the Department shall set a date, time and place for the hearing. The hearing shall be conducted pursuant to the procedures in the Anoka County Administrative Procedures Ordinance. The summary suspension shall not be stayed pending an appeal.

- 8.03 Reinspection by Department. Upon written notification from the licensee that all violations for which a suspension or summary suspension was invoked have been corrected, the Department may reinspect the vehicle or activity. If the Department determines that all violations have been corrected, the Department may, in its discretion, dismiss, modify or stay the suspension or summary suspension. Written notice shall be provided to the licensee.
- 8.04 Hearings. Hearings required pursuant to this ordinance shall be conducted in accordance with the Anoka County Administrative Procedures Ordinance.
- 9.00 Effective Date and Duration
- 9.01 Effective Date. This ordinance shall be effective immediately upon passage by the County Board of Commissioners and publication as required by law and shall apply to the license year commencing July 1, 1995.
- 9.02 Termination or Cancellation of Regional Hauler Licensing Program. Upon withdrawal by the County from the Regional Hauler Licensing Program, or its termination, any Hauler licenses in effect at that time, shall continue in force until the end of the current license year unless otherwise suspended or revoked.

Ordinance 95-1 adopted May 8, 1995.