

# RENVILLE COUNTY SOLID WASTE MANAGEMENT

## ORDINANCE 2025-01

### GENERAL PROVISIONS

#### § Section 1: PURPOSE AND INTERPRETATION.

- 1.1 The County Board of Commissioners has determined that this chapter should be adopted to protect the public's health and safety, and the environment and natural resources of the county, from improper management of solid waste, and to:
  - 1.1.1 Preserve and protect the air, land and water resources;
  - 1.1.2 Assure that all individuals are informed and responsible for their actions regarding solid waste that may affect the environment and the community now and in the future;
  - 1.1.3 Support activities that will promote use and reuse of materials in solid waste that would otherwise be disposed in ways that would not recapture the useful characteristics of its components;
  - 1.1.4 Augment, supplement and support state policies regarding solid waste management;
  - 1.1.5 Provide for an orderly implementation of solid waste management practices and services to ensure that residents have access to waste management services and to ensure that waste management services are consistent with county and state plans and policies; and
  - 1.1.6 Establish standards and requirements for solid waste management operations within the unincorporated areas (and may require, at its discretion, in incorporated areas) of the county; requiring licenses for storage, collection, transportation, processing and disposal of solid waste in accordance with the county's Solid Waste Management Plan, and promoting the health, safety and welfare of the public pursuant to M.S. Ch. 115, 115A, 116, 375, 400, and §§ 145A.04, 145A.08, 561.01 and 609.74, as they may be amended from time to time.
- 1.2 In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of the statute, other ordinance or regulation shall be controlling. §

#### Section 2: DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- 2.1 **ACCEPTABLE WASTE.** Those solid wastes that are not prohibited from processing or disposal as defined by a solid waste management facility pursuant to local, state and federal laws and the requirements of the facility.
- 2.2 **AGENCY.** The state's Pollution Control Agency, its commissioner or representatives.

- 2.3 **AGRICULTURAL SITE.** Land zoned and/or operated for agricultural purposes, but excludes the residential site on the premises.
- 2.4 **AIR CONTAMINANT.** The presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.
- 2.5 **ATTORNEY.** The Renville County Attorney or Legal Representative.
- 2.6 **AUTHORIZED REPRESENTATIVE.** An employee or agent of the Renville/Renville Regional Solid Waste Authority (RRRSWA) including the Solid Waste Administrator.
- 2.7 **AUTO/MACHINERY HULK.** Any material which is or may have been a motorized/operating vehicle or equipment, with or without all component parts, which is no longer self-propelled or capable of carrying persons/property/equipment or itself, upon a public highway and which its material is in such a condition that its highest or primary value is its sale or transfer as parts or scrap metal.
- 2.8 **BALE or BALED MATERIAL.** A large bundle or package prepared for shipping, storage or sale, especially one tightly compressed and secured by wires, hoops, cords or the like, and sometimes having a wrap or cover.
- 2.9 **BLIGHTED PROPERTY.** Any property that endangers the public health safety or welfare in its condition and is a public nuisance, or is a structure or improvement that is beyond repair or unfit for human occupancy or use.
- 2.10 **BRUSH/TREE SITE.** Designated locations, managed and monitored by municipalities where: trees, wood chippings, vegetative brush, lawn clippings and leaves can be disposed of. See **YARD WASTE.**
- 2.11 **BUILDING.** Any structure either temporary or permanent having a roof which is used or intended to provide shelter or enclosure of persons, animals, chattel, goods (agricultural, commercial, private) or property of any kind, and when said structures are divided by party walls without openings, each portion of such building so separate shall be deemed a separate building.
- 2.12 **BUSINESS.** An operation, location or property where an activity other than residential or an activity in conjunction with a residence takes place for the purpose of selling a product, service, commodity or recreational activity in which the sale of the product, service, commodity or recreational activity is either advertised or known to be for sale.
- 2.13 **CABIN.** A structure used seasonally or intermittently as a single-family dwelling.
- 2.14 **CART.** A vessel typically made from plastic and designed with the intention to store a lesser volume (35, 65 or 95 gallons) of material such as: mixed municipal solid waste (MSW), recyclable materials and/or sources separated materials for short term storage and subsequent transfer for proper management.
- 2.15 **CONTAINER.** A vessel typically made of steel and/or dense plastic and designed with the intention to store a large volume (1.5 to -50 cubic yards of materials) and designed to accept mixed municipal solid waste (MSW), recyclable materials and/or source separated materials for short-term storage and subsequent transfer for proper management.
- 2.16 **CERTIFICATE OF NEED (CON).** An issuance from the state to certify needed disposal capacity.
- 2.17 **CHARGE.** A solid waste management charge.

- 2.18 CITY.** A statutory or home rule charter city or town located within the county.
- 2.19 CLOSURE.** Actions to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the solid waste for which it operated or was permitted, including the removal of contaminated equipment, the removal of liners, applying final cover, grading and seeding final cover, installation of monitoring devices, construction of ground and surface water diversion structures and gas control systems as necessary.
- 2.20 COLLECTION.** The aggregation of solid waste from the place at which it is generated and includes all activities up to the time the solid waste is delivered to a solid waste management facility.
- 2.21 COMMERCIAL HAULER.** Any person who owns, operates or leases vehicles for the purpose of collection or transporting solid waste or source separated materials from residential, commercial or industrial property.
- 2.22 COMMERCIAL BUILDING.** Any business, commercial, industrial, institutional or governmental establishment. These include home-operated businesses, industries, commercial and institutional enterprises and such non-residential institutions as churches, nursing homes, non-profit associations, schools and the like. If a site has dwelling units, but also has one or more units not used for dwelling purposes, such as a store or a restaurant, then it is considered a **COMMERCIAL BUILDING**.
- 2.23 COMPACTED MATERIAL.** The practice of exerting force or pressure on materials to compress or densify them to occupy a smaller space.
- 2.24 COMPOST/COMPOSTING.** The controlled microbial process that converts organic, plant or animal materials to a usable organic soil amendment mulch. **ANIMAL COMPOST MATERIAL** is defined and regulated by the state's Department of Agriculture.
- 2.25 COMPOST FACILITY.** A site used to compost or co-compost solid waste, including all structures or processing equipment used to control drainage, collect and treat leachate and storage areas for the incoming waste, the final product and residuals resulting from the composting process.
- 2.26 CONSTRUCTION AND DEMOLITION DEBRIS.**
- 2.26.1** Solid waste resulting from construction, remodeling, repair, erection and demolition of buildings, roads and other artificial structures, including: concrete; brick; bituminous concrete; untreated wood; masonry; glass; trees; rock; plastic building parts; plumbing fixtures; roofing materials; wallboard; and built-in cabinetry.
- 2.26.2 CONSTRUCTION AND DEMOLITION DEBRIS** does not include: asbestos waste; auto glass; wood treated with chemical preservatives; furniture; lighting equipment; vermiculite; contaminated soil; firebrick; food waste; machinery; engine parts; liquid paints; paint thinners or solvents; varnishes; street sweepings; tar; carpet/padding if not affixed to a structure; mattresses; adhesives, caulking, sealants and applicators, brushes, containers, tubes, filters contaminated with these materials; sandblasting materials; agricultural chemicals or containers (including empty pesticide, herbicide, and insecticide containers); chemical containers; animal carcasses, parts or rendering and slaughterhouse wastes; appliances (including white goods and brown goods); ashes or hot wastes that could spontaneously combust or ignite other wastes due to high temperatures; ash from incinerators, resource recovery facilities and power plants; batteries; carbon filters; fluorescent tubes and ballasts; high-intensity discharge lamps;

foundry wastes; hazardous waste; household refuse or garbage; infectious waste; liquids (any type), liquid non-hazardous materials; medical waste; mercury containing wastes (thermostats, switches); PCB contaminated wastes; petroleum products and their containers or filters (including oil, grease or fuel); radioactive waste (unless natural materials at normal background levels); septic tank pumpings; sludges (including ink, lime, wood, sewage or paper); live coal tar (including applicators, containers and tubes); waste tires; vehicles; yard waste; and packaging materials, including cardboard, paper, shrink-wrap and Styrofoam. Mixtures of construction and demolition debris with other solid waste is not **CONSTRUCTION AND DEMOLITION DEBRIS**.

- 2.27 CONSTRUCTION AND DEMOLITION DEBRIS LAND DISPOSAL FACILITY.** A site used to dispose of construction and demolition debris.
- 2.28 COUNTY.** Any department or representative of Renville County who is authorized by this chapter or otherwise by the County Board to represent the county in the administration or enforcement of this chapter.
- 2.29 COUNTY OF RENVILLE.** Renville County, Minnesota
- 2.30 COUNTY BOARD.** The Renville County Board of Commissioners.
- 2.31 COVER.** Cover material that is periodically spread and compacted on the top and side slopes of compacted solid waste to control fire, infiltration and erosion.
- 2.32 COVER MATERIAL.** Material approved by the Agency and Solid Waste Department that is used to cover compacted solid waste in a land disposal site.
- 2.33 CURBSIDE COLLECTION.** A mixed municipal solid waste, yard waste and/or recyclable materials collection system whereby the generators set solid waste containers at the curb adjacent to a roadway or, where this is not practical, in locations easily accessible for collection by a hauler.
- 2.34 DEPARTMENT.** The county's Solid Waste Department and the Redwood/Renville Regional Solid Waste Authority (RRRSWA).
- 2.35 DISPOSAL/DISPOSE.** The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharge into any waters, including ground water.
- 2.36 DUMP.** The intentional or accidental discharge, deposit, injection, spilling, leaking or placing of any solid waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any water, including ground water.
- 2.37 DUMPING.** The illegal placement of any solid waste, including, but not limited to: construction and demolition debris, hazardous waste, industrial solid waste, mixed municipal solid waste (MSW), recyclable materials or any problem materials such as: tires, appliances, or electronics. Illegal disposal is prohibited anywhere other than in an approved container, or at a solid waste management facility, organized collection, or business that accepts such materials, during hours of operation.
- 2.38 ELECTRONICS.** Any device that relies on an electronic circuit and/or components to perform its functions, whether it is powered through an electrical cord or battery.

- 2.39 **ENVIRONMENTAL ASSESSMENT.** See **SOLID WASTE ASSESSMENT.**
- 2.40 **FACILITY.** All contiguous land, structures, monitoring devices and other improvements on the land used for monitoring, treating, storing or disposing of solid waste, leachate or residuals from solid waste processing.
- 2.41 **FINANCIAL ASSURANCE.** Monetary mechanisms that are used to assure proper closure, post closure care and contingency action at a site or solid waste management facility.
- 2.42 **FLOODPLAIN.** The area adjoining a water course or water basin that has been or may be covered by a regional flood, as defined in M.S. Ch. 103F, as it may be amended from time to time.
- 2.43 **GARBAGE.** Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
- 2.44 **GENERATOR.** Any person or business that produces solid waste that includes all items from homes and businesses that property owners no longer have any use for. These wastes are commonly called trash or garbage and include items such as: goods, paper, plastic, textiles, leather, wood, glass metals, sanitary wastes in septic tanks, and other wastes.
- 2.45 **GROUND WATER.** Has the meaning given for “underground water” in Minnesota Rule 7060.0300.
- 2.46 **HABITABLE.** Suitable to either be lived in or be worked in.
- 2.47 **HAULER.** Any person or company that provides transportation of goods or materials, including: demolition debris, municipal solid waste or source separated materials by road,
- 2.48 **HAULER SERVICES.** The mixed municipal solid waste services provided by a hauler or self-hauler.
- 2.49 **HAZARDOUS WASTE.**
- 2.49.1 Any refuse, sludge or other waste material or combinations or refuse, sludge or other waste materials in solid, semi-solid, liquid or contained gaseous form which because of its quantity, concentration or chemical, physical or infectious characteristics may:
- 2.49.1a Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
- 2.49.1b Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.
- 2.49.2 Categories of **HAZARDOUS WASTE MATERIALS** include, but are not limited to: explosives; flammables and flammable liquids, solids or gasses; combustible solids, radioactive materials, etiologic agents, chemical or biological substances, oxidizers; poisons; irritants; and corrosives.
- 2.50 **HOUSEHOLD.** A single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.
- 2.51 **HOUSEHOLD HAZARDOUS WASTE FACILITY.** A permanent or temporary designated location with

scheduled hours for collection where individuals may bring household hazardous waste.

- 2.52** ***HOUSEHOLD HAZARDOUS WASTE.*** Waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under agency rules, that does not include waste from commercial activities that is generated, stored or present in a household.
- 2.53** ***IMMINENT HAZARD.*** An actual or potential immediate threat to the health, safety or well-being of humans or livestock, or that may cause environmental degradation.
- 2.54** ***INCINERATION.*** The process of burning wastes for the purpose of volume and weight reduction or energy recovery in facilities designed for the use.
- 2.55** ***INDUSTRIAL SOLID WASTE.*** Solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities that is collected, processed or disposed of as a separate waste stream. ***INDUSTRIAL SOLID WASTE*** does not include office materials, restaurant and food preparation waste, discarded machinery, construction and demolition debris, mixed municipal solid waste or mixed municipal solid waste combustor ash.
- 2.56** ***INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITY.*** A site used to dispose of industrial solid waste in or on the land.
- 2.57** ***LANDFILL – SANITARY LANDFILL.*** Means an area of land which is used for the disposal of municipal solid waste (MSW) including: Garbage, refuse, and other discarded solid waste materials resulting from residential, commercial, industrial (limited) and community activities.
- 2.58** ***LEACHATE.*** Liquid that has percolated through refuse, ash or other solid waste and may have extracted, dissolved or suspended materials from it.
- 2.59** ***LEACHATE MANAGEMENT SYSTEM.*** The structures constructed and operated to contain, transport and treat leachate, including liners, collection pipes, detection systems, holding areas and treatment facilities.
- 2.60** ***LEAK-PROOF.*** A container or enclosure that is constructed in a manner that it will not allow its contents to spill out without being opened and physically discharging the contents.
- 2.61** ***LICENSE.*** Authorization by the County Board to conduct business services that may be limited to a specific period of time, specific person and or a specific site in the county.
- 2.62** ***LICENSEE.*** A person who has been issued a license by the County Board for solid waste management purposes pursuant to this chapter.
- 2.63** ***MAJOR APPLIANCE.*** Clothes washers and dryers, dishwashers, hot water heaters, heat pumps, furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, freezers and other appliances designated by state law or this chapter.

- 2.64 **MEDICAL WASTE.** Biological waste originating from the diagnosis, care or treatment of a person or animal, or waste resulting from biological research, whether or not the waste has been rendered non-infectious.
- 2.65 **MIXED MUNICIPAL SOLID WASTE (MSW).**
- 2.65.1 Garbage, refuse and other solid waste from residential, non-residential, industrial and community activities that the generator of the waste aggregates for collection, except as provided in division (2) below; and
- 2.65.2 **MIXED MUNICIPAL SOLID WASTE** does not include auto hulks, street sweepings, ash, construction and demolition debris, mining waste, sludges, municipal treatment waste, animals or animal: blood, entrails, carcasses, or animal manure, tree wastes, electronics or appliances, waste tires, lead acid batteries, motor and vehicle fluids and filters, and other prohibited materials collected, processed and disposed of as separate waste streams.
- 2.66 **MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITY.** A State approved solid waste disposal facility used for mixed municipal solid waste.
- 2.67 **MIXED MUNICIPAL SOLID WASTE SERVICES.** Collection, transportation, processing or disposal of mixed municipal solid waste generated in the county, including, but not limited to, regularly scheduled service, on-call service, one-time service, rental and other use of equipment such as solid waste containers, compactors, compactor boxes and the like, and any other service that involves or facilitates collection, transportation, processing or disposal of solid waste materials as mixed municipal solid waste. It does not include the sale of equipment used for the collection, transportation, processing or disposal of mixed municipal solid waste. It does not include collection, transportation or management of recyclable materials, yard waste, food waste, source separated compostable materials, problem materials or other waste materials when these materials are segregated by the generator for the purpose of recycling or composting and are delivered to a recycling facility or compost facility, or the sale, rental or other use of equipment necessary to facilitate collection, transportation or management of these materials.
- 2.68 **MONITORING POINT.** Any installation used to determine the quality or physical characteristics of ground water, surface water, water in the unsaturated zone or presence of air contaminants.
- 2.69 **MPCA.** The Minnesota Pollution Control Agency.
- 2.70 **MUNICIPALITY.** A city, village, borough, county, town, sanitary district, school district or other governmental subdivision or public corporation, or agency created by the state legislature. In Renville County, the recreation area of Lake Allie is considered a municipality in the Ordinance of Solid Waste Management.
- 2.71 **NON-RESIDENTIAL ACCOUNTS.** Solid waste management services provided to any non-residential building or parcel.
- 2.72 **NON-RESIDENTIAL PROPERTY.** All property that generates waste within the county that is not defined as a residential property as determined by the county.
- 2.73 **NON-RESIDENTIAL RATE.** The rate of the fee imposed on any person who pays for mixed municipal solid waste services for mixed municipal solid waste generated from any source in the county

other than a residential building.

- 2.74 OPEN AREA.** Any lands excluding enclosed structures.
- 2.75 OPEN BURNING.** Burning any material whereby the resultant combustion products are emitted directly to the open atmosphere without passing through a stack, duct or chimney which is designed to remove certain pollutants and which is approved for such purposes.
- 2.76 OPERATING LICENSE.** The license required by this chapter.
- 2.77 OPERATION.** Any site, facility or activity relating to solid waste management.
- 2.78 OPERATOR.** The person responsible for the overall operation of a solid waste facility.
- 2.79 ORDINANCE.** The Renville County Solid Waste Ordinance.
- 2.80 OWNER.** The person or persons who own a facility, part of a facility or the property.
- 2.81 PENALTY.** A punishment imposed for breaking a law, rule or contract.
- (1) ENFORCEMENT
  - (2) Any person, firm, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, or who knowingly makes any false statements in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed ninety (90) days or both. Each day that a violation continues shall constitute a separate offense.
  - (3) No person shall willfully oppose, interfere with, or obstruct a County employee charged with the enforcement of this Ordinance during performance of any legal duty.
  - (4) All rights and remedies accruing to the County under this Ordinance, whether at law or in equity, are deemed cumulative and may be pursued independently or in conjunction with one another with such frequency and in such manner as the County, in its sole discretion, deems necessary to accomplish the purpose of this Ordinance.
  - (5) In the event of a violation or threatened violation of this Ordinance, the County Attorney is empowered and directed to take appropriate action to enforce this Ordinance including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct, or abate such violations or threatened violations.
- 2.82 PERSON.** A 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.
- 2.83 PUTRESCIBLE WASTE.** Means solid waste which is capable of becoming rotten or which may reach a foul state of decay or decomposition.



- 2.84** ***PROBLEM MATERIAL.*** A material that, when processed or disposed of with mixed municipal solid waste, contributes to one of the following results:
- 2.84.1** The release of a hazardous substance, pollutant or contaminant, as defined in M.S. § 115B.02, as it may be amended from time to time;
  - 2.84.2** Pollution of water, as defined in M.S. § 115.01, as it may be amended from time to time;
  - 2.84.3** Air pollution as defined in M.S. § 116.06, as it may be amended from time to time; or
  - 2.84.4** A significant threat to the safe or efficient operation of a solid waste management facility.
- 2.85** ***PROCESSING.*** The treatment of solid waste or source separated materials after collection and before final disposal. ***PROCESSING*** includes, but is not limited to, volume reduction, storage, separation, exchange, resource recovery, physical, chemical or biological modifications.
- 2.86** ***REAL PROPERTY.***
- 2.86.1** For the purposes of taxation, ***REAL PROPERTY*** includes the land itself, rails, ties and other track materials annexed to the land, and all buildings, structures and improvements or other fixtures on it, bridges of bridge companies and all rights and privileges belonging or appertaining to the land, and all mines, iron ore and taconite minerals not otherwise exempt, quarries, fossils and trees on or under it.
  - 2.86.2** A building or structure shall include the building or structure itself, together with all improvements or fixtures annexed to the building or structure, which are integrated with and of permanent benefit to the building or structure, regardless of the present use of the building, and which cannot be removed without substantial damage to itself or to the building or structure.
  - 2.86.3** ***REAL PROPERTY*** does not include:
    - 2.86.3a** Tools, implements, machinery, and equipment attached to or installed in real property for use in the business or production activity conducted thereon, regardless of size, weight or method of attachment and mine shafts, tunnels and other underground openings used to extract ores and minerals taxed under M.S. Ch. 298 together with steel, concrete and other materials used to support the openings;
    - 2.86.3b** The exclusion provided in division (3)(a) above shall not apply to machinery and equipment includable as real estate by divisions (1) and (2) above, even though the machinery and equipment is used in the business or production activity conducted on the ***REAL PROPERTY*** if and to the extent the business or production activity consists of furnishing services or products to other buildings or structures which are subject to taxation under this chapter; and
    - 2.86.3c** The exclusion provided in division (3)(a) above does not apply to the exterior shell of a structure, which constitutes walls, ceilings, roofs or floors if the shell of the structure has structural, insulation or temperature control functions or provides protection from the elements. Such an exterior shell is included in

the definition of **REAL PROPERTY** even if it also has special functions distinct from that of a building.

- 2.86.4** The term **REAL PROPERTY** does not include tools, implements, machinery, equipment, poles, lines, cables, wires, conduit and station connections which are part of a telephone communications system, regardless of attachment to or installation in **REAL PROPERTY** and regardless of size, weight or method of attachment or installation. (M.S. § 272.03, subd. 1)
- 2.87** **RECOVERED MATERIALS.** Materials that have been separated from solid waste and stored so that the material is properly protected from environmental degradation and is not a source of odor, harborage for animals or insects and is being processed, modified or converted to be a raw material that may be beneficially used.
- 2.88** **RECYCLABLE MATERIALS.** Materials such as corrugated cardboard, office paper, newsprint, glass containers, tin containers, aluminum containers, polyethylene terephthalate and high-density polyethylene plastic, that are separated from solid waste for the purpose of recycling. These materials are considered to be recyclable materials if environmentally and economically appropriate markets exist that will accept these recyclable materials. Refuse-derived fuel or other material that is destroyed by incineration is not **RECYCLABLE MATERIAL**. Source separated compostable materials are **RECYCLABLE MATERIALS**.
- 2.89** **RECYCLING.** The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
- 2.90** **RECYCLING FACILITY.** A facility used to aggregate, process or market recyclable materials. **RECYCLING FACILITY** does not include an individual generator of recyclable materials, such as a homeowner or business and it does not include a manufacturer using recyclable materials as feedstock.
- 2.91** **REFUSE.** Putrescible and non-putrescible solid waste, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and commercial and industrial solid waste, and including municipal treatment wastes which do not contain free moisture.
- 2.92** **RELEASE.** Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment which occurred at a point in time or which continues to occur. **RELEASE** does not include:
- 2.92.1** Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft or pipeline pumping station engine;
  - 2.92.2** Release of source, by-product or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under 42 U.S.C. § 2014, if the **RELEASE** is subject to requirements with respect to financial protection established by the Federal Nuclear Regulatory Commission under 42 U.S.C. § 2210;
  - 2.92.3** Release of source, by-product or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, being 42 U.S.C. § 7901 et seq., under 42 U.S.C. §§ 7912(a)(1) or 7942(a); or

- 2.92.4 Any **RELEASE** resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in M.S. § 18B.01, subd. 18, as it may be amended from time to time.
- 2.93 **RESIDENTIAL BUILDING.** A single-family home, a duplex, a triplex, a fourplex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit or any other residential building as determined by the county.
- 2.94 **RESIDENTIAL PROPERTY.** Property on which a single-family home, a duplex, a triplex, a fourplex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit or any other residential building as determined by the county is located.
- 2.95 **RESIDENTIAL PROPERTY SEASONAL.** Property of which the usage is temporary in nature such as: a lake home, seasonal cabin, cottage, hunting shack, recreational vehicle, camper and alike.
- 2.96 **REUSE.** In the context of this chapter, the process of making further use of a material or product after it has been utilized for its original designed purpose and before it is recycled or disposed of.
- 2.97 **RUBBISH.** Non-putrescible solid waste, including ashes, consisting of both combustible and non-combustible waste, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.
- 2.98 **RURAL (TOWNSHIP) RECYCLING AND/OR MSW SITE.** Identifiable sites established for rural township residents to deposit either/or a combination of recyclable materials and/or MSW. These sites are typically located in rural areas or other designated locations within municipalities where the materials are deposited by residents and later collected on a weekly or bi-weekly basis.
- 2.99 **RRRSWA.** The Redwood-Renville Regional Solid Waste Authority.
- 2.100 **RRRMRF.** The Redwood-Renville Regional Material Recovery and Transfer Facility
- 2.101 **SCAVENGING.** All unauthorized removal of waste and separated materials from solid waste.
- 2.102 **SELF-HAULER.** A generator who does not contract with a commercial hauler, but instead collects and transports its own solid waste. A **SELF-HAULER** shall not provide collection and transportation services to someone else for compensation.
- 2.103 **SERVICE AREA.** The spatial location of a proposed or actual solid waste management activity or solid waste management facility.
- 2.104 **SEWAGE SLUDGE.** The solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. **SEWAGE SLUDGE** does not include incinerator residues and grit, scum or screenings removed from other solids during treatment.
- 2.105 **SHORELAND.** Land located within the following distances from the ordinary high-water elevation of public waters:
- 2.105.1 Land within 1,000 feet of a lake, pond, reservoir, impoundment or flowage; and
- 2.105.2 Land within 300 feet of a river or stream or the landward extent of a floodplain

designated by ordinance, whichever is greater.

- 2.106 SINGLE-FAMILY DWELLING.** See *RESIDENTIAL BUILDING*.
- 2.107 SINGLE-STREAM/SORT (FULLY CO-MINGLED) RECYCLING.** A system in which all paper fiber, plastics, metals and glass are mixed together in a container/vehicle instead of being sorted by the depositor into separate commodities and handled separately through the collection process.
- 2.108 SOLID WASTE.** Garbage, refuse, construction and demolition debris, sludge from a water supply treatment plant or air contaminant treatment facility and other discarded waste materials and sludge, in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations and from community activities. It does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, sewage sludge, solids or dissolved material in domestic sewage or dissolved materials in irrigation return flows or other common pollutants in waste resources, such as silt. It does not include dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended. It also does not include source, special nuclear or by-product materials as defined by the Atomic Energy Act of 1954, being 42 U.S.C. § 2011 et seq., as amended.
- 2.109 SOLID WASTE ADMINISTRATOR.** The individual assigned by the county to oversee and direct solid waste management activities for the county.
- 2.110 SOLID WASTE ASSESSMENT/ENVIRONMENTAL ASSESSMENT/RRRSWA ASSESSMENT.** A specific charge assessed for solid waste management services. The Assessment Fee is based on a property's classification and value as determined by the County Assessor. The assessment fee schedule shall be recommended by the Redwood-Renville Regional Solid Waste Authority (RRRSWA) Board and adopted by Resolution of the County Board.
- 2.111 SOLID WASTE COLLECTION.** The gathering of solid waste from public or private places.
- 2.112 SOLID WASTE FACILITY.** All property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste. It includes, but is not limited to, the storage, collection, transportation, processing and reuse, conversion or disposal of solid waste in a safe environmentally sound manner; but does not include collection vehicles.
- 2.113 SOLID WASTE LAND DISPOSAL FACILITY.** A solid waste land disposal facility permitted by the agency that is designed or operated for the purpose of disposing of solid waste on or in the land, together with any appurtenant facilities.
- 2.114 SOLID WASTE MANAGEMENT ACTIVITY.** An activity related to the generation, storage, collection, transportation, processing or reuse, conversion or disposal of solid waste.
- 2.115 SOLID WASTE MANAGEMENT FACILITY.** A solid waste land disposal facility, a construction and demolition debris land disposal facility, an industrial solid waste land disposal facility, a compost facility, a transfer station, a solid waste processing facility, a waste tire facility, a waste tire collection site, a waste tire processing facility or a recycling facility.
- 2.116 SOLID WASTE MANAGEMENT PLAN.** The county solid waste management plan developed, adopted and approved as per M.S. § 115A.46, as it may be amended from time to time. The 12

**COUNTY SOLID WASTE MANAGEMENT PLAN** is an organized partnership of twelve counties located in the southwest region of Minnesota. The Southwest Regional Solid Waste Commission (SWRSWC), is a Joint Powers Organization, that oversees solid waste planning and activities in the southwest region. The 12 County Solid Waste Management Plan, or any solid waste policy plan is developed regionally by the 12 county solid waste administrators and presented to the SWRSWC, who provide a recommendation to the regional county boards. Ultimately, the 12-county solid waste plan is approved by the County Board of Commissioners.

**2.117 SOLID WASTE MANAGEMENT SERVICE CHARGE.** A service charge imposed pursuant to M.S. § 400.08, as it may be amended from time to time.

**2.118 SOLID WASTE MANAGEMENT SERVICES.** All activities provided by the county, by persons under contract with the county, or by other persons that support the waste management responsibilities described in M.S. Ch. 115A, 116 and 400, as they may be amended from time to time, including, but not limited to: waste management information and education; waste reduction and reuse; waste recycling; composting of yard waste and food waste; resource recovery through mixed municipal solid waste composting or incineration; land disposal; management of problem materials and household hazardous waste; collection, processing and disposal of solid waste; closure and post-closure care of a solid waste management facility; and response, as defined in M.S. § 115B.02, as it may be amended from time to time, to releases from a solid waste management facility.

**2.119 SOLID WASTE ORDINANCE.** The county's solid waste management ordinance(s) adopted by the County Board and as amended or supplemented from time to time.

**2.120 SOLID WASTE PROCESSING FACILITY.** A facility for the processing of solid waste.

**2.121 SOLID WASTE REDUCTION; SOURCE REDUCTION.** An activity that reduces generation of solid waste or the inclusion of toxic materials in solid waste, including:

**2.121.1** Reusing a product in its original form;

**2.121.2** Increasing the life span of a product;

**2.121.3** Reducing material or the toxicity of material used in production or packaging; or

**2.121.4** Changing procurement, consumption or solid waste generation habits to result in smaller quantities or lower toxicity of solid waste generated.

**2.122 SOLID WASTE STORAGE.** The holding of solid waste near the point of generation.

**2.123 SOLID WASTE SUBCOMMITTEE.** One or two County Board Commissioners, the Solid Waste Administrator, authorized representative(s), county employees and/or residents assembled to make recommendations to the Renville County Board

**2.124 SOLID WASTE TRANSPORTATION.** The conveying of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyor or other means.

**2.125 SOURCE-SEPARATED MATERIALS.** Materials that are separated from solid waste by the generator. **SOURCE-SEPARATED MATERIALS** include, but are not limited to, recyclable materials, vegetative materials recovered for composting and organic waste.

**2.126 SOURCE SEPARATED ORGANIC MATERIALS.** Materials that:

**2.126.1** Are separated at the source by waste generators for the purpose of preparing them for reuse as compost or other processing;

**2.126.2** Are collected separately from mixed municipal solid waste; and

**2.126.3** Are comprised of organic waste, including, but not limited to:

**2.126.3a** Yard and landscaping debris, including floral trimmings, tree trimmings, leaves, grass, brush and weeds;

**2.126.3b** Food waste, including organic residues generated by handling, storage, sale, preparation, cooking and serving of foods including fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bakery items, cheese, egg shells and coffee grounds; and

**2.126.3c** Paper fibers, waxed cardboard, napkins, paper towels, uncoated paper plates, tea bags, coffee filters, wood crates and greasy pizza boxes.

**2.127 SOURCE SEPARATED RECYCLABLE MATERIAL.** Recyclable materials separated by the generator prior to collection for recycling.

**2.128 STATE.** The State of Minnesota.

**2.129 TIPPING FEE.** The fee at a waste facility for waste delivered to that facility based upon the weight, volume, character or type of waste.

**2.130 TIRE.** A pneumatic tire or solid tire for motor vehicles or other vehicle as defined in state statutes.

**2.131 TIRE COLLECTOR.** A person who owns or operates a site used for storage, collection or deposit of more than 50 waste tires.

**2.132 TIRE PROCESSING.** Producing or manufacturing usable materials, including fuel, from waste tires including necessary incidental temporary storage activity.

**2.133 TIRE PROCESSOR.** A person engaged in the processing of waste tires.

**2.134 TRANSFER FACILITY or TRANSFER STATION.** A facility at which solid waste is concentrated for subsequent transport. A **TRANSFER FACILITY** may be fixed or mobile.

**2.135 TRANSPORTATION.** The conveying of solid waste or recyclable materials from one place to another.

**2.136 UNACCEPTABLE WASTE.** Those solid wastes which cannot be accepted for processing or disposal as defined by a facility pursuant to local, state and federal laws or permits.

**2.137 VIOLATION.** The act of doing something that is not allowed by a law or rule.

**2.138 WASTE PROCESSING.** The treatment of solid waste after collection and before disposal.

**PROCESSING** includes, but is not limited to, volume reduction, storage, separation, exchange, recovery of energy and resources, physical, chemical or biological modification and the operations of a metal recycling or salvage facility.

- 2.139 **WASTE TIRE.** A tire that is no longer suitable for its original intended purpose because of wear, damage or defect.
- 2.140 **WASTE TIRE COLLECTION SITE.** A county-licensed and agency permitted site or a site exempt from the license or permit, used for the collection and storage of waste tires.
- 2.141 **WASTE TIRE DUMP.** An unlicensed, unpermitted site being maintained, operated, used or allowed to be used for the collection, storage, keeping or depositing of unprocessed waste tires.
- 2.142 **WASTE TIRE FACILITY.** A site where more than 50 waste tires or an equivalent amount of tire derived products are collected, deposited, stored or processed. The incidental storage of tire-derived products at the site of final use does not make the site a **WASTE TIRE FACILITY**.
- 2.143 **WASTE TIRE PROCESSING FACILITY.** A licensed solid waste management facility used for the shredding, slicing, producing or manufacturing of usable materials, including fuel, from waste tires including incidental temporary storage activity. **PROCESSING** does not include the retreading of waste tires.
- 2.144 **WETLAND.** A natural marsh where water stands near, at or above the soil surface during a significant portion of most years, and which is eligible for classification as an inland fresh water wetland Type 3, 4 or 5 under U.S. Department of Interior classification.
- 2.145 **YARD WASTE.** The garden wastes, leaves, lawn cuttings, weeds and pruning's generated at residential or commercial properties. (See **BRUSH SITE**.)

### Section 3: RESPONSIBILITIES.

- 3.1 The County Board and the appointed Solid Waste Officer/RRRSWA Executive Director shall be responsible for general administration and enforcement of this chapter. Duties shall include, but are not limited to: producing the reports made to the agency; responsibility for carrying out the rules and regulations set forth by the agency; responsibility for the collection of any charges as set by the County and for the enforcement of this ordinance; review and consider all license applications and supporting materials which are referred to for the operations within the county; inspect operations to determine compliance with this Ordinance; investigate complaints about the violations of this Ordinance; recommend to the County Attorney (or legal representative) that legal proceedings be initiated against a person to compel compliance with the provisions of this Ordinance or to abate or control an operation not in compliance with this Ordinance.
- 3.2 The county shall inspect operations to determine compliance, issue licenses and permits, notices of violation and notice of suspension or revocation of licenses and permits; make required reports, investigate complaints about violations, and make the County Attorney aware of the violations; and keep proper records of all transactions conducted under this chapter.
- 3.3 The county shall require that any data received by the county or any entity acting on behalf of the county shall be maintained in accordance with the provisions of the Minnesota Government Data Practices Act, M.S. Ch. 13, as it may be amended from time to time.

- 3.4** Pursuant to M.S. § 115A.94, as it may be amended from time to time, the county may mandate that all cities and towns participate in solid waste management activities by:
- 3.4.1** Providing the residents of the political subdivision with a mixed municipal solid waste collection method (i.e., contracted collection services, canister sites and collection services); and
  - 3.4.2** Provide the residents of the political subdivision with a recycling alternative through a redemption center, drop-off center or other collection methods.
- 3.5** Pursuant to M.S. Ch. 115A, 116 and 400, as they may be amended from time to time, and the county's Solid Waste Management Plan, the county has implemented a system of solid waste management that includes readily accessible solid waste collection and disposal services. The services are available county-wide through a system of licensed private and municipal haulers, as well as through readily accessible drop-off facilities.
- 3.6** Pursuant to M.S. § 400.08, subd. 2, as it may be amended from time to time, the county establishes one solid waste management service area, with its boundaries being coterminous with the boundaries of the county.
- 3.7** Pursuant to M.S. § 115A.46, subd. 5, as it may be amended from time to time, a public entity within the county may not enter into a binding agreement, nor develop, nor undertake, a solid waste management activity that is inconsistent with the county's Solid Waste Management Plan without the express consent of the county.
- 3.8** Any use of land for solid waste management activities within the county shall comply with the zoning requirements of Ch. 2 of the Renville County Land Use Ordinance, if applicable, or the requirements of municipal land use ordinances, if applicable.
- 3.9** To the fullest extent permitted by law, a licensee shall indemnify the county and RRRSWA, its officers, employees, agents and others acting on their behalf, to hold them harmless, and to defend and protect them, from and against any and all loss, damage, liability, cost and expense (specifically including reasonable attorneys' fees and other costs and expenses of defense), of any sort whatsoever, based upon, resulting from or otherwise arising in connection with any actions, claims or proceedings (of any sort and from any source whatsoever) brought, or any loss, damage or injury of any type whatsoever sustained, by reason of any act or omission of a licensee, its officers, employees or agents, or any other person(s) or entity(ies) for whose acts or omissions a licensee may be legally responsible, in the performance of any of a licensee's obligations (whether expressed or implied) under this chapter.

#### **Section 4: UNLAWFUL ACTIVITIES.**

- 4.1** *Improper transportation.* It shall be unlawful for any person to:
- 4.1.1** To collect and transport, for compensation, solid waste or source separated materials within the service area, without having obtained a license to do so, or when the license has been revoked or suspended, unless as transported by a self-hauler;
  - 4.1.2** To collect or transport solid waste or source separated materials within the county in such a way as to violate any requirements of any county ordinance, state or federal law; and/or



- 4.1.3** To fail to correct any condition or method of operation which violates any county ordinance or rules applicable to the collection or transportation of solid waste or source separated materials after being ordered to do so by the county.
- 4.2** *Upsetting of containers prohibited.* No person shall willfully turn over or upset any vessel or container used for sorting or storing solid waste, recyclable materials, compost or other waste, resulting in spilling the contents or any portion thereof on any roadway, waterway or on any public or private property.
- 4.3** *Using containers of another is prohibited.* No person shall place solid waste or any other material in a solid waste container of another person without the express consent of the person. This prohibition shall not apply to containers placed for public convenience along streets or sidewalks and in buildings of public accommodation.
- 4.4** *Containment of solid waste or source separated materials.* No person shall discharge or allow the discharge of liquid, solid waste or source separated materials from any container or vehicle containing solid waste or any other waste, or permit the vehicle to stand, be stored or kept in a manner or for a length of time that it will be or constitute a nuisance.
- 4.5** *Improper disposal.* Pursuant to M.S. Ch. 115A, 116 and 400, as they may be amended from time to time, and the 12 County Southwest Regional Solid Waste Management Plan, the county has adopted and implemented a system of solid waste management that includes readily accessible solid waste collection and disposal services. The services are available county-wide through a system of licensed private and municipal haulers as well as through readily accessible solid waste transfer facility.
- 4.5.1** Except as provided in this chapter, no person shall dump, throw or in any manner deposit or dispose of solid waste upon or in any roadway, waterway, body of water, public or private property, or at an agency permitted waste facility other than during the facility's operating hours and in a manner consistent with disposal of solid waste at the waste facility.
- 4.5.2** Burning of solid waste shall be allowed only in compliance with M.S. §§ 17.135 and 88.171, as they may be amended from time to time. If the County Board has adopted a resolution stating that regularly scheduled pickup of solid waste is reasonably available throughout the county, the exception for on-site burning in M.S. § 17.135, as it may be amended from time to time, shall not apply. Open burning of tree and brush shall be allowed by any regulation of the Department of Natural Resources now and hereafter adopted.
- 4.5.3** Electric utility and railroad companies that distribute chemically treated wood products to the general public for reuse must, upon providing the products, also provide written information on proper disposal of the products pursuant to the requirements of M.S. §§ 17.135 and 88.171, as they may be amended from time to time, and this chapter.
- 4.5.4** No person shall bury solid waste generated from the person's household or business operation without a permit as required by this chapter. If the County Board has adopted a resolution stating that regularly scheduled pickup of solid waste is reasonably available throughout the county, the exception for on-site burial in M.S. § 17.135, as it may be amended from time to time, shall not apply.
- 4.6** *Duty to provide collection, transportation and disposal of solid waste.* It shall be the duty of the

person, which specifically includes the owner, lessee or occupant, having properties within the county to provide for the lawful collection, transportation and disposal of all solid waste generated on the person's property.

**4.7** *Items prohibited for collection or placement with mixed municipal solid waste.*

**4.7.1** No person shall place in containers for collection by a hauler or for disposal in a solid waste facility any of the following materials: a significant amount of manure; household hazardous waste; hazardous waste; pathological waste or infectious waste as these wastes are defined by state and federal regulations; materials separated for recycling; tires; used motor oil; lead acid batteries; rechargeable or button batteries; yard waste, mercury or a thermostat, thermometer, electronics, electric switch, major appliances/white goods, or a medical or scientific instrument for which the mercury has not been removed for reuse or recycling; or any other item specifically barred from the waste stream under state law. These items shall be otherwise disposed of by a person or legal entity in accordance with programs administered by the Department or in accordance with state law.

**4.7.2** When any hauler finds any of the above-mentioned prohibited articles in solid waste containers to be collected, the hauler may, at its option, refuse to collect the contents of the container. The hauler shall notify the occupant of the premises of the prohibited articles in the container and the reason for non-collection. If a hauler chooses to collect prohibited articles, that hauler must transport those articles to a place providing proper disposal.

**4.8** *Items prohibited for collection or placement with recyclable materials.* No person shall place in containers intended for the collection and processing of recyclable materials, (including rural recycling dumpsters, residential carts, recycling roll-offs or other recycling containers), any material that is not defined as recyclable material including, but not limited to: mixed municipal solid waste; garbage; hazardous materials; major appliances; electronics; animal/animal waste; medical waste; personal hygiene/care products; needles; scrap iron; clothing/fabrics; rubber; wood; organics and yard waste; construction and demolition debris.

**4.9** *Scavenging.* Without the consent of the owner/operator of that facility or container, it shall be unlawful for a person to remove waste materials, including mixed municipal solid waste, recyclable materials, scrap metals, appliances, tires, construction and demolition debris, or other waste materials, from any solid waste facility or from any privately or publicly owned solid waste or recycling container. This prohibition shall not apply to materials removed from waste facilities by contract or through a managed salvaging program.

**4.10** *Spills.* Vehicles or containers used for the transportation of any solid waste must be loaded and moved in a manner that does not allow the contents to fall, leak or spill therefrom, and must be covered when necessary to prevent blowing of material. Where spillage does occur, the material and any contaminated soils must be picked up immediately by the transporter and returned to the vehicle or container and the area properly cleaned.

**Section 5: SOLID WASTE MANAGEMENT FACILITIES.**

**5.1** All solid waste shall be stored, collected, transferred, utilized and disposed of, or reclaimed in a manner consistent with requirements of these regulations. The Agency and/or County is responsible for enforcement of these regulations and encourages cooperation of municipalities which may adopt these regulations for use in local laws, ordinances, and regulations.

- 5.2** The Renville County Construction and Demolition Landfill is for the use of Renville County citizens, Redwood County citizens, RRRSWA, and the Redwood-Renville Material Recovery and Transfer Facility.
- 5.3** No person shall use, cause, permit or allow land or property under their control to be used for solid waste management purposes, except at an operation for which a permit has been generated by the County Board, unless otherwise provided by this chapter.
- 5.4** Any operation to be used for any method of solid waste management which includes, but is not limited to land disposal, resource recovery, composting/co-composting, recycling and transfer stations must be licensed by the County Board before operation may commence. The permit application shall contain two complete sets of plans, specifications and reports prepared by a state registered professional engineer. Those shall include:
- 5.4.1** A current map or aerial photograph of the area showing land use and zoning, if applicable, within one-fourth mile of the site or facility. The map or aerial photograph shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, roads and other applicable details as determined by the Department, and shall include the general topography with contours and drainage patterns. The location of wells shall be identified on the map or photograph. United States Geological Survey data shall be included and a north arrow drawn. A location insert map shall be included;
  - 5.4.2** A plot plan including a legal description of the site and adjacent area showing dimensions, location of soil borings, present and planned pertinent features including, but not limited to, roads, fencing, screening, cover stockpiles and monitoring points if planned for. The scale of the plot plan shall not be greater than 200 feet per inch;
  - 5.4.3** An ultimate land use plan of the site including 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;
  - 5.4.4** A report indicating:
    - 5.4.4a** The geographical areas expected to be served by the facility, current population of the area and projected population figures for the period of the expected life of the facility;
    - 5.4.4b** The anticipated type, quantity and source of material to be managed at the site;
    - 5.4.4c** The type and amount of equipment to be provided at the site for waste handling;
    - 5.4.4d** The area of the site in acres;
    - 5.4.4e** The name and address of the owner of the site or facility, and the name and address of individuals responsible for the actual operation and maintenance of the site;
    - 5.4.4f** The intended operating procedures;
    - 5.4.4g** The expected schedule of fees to be imposed at the facility;

- 5.4.4h** An estimate of the number of vehicles using the facility each data and the volume of wastes deposited daily; and
- 5.4.4i** The layout and construction of the facility.
- 5.4.5** A notarized affidavit stating that the applicable local governments have been given at least 30 days of written notification of the pending application for a license;
- 5.4.6** Explanation of the availability of revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances and rules; and
- 5.4.7** Such additional information as may be required by the Department.
- 5.5** After receiving an application for a license, the County Board shall refer the application to the Department, which shall give a non-binding recommendation to the County Board concerning whether it should issue or deny the license.
- 5.5.1.** If an applicant is denied a license, the applicant shall be notified in writing of the reasons therefor by the County Board. A denial shall be without prejudice to the applicant's right to an appearance before the County Board or to the applicant's right to file a further application after revisions are made to satisfy objections specified as reasons for the denial.
- 5.6** Except as otherwise provided, a public hearing before the County Board is required prior to the issuance of a license for a solid waste management facility.
- 5.6.1** Notice of the time, place and project to be considered shall be given by publication in the official newspaper for the county at least ten days before the hearing.
- 5.6.2** Written notice shall be sent to property owners of record within one-quarter mile of the existing or proposed project, or to the ten properties nearest to the project, whichever would provide notice to the greatest number of owners.
- 5.6.3** Written notice shall also be given to the affected board of town supervisors and the municipal council of any municipality within which the existing or proposed project is located.
- 5.6.4** The applicant and all other interested parties shall be afforded an opportunity to be heard at the hearing.
- 5.6.5** Evidence may be cited in a manner consistent with rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. All books, records, files and correspondence of the County Board pertaining to the application shall be available for public inspection.
- 5.7** The County Board may refuse to issue a license for any operation that does not comply with this chapter, agency rules and the county's Solid Waste Management Plan, as provided for in state statutes.
- 5.8** Issuance of any license pursuant to the provisions of this chapter shall be contingent upon the applicant furnishing to the county a bond in the amount to be set by the County Board. The bond shall name the county as obligee with sufficient sureties duly licensed and authorized to transact

business in the state as sureties. The condition of the bond shall be that if the licensee fails to comply with any of the requirements of county ordinances, or fails to perform any of the acts required or ceases to operate, and the county is required to expend any moneys, or expend any labor or material to restore the operation to a condition in compliance with this chapter, the bond holder and the sureties on its bond shall reimburse the county for any and all the expenses incurred by the county to remedy failure of the licensee to comply with the terms of county ordinances, and the bond holder and its sureties shall indemnify and hold the county harmless from all losses, costs and charges that may occur to the bond holder or its sureties because of any default of the licensee under the terms of its permit to operate in compliance with the terms of the ordinances of the county.

- 5.9** In addition to the bond, issuance of any license pursuant to the provisions of this chapter shall be contingent upon the applicant securing and furnishing to the county certificates of insurance acceptable to the county which may include, but not be limited to, the following types of insurance issued to the licensee by insurers duly licensed within the state: general liability, including, but not limited to, bodily injury, property damage, motor vehicle, loading and unloading, completed operations, explosion and collapses of underground operations; and worker's compensation.
- 5.10** Any license granted by the County Board under the provisions of this chapter may be conditionally revoked or suspended by the County Board for non-compliance with the provisions of the license, this chapter or applicable state laws or rules, or upon written notification to the licensee and the County Board by the Department or by an authorized representative of the County Board that the continued use of the operation may endanger the health, welfare and safety of the public or that the continued use may cause pollution or impairment of the environment. In the event of emergency health, safety or welfare dangers, the County Board or the Department may conditionally suspend or revoke the license immediately pending a hearing before the County Board, pursuant to (Section 5, 5.5). If the County Board revokes the license, the operator may apply for a new license when in full compliance with this chapter, state laws and rules.
- 5.11** The notice of conditional revocation or suspension shall be deemed served whenever it is served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof. A copy of the notice of conditional revocation or suspension shall be provided to the County Board. The County Board shall remove the license suspension when the situation has been fully corrected. The conditional revocation or suspension shall become final unless, within ten days of service, the licensee requests a hearing before the County Board. Except as herein provided, a license may be finally revoked or suspended only after the County Board has held a hearing at which the licensee and other persons wishing to be heard concerning the operation shall have the right to be heard. The date of the hearing for permit revocation or suspension shall be set by the County Board and shall not be held earlier than ten days, nor later than 30 calendar days, after notice of the hearing was mailed to or served on the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. A transcript thereof shall be made by tape recording or other suitable technique. If, pursuant to the hearing, the County Board shall determine that the operation has been conducted in violation of the provisions of the license, this chapter, state law or rules, the County Board may finally revoke the license or the County Board may continue the suspension in effect until the licensee has demonstrated that full compliance with the provisions of the license, county ordinance, state laws and rules has been attained and that the compliance will be continued in the foreseeable future. If the County Board revokes the operator's license, the operator may apply for a new license.
- 5.12** Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this chapter shall expire on December 31 of the year specified by the County Board, unless sooner revoked pursuant to this chapter. Application for license renewal shall be made in writing to the county 30 days prior to the date of expiration. Application for renewal shall contain a

statement of any changes in the information submitted in the last approved license application. Failure to submit the information shall result in the denial of the license by the County Board. If there are no changes, it shall be so stated in the renewal application.

- 5.13** Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter, or any other applicable law, ordinance or rule, that provision which establishes the higher standards for the promotion of the public health, safety and general welfare shall prevail.
- 5.14** Every license issued for a solid waste operation in the county shall be registered with the Department.

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## Section 6: SOLID WASTE STORAGE

### 6.1 *Storage of waste.*

**6.1.1** The owner or occupant of any land or structure is responsible for the satisfactory storage of all solid waste accumulated at or on the land or structure in compliance with this chapter, Minnesota Rules and any local ordinances.

**6.1.2** A person may not store waste in a manner that could cause pollution of the air, water or soils, or that could cause harm to other's health or well-being.

**6.2** *Waste accumulations.* Except as otherwise allowed by this chapter, owners, occupants or managers of every property shall be responsible for maintaining all open areas free of improperly stored waste accumulations. Waste accumulations include but are not limited to: auto/machinery hulks; construction and demolition debris; garbage; hazardous waste; household hazardous waste; major appliances; tires, electronics, mixed municipal solid waste; recyclable materials; refuse; rubbish; solid waste; yard waste/compost; any other form of waste which is in a condition of disrepair such as to have no immediate useful purpose.

**6.3** *Storage containers required.* Every residential dwelling or commercial, industrial or institutional site shall be supplied with appropriate waste storage containers. The containers shall be provided by the owner or manager of the property or by contract with a commercial hauler. The container shall be: durable, rust resistant, non-absorbent, water-tight, rodent proof, and easily cleanable, with close fittings, fly tight covers and have adequate handles or bails to facilitate handling. Toxic or hazardous wastes shall be stored in durable, leak proof containers which are labeled with the description of the chemical composition of the substance stored therein.

**6.4** *Provided containers required to be used.* Property owners or occupants shall store waste for removal in the waste storage containers. The property owner or occupant shall not permit waste to be placed in locations or in a manner that the waste can be scattered by water, wind, or animals. Garbage and similar putrescible waste shall be stored in containers of a size and type determined by and acceptable to the municipality and of a weight and size determined by the refuse collection service subject to requirements as set by the municipality or county. Solid waste objects or materials too large or otherwise unsuitable for storage containers shall be stored in a nuisance and pollution free manner in compliance to the regulations of the municipality and of county and state ordinance.

**6.5** *Frequency of container service.* Every property owner or occupant shall have the solid waste removed and deposited at a place allowed by this chapter, on a regularly scheduled basis. Non-putrescible waste suitable and sorted for recycling may be retained if stored in an aesthetically acceptable manner that avoids unacceptable health risk or nuisances and otherwise complies with this chapter.

**6.6** *Storage container maintenance.* Solid waste containers shall be maintained and kept in a neat, clean, sanitary and leak-resistant condition by the container's owners as to prevent rodent access, insect breeding, nuisances and unsightly conditions.

**6.7** *Unauthorized transfer of solid waste.* Except as permitted by this chapter, solid waste shall not be transferred and or deposited to another property or another property's waste storage container, except with the consent of the property owner.

## Section 7: WASTE TIRES AND UNACCEPTABLE WASTE

### 7.1 *Waste tires.*

- 7.1.1** Waste tire collectors and processors shall meet the requirements of state laws and rules administered by the agency. The requirements of this section shall apply to any person who disposes of, transports, stores, processes, or otherwise possesses waste tires within the County of Renville.
- 7.1.2** Waste tires shall be stored in a manner which will not create a nuisance, blight, health hazard or fire hazard. (a.) Any person who possesses waste tires in the County of Renville shall: Obtain a permit from the Minnesota Pollution Control Agency to store or process the waste tires required by Minnesota Rules Parts 92220.0230 and .0240. Such storage or processing shall be in accordance with all conditions of the State Permit. (b.) Exemptions. A person may store or process waste tires without a State Permit if: 1a. Such storage or processing is pursuant to an exemption under Minnesota Rules part 922-.0230, subpart 2; 2b. Fewer than 50 waste tires are stored at any one time; or 3c. Fewer than 50 waste tires are processed during any 30 days. 4d. Agricultural purposes; legitimate use of tires on agricultural site.
- 7.1.3** Penalties. A. Criminal penalties – Any person who willfully or negligently violates this section shall upon conviction be guilty of a misdemeanor. B. Civil-penalties. Any person who disposes of waste tires on public or private land, shoreland, roadways or waters in the County of Renville in violation of this section shall be subject to the civil penalties of M.S. Ch. 115A.99.
- 7.1.4** Waste tires within 1,000 feet of any residence shall be stored or utilized in a manner that prevents water from being retained in the tires.
- 7.1.5** Waste tires shall not be placed, stored or disposed of in or at any non-permitted area. Examples of non-permitted areas include, but are not limited to: lakes; streams; waterways; drainage ditches; wetlands; ravines; gullies; gravel pits; floodplains; shorelands; groves; rights-of-way; unoccupied and occupied sites, facilities or structures.
- 7.1.6** The owner or occupant of the land or premises upon which waste tires are located in violation of this chapter shall be obligated to remove them and be taken to a licensed solid waste management facility.
- 7.1.7** No person who is not permitted by the state as a tire collector or tire processor may accumulate more than 50 waste tires or equivalent weight of other waste tires on the person's premises, unless the person is a retail tire seller, tire-retreading business or vehicle repair business subject to the requirements of 7.1.2 of this chapter. Exceptions may be allowed when waste tires are utilized outside of a building for agricultural purposes where they comply with the requirements of other applicable laws or sections of this chapter.

- 7.2** *Unacceptable waste.* It is the responsibility of the solid waste hauler to dispose of waste at a suitable licensed solid waste management facility. A solid waste facility may reject waste as unacceptable. The solid waste facility may provide information regarding suitable facilities where



that unacceptably can be accepted.

## **Section 8: ENFORCEMENT**

- 8.1** *Inspections.* Inspection of licensed or permitted solid waste management activities, facility and/or a licensee's premises and any/all property shall be made by the county in a frequency as to ensure consistent compliance by the licensee or property owner with this chapter.
- 8.1.1** The applicant, licensee or property owner shall allow free access to authorized representatives of the county or their designee at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of all county ordinances, or rules or statutes.
- 8.1.2** Failure of the applicant, licensee or property owner to permit the inspection shall be grounds for denial, suspension or revocation of a license. The licensee shall be provided with written documentation of any deficiencies and the date by which the corrections shall be completed.
- 8.1.3** Whenever necessary to enforce any provision of this chapter, or whenever the county has reasonable cause to believe that a violation of this chapter exists, the county may enter premises or vehicles to inspect the same or to perform any duty incumbent upon the county; provided that, if the premises or vehicle be occupied, the authorized representative shall first present proper credentials and request entry; and, if the premises or vehicles are unoccupied, the county shall first make a reasonable effort to locate the operator or other persons having charge or control of the premises or vehicle and request entry. If the entry is refused, the county may order an emergency suspension, suspension or revocation of a license or prosecution and shall have recourse to other remedies provided by law.
- 8.1.4** Whenever the county or its authorized representatives shall find in any building, vehicle or on any premises any material, condition or activity endangering the health, welfare or safety of the public, the county shall issue the orders as may be necessary for the enforcement of this or other applicable county ordinances governing and safeguarding the health, welfare and safety of the public.
- 8.1.5** Repeated violations of this chapter or failure to comply with any order of the county shall be grounds for emergency suspension, suspension or revocation of a license or prosecution.
- 8.1.6** Any order or notice issued or served by the county shall be complied with by the owner, operator or other persons responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance depending on the nature of and the danger created by the violation. In cases of extreme danger to health, welfare and safety of the public, immediate compliance shall be required.

**8.1.7** If a building, premises or vehicle is owned by one person and occupied or operated by another, under lease or otherwise, and the order or notice requires immediate compliance for the health, welfare and safety of the public, the order or notice shall be served on the owner, operator or occupant and the owner, operator or occupant shall ensure compliance with the order or notice.

**8.2** *Re-inspection.*

**8.2.1** Upon written notification from the licensee or property owner that all the violations for which a suspension or emergency suspension has been issued have been corrected, the county shall re-inspect the solid waste management activity.

**8.2.2** If the county finds upon re-inspection that the violation has been corrected, the county shall inform the licensee or property owner of the corrective action, including possible reinstatement of the license.

**8.3** *Action authorized.* In the event of a violation or a threatened violation of this chapter, the Solid Waste Administrator, in addition to other remedies, may institute appropriate actions, proceedings or fines to prevent, restrain, correct or abate the violations or threatened violations and it is the duty of the Attorney to institute the action.

**Section 9: ADDITIONAL REQUIREMENTS**

The County Board may impose additional requirements consistent with the intent of this chapter. Unless specifically authorized in advance by the owners of a facility, it shall be a violation of this chapter for any person or persons to enter upon or remain on property permitted or authorized by this chapter at any time during which the facility is not open, as indicated by the posted hours of operation.

**Section 10: PROVISIONS CUMULATIVE**

The provisions of this chapter are separate, distinct and cumulative and no such provision shall be excluded of any other provisions.

**Section 11: CONSENT**

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

**Section 12: NON-LIABILITY**

Neither the county, nor any officer or employee thereof, shall be held liable for any damage to persons or property by reason of any inspection, re-inspection or failure to inspect, or by reason of the approval or disapproval of equipment or the granting, not granting, suspending or revoking of any license hereunder, nor for any action in connection with the inspection or control of solid waste or in connection with any other official duties.

**Section 13: REPORTING**

**13.1** The county may require information to be gathered by solid waste generators, solid waste management facility operators, commercial haulers and self-haulers regarding matters related to this chapter.

- 13.2 The information may include, where applicable, customer names and locations, waste origins, waste types and amounts and waste destinations for reuse, recycling, resource recovery or disposal.
- 13.3 Any such information gathered by the county will be managed subject to the state's Data Practices Act, being M.S. §§ 13.01 et seq., as they may be amended from time to time, or other applicable data management laws or agreements as amended from time to time.
- 13.4 Failure to provide this information will be considered a violation of this chapter.

**LICENSES; COLLECTION AND TRANSPORTATION**

**Section 14: STANDARDS FOR COLLECTION AND TRANSPORTATION**

- 14.1 The owner or lessee of any premises, business or industry may transport self-generated solid waste or contract with a licensed commercial hauler to collect and transport solid waste.
- 14.2 All solid waste collected and removed from every premises, business or industry shall be transported to the appropriate facility licensed and designated for that purpose, pursuant to the laws of the state and this chapter.
- 14.3 Municipalities shall be responsible for selecting the structure for the collection of refuse within their jurisdiction, such as open market or specific licensed hauler(s), said haulers who will transport the refuse/municipal solid waste (MSW) to the county designated solid waste disposal facility location, which is Redwood/Renville Regional Material Recovery and Transfer Facility, 907 West Bridge St., Redwood Falls, MN.
- 14.4 Outside the municipal limits of any community, in the areas zoned Agricultural, the owner, lessee, and/or occupant of any premises or business establishment shall be responsible for the collection and transportation of solid waste.
- 14.5 A Construction and Demolition Waste Disposal Site compliant with MPCA standards is being provided by the County (at the time of the adoption of this ordinance) located at 32877 County Road 4, Olivia, MN. The fees for use of the site shall be set by the County. The public shall be allowed to use the site for disposal of construction and demolition waste during its operating hours.
- 14.6 Vehicles intended for solid waste collection and transportation shall be annually D.O.T. Certified, properly identified (ownership), enclosed, properly covered/tarped to prevent litter, leak-proof, durable, well maintained and of easily cleanable construction. Suitable equipment shall be provided with each vehicle for the purpose of collecting spilled materials.
- 14.7 All solid waste shall be loaded and moved in such a manner that it will not escape from the vehicle or its container. Where spillage does occur, the material shall be picked up immediately by the hauler or solid waste transporter and returned to the vehicle or container, and the area properly cleaned.
- 14.8 Transporters shall notify the Department and the appropriate law enforcement agency if a load or partial load of solid waste is dumped or spilled, except where allowed by this chapter and clean the area as instructed by the authorities.

- 14.9** No one shall collect or transport solid waste that is smoking, smoldering or burning, except in a container designed and approved by the state's Fire Marshal and the Department.
- 14.10** Solid waste shall not be allowed to remain or be stored in any collection or transportation vehicle in excess of 48 hours, except in the event of an emergency.
- 14.11** Containers intended for solid waste storage, collection and transportation shall be: properly labeled, and specific to the type and/or kind of material that is being collected or material contained inside said container. The container must be in good and properly working condition, including but not limited to being free of damage and/or holes. Containers must be designed and constructed to be loaded, transported and unloaded in a safe, sanitary and nuisance-free manner. They shall be leak proof and periodically cleaned to prevent nuisance smells, pollution or insect breeding, rodent resistant, and shall be maintained and kept in good repair. The container, access and inspection doors and hoppers shall be securely closed, except when the vehicle or container is being inspected, cleaned, dumped or stored.

#### **Section 15: ROUTES, DISTRICTS AND TIME**

- 15.1** The County Board, by resolution, may adopt designated routes for transporting solid waste to solid waste management facilities in the county. Vehicles transporting solid waste to these facilities must use the designated routes.
- 15.2** Nothing in this section shall prevent any municipality or RRRSWA from establishing solid waste collection districts or routes within its jurisdiction; except that, the districts or routes shall not interfere with the implementation of the county's Solid Waste Management Plan.

#### **Section 16: PERMITS AND LICENSES FOR COLLECTION AND TRANSPORTATION**

- 16.1** *State rules.* The collection and transportation of solid waste shall be performed in accordance with state laws and rules in addition to the requirements of this chapter.
- 16.2** *Licenses and vehicle permit required.* Any person, firm, corporation or commercial hauler that transports solid waste or source separated materials in the county must annually complete an application for license to collect and haul solid waste for hire within the county on the forms provided by the Solid Waste Administrator or his or her designee for each vehicle used.
- 16.3** *Implied consent.*
- 16.3.1** The application for and acceptance of a solid waste collection and transportation license in the county is evidence of the licensee's intent to comply with all state, county and federal regulations applicable to the collection, transportation and disposal of solid waste and source separated materials.
- 16.3.2** By the application for and acceptance of a solid waste collection and transportation license, the licensee consents to allow the county access to all equipment used for collection and transportation for the purpose of inspections for compliance with this chapter. The inspection may be with or without prior notice to the licensee.
- 16.4** *Additional requirements.*
- 16.4.1** All solid waste collection and transportation license holders are responsible for the

collection of waste in a timely manner consistent with this chapter and for the proper transportation and disposal of the solid waste at a properly licensed facility. The licensee is responsible for the service provided pursuant to a contract between the licensee and the purchaser of the service.

**16.4.2** All solid waste collection and transportation licensees shall charge for the collection of solid waste within the county so that the charges shall vary with the volume, weight or frequency of the solid waste collected and shall annually provide the Department upon request, written proof of the variable charge rates utilized.

**16.4.3** At the discretion of the Department, each solid waste collection and transportation license holder must submit to the Department, no later than November 30 of the year, on forms supplied by the Department, an accurate and current listing of all business and commercial accounts and waste volumes generated by those accounts (If requested). Failure to supply this information or the supplying of intentionally misleading information may be reason for immediate license revocation.

## **Section 17: PERMITS AND LICENSES FOR SOLID WASTE FACILITIES**

**17.1** *License required.* Unless otherwise provided by this chapter, no person shall cause, permit or allow real or personal property under his or her control to be used for the following solid waste management operations unless a license for that purpose has been granted by the county, and a permit obtained from the agency, if required. County licenses shall be required for construction and operation of:

**17.1.1** Transfer stations, including canister sites;

**17.1.2** Mixed municipal solid waste land disposal facility;

**17.1.3** Ash, construction and demolition debris and industrial solid waste land disposal facilities;

**17.1.4** Incinerators with a capacity equal to or greater than 500 pounds per hour;

**17.1.5** Waste tire processing or storage facilities;

**17.1.6** Solid waste processing facilities; and

**17.1.7** Facilities designed to process source separated materials, including, but not limited to, recyclable materials, source separated organic materials and batteries.

**17.2** *License considerations.* As per M.S. Ch. 400 and 115A, as they may be amended from time to time, the county has adopted a comprehensive Solid Waste Management Plan. Any application for license to operate a solid waste facility in the county will first be evaluated based on whether the need and location of the proposed facility is consistent with the Solid Waste Management Plan.

**17.3** *License modifications.* The Board may modify existing licensing requirements due to information indicating that the original permit provisions were based on inadequate or erroneous information. The change in the provision can only be made after advance notification of the licensee.

**17.4** *License renewal.*

**17.4.1** Each license granted by the county under this section shall expire on the conclusion of the December 31 following its issuance, or on the December 31 for a term to be determined by the County Board and specifically stated upon the license.

**17.4.2** If the licensed activities have been performed in compliance with this chapter and other applicable laws, and a proper application for renewal has been made with appropriate fees paid, the County Board may issue the renewal license.

**17.5** *Storage of recovered materials from demolition.* Segregated construction and demolition debris materials may be stockpiled for construction or recycling provided the Department and the agency has authorized the storage. Use of the materials shall comply with other applicable county or state laws and rules.

**17.6** *Agency permit for disposal of selected construction and demolition debris.*

**17.6.1** Construction and demolition debris generated at an individual property may be buried on-site provided a permit is issued by the agency. A record of the burial of waste shall be filed at the office of the County Recorder.

**17.6.2** Placement of select construction and demolition debris as fill for a specific land improvement projects may be allowed provided a permit for that debris at that site is obtained from the agency. Type and area filled shall be filed at the office of the County Recorder. The county may limit the amount of construction and demolition debris to be used as fill to an amount less than that allowed in the agency permit, if needed to address public health and safety concerns.

**Section 18: COUNTY-OPERATED FACILITIES AND PROGRAMS; STATE RULES**

**18.1** The provisions of this chapter allow the county, as an owner or operator, to participate in solid waste management activities, operate solid waste management facilities and provide solid waste management services and programs without obtaining a license to do so from itself.

**18.2** As an operator of a solid waste management facility under the provisions of this chapter, the County Board may from time to time establish rates or charges for services provided. It may further utilize all of the provisions of this chapter to enforce the payment and collection of those designated changes.

**18.3** State statutes, rules and federal regulations regarding waste facilities shall apply in addition to the provisions in this chapter.