

RICE COUNTY
SOLID WASTE ORDINANCE

Ordinance # 600

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CHAPTER 600

**SOLID WASTE ORDINANCE
FOR RICE COUNTY**

AN ORDINANCE AUTHORIZING AND PROVIDING FOR COUNTY SOLID WASTE ACTIVITIES; ESTABLISHING POWERS AND DUTIES IN CONNECTION THEREWITH; ESTABLISHING STANDARDS AND REQUIREMENTS FOR SOLID WASTE OPERATIONS WITHIN THE UNINCORPORATED AREAS OF THE COUNTY OF RICE; REQUIRING LICENSES AND PERMITS FOR STORAGE, COLLECTION, TRANSPORTATION, PROCESSING, AND DISPOSAL OF SOLID WASTE IN ACCORDANCE WITH THE COUNTY SOLID WASTE PLAN; EMBODYING AND SUPPLEMENTING THE MINIMUM STANDARDS AND REQUIREMENTS ESTABLISHED BY RULES OF THE MINNESOTA POLLUTION CONTROL AGENCY; PROVIDING FOR ENFORCEMENT OF SAID REQUIREMENTS; IMPOSING PENALTIES FOR FAILURE TO COMPLY WITH THESE PROVISIONS; REQUIRING PERFORMANCE BONDS AND INSURANCE; AND PROMOTING THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC, AND TO PROTECT THE ENVIRONMENT PURSUANT TO MINNESOTA STATUTES (MINN. STAT.) CHAPTERS 115A, 375, 400, AND 473.

THE RICE COUNTY BOARD DOES HEREBY ORDAIN:

Chapter 601 Introductory Provisions

601.01 Title

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

601.02 Purpose

This Ordinance is adopted for the purpose of protecting the public health, welfare, and safety; preventing the spread of disease; preventing the creation of nuisances; conserving natural resources; and protecting the County's water, air, and land resources. This Ordinance meets the purposes, goals, and policies of the Rice County Solid Waste Plan and the 2002 Rice County Comprehensive Plan goals, including the following:

- A. Promote the public health, safety and welfare by enacting and timely enforcement of a solid waste material ordinance (Goal 30);
- B. Coordinate with state and environmental agencies to provide input to general planning activities and to provide input into the development process (Goal 7);
- C. Coordinate with state agencies on a regular basis (Goal 9);
- D. Preserve, protect and improve the surface and underground waters including, but not limited to, rivers, streams, lakes, groundwater and aquifer recharge areas (Goal 20);
- E. Minimize the potential for air, water and land contamination and pollution that could result from the development process (Goal 48);

To meet these goals, this Ordinance will:

- F. Regulate the number, location and operation of solid waste facilities to protect the public's health and well-being;
- G. Prevent public nuisances;
- H. 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;
- I. Encourage the use and reuse of recyclable materials through a county-wide recycling program and the provision of facilities to support those activities;
- J. Augment, supplement, and support state and federal regulations on solid waste issues including the regulatory management hierarchy of reduction prevention, reuse, recycling, processing and land filling.

601.03 Statutory authorization

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

601.04 Jurisdiction

- A. **Jurisdiction and activities covered.** The jurisdiction of this Ordinance shall apply to land uses in all areas of Rice County outside the incorporated limits of municipalities, and shall apply to all solid waste hauling, disposal, transfer, storage, composting, and recycling services under the licensing and permitting authority of the County.

- B. **Farm exception.** The licensing requirements and performance standards of this Ordinance shall not apply to burning, or burning and burying, of solid waste generated on or as part of a farming operation if the burying is done in a nuisance free and aesthetic manner on land used for farming. This exception does not apply to burning tires or plastics, except plastic baling twine, or to burning or burial of the following materials:
 - 1. Household hazardous waste as defined in Minn. Stat. § 115A.96, Subd. 1;
 - 2. Appliances, including, but not limited to, major appliances as defined in Minn. Stat. § 115A.03, Subd. 17a;
 - 3. Household batteries;
 - 4. Used motor oil; and
 - 5. Lead acid batteries from motor vehicles.

601.05 Compliance required

- A. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety and welfare.
- B. **State and federal standards.** In addition to the conditions set forth in this Ordinance, compliance with state and federal standards are required.

601.06 Severability and validity

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

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

601.07 Effective date

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

601.08 Rules of construction and interpretation

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

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

Chapter 602 Definitions

602.01 Generally

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word “shall” is mandatory, and not discretionary; the word “may” is permissive.
- B. Words used in the present tense shall include the future; words used in the singular shall include the plural; and plural words shall include the singular.
- C. Words shall be given their common usage if not defined.
- D. The masculine gender shall include the feminine and neuter.

602.02 Definitions

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

Agency

The Minnesota Pollution Control Agency.

Air Pollution

The presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration and under such conditions as would exceed state and federal limits.

Appliance

Washers, dryers, electric and gas ranges or stoves, refrigerators, freezers, dehumidifiers, water heaters, residential furnaces, dishwashers, garbage disposals, trash compactors, microwave ovens and air conditioners.

Appliance Storage Facility

A facility for the storage of three or more inoperable appliances.

Backyard Composting

Composting of household putrescibles and yard wastes generated by a residential dwelling or adjoining property.

Board

The Rice County Board of Commissioners.

Brush Disposal Facility

A site used exclusively for disposal of trees and tree parts including stumps, branches, and their attached leaves. Such disposal may include open burning and burial of the resulting ash and unburned tree parts.

Cell

Compacted solid wastes developed in an orderly manner that are enclosed by cover material in a land disposal site and as regulated by the Minnesota Pollution Control Agency.

Closure

The period after which solid wastes are no longer accepted during which time the permittee completes the required procedures as regulated by the Minnesota Pollution Control Agency.

Collection

The aggregation of solid waste from the place at which it is generated; includes all activities up to the time the waste is delivered to a waste facility.

Commercial Brush and Tree Open Burning Site

A site operated for profit for the open burning of trees, tree trimmings or brush.

Commercial Hauler

Any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste or source separated materials from residential, commercial or industrial property.

Compost Facility

A site used to compost solid waste; includes all structures used to control drainage, collect and treat leachate, and store incoming waste and the final product.

Composting

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

County

Rice County, Minnesota.

Cover Material

Material, as allowed by the agency, that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compatibility.

CRT

Cathode ray tube, an electronic device in which electrons are emitted onto a phosphorescent screen to produce an image, used in most televisions, computer monitors, and other electronic viewing screens, frequently containing mercury or other volatile metals.

Daily Cover

Cover material that is spread and compacted on the top and side slopes of compacted solid waste at least at the end of each operating day in order to control vectors, fire, infiltration and erosion and to assure an aesthetic appearance.

Demolition Landfill

An area of land used for the disposal of demolition waste.

Demolition Waste

Non-putrescible solid waste from the construction, remodeling, repair or demolition of structures including buildings and paved roads. Demolition waste includes waste building materials; packaging; and rubble such as concrete, brick, bituminous concrete, wood, masonry, glass, trees, structural metals, insulation, roofing material, and plastic building parts. It may also include other waste materials accepted by the Department. It does not include uncontaminated earth or rock, hazardous materials, asbestos, industrial waste, or appliances.

Department

The Rice County Solid Waste Department.

Dump

An unpermitted land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning and is exposed to the elements, flies, rodents and scavengers.

Facility

The land, structures, monitoring devices and other improvements on the land used for monitoring, treating, processing, storing or disposing of solid waste, leachate, or residuals from solid waste processing or the processing of compostables, recyclables or household hazard wastes.

Farm

A parcel of land located in an Agricultural Zoning District as defined by the Rice County Zoning Ordinance used for the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to people, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur; animals; and trees and forest products.

Garbage

Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food; and non-recyclable plastics.

Ground Water

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

Hazardous Waste

Refuse, sludge, or other waste material, or combinations of refuse, sludge or other waste materials in a solid, semisolid, liquid, or contained gaseous form which, because of its quantity, concentration, or chemical, physical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special, nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Household

A single detached dwelling unit or a single unit of a multiple dwelling unit.

Household Hazardous Waste

Waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under Agency rules, but does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

Industrial Solid Waste

All solid waste generated from an industrial or manufacturing process or solid waste generated from non-manufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse. (MN Rules 7035.0300 subp 45: means solid waste resulting from an industrial, manufacturing, service or commercial activity that is managed as a separate waste stream).

Infectious Waste

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

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

Junkyard

Land or buildings where solid waste, discarded or salvaged materials are brought, purchased, sold, exchanged, stored, cleaned, packed, disassembled or handled, including but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking and dismantling of automobiles, boats, snowmobiles, or other vehicles, or used motor homes provided further that the storage of junk equal in bulk to three (3) or more inoperative and/or unlicensed motor vehicles, which are to be resold for used parts or old iron, metal, glass or other discarded materials, for a period in excess of three (3) months, shall be considered a junkyard, whether maintained in connection with another business or not.

Land Disposal Site

Any tract or parcel of land, including any construction facility, at which solid waste is disposed of in or on the land.

Licensee

The person who has been given authority by the County Board or the Department to carry out any of the activities for which a license is required under the provisions of the Ordinance.

Medical Waste

Infectious waste, as defined in the Infectious Waste Control Act of 1989, Minn. Stat. section 116.76, subdivision 12(Supp. 1989), as amended, or its successor, and 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 decontaminated.

Mixed Municipal Solid Waste

Garbage refuse and rubbish from residential, commercial, industrial, and community activities that is generated and collected together but does not include materials collected, processed and disposed of as separate waste streams.

Monitoring Point

Any installation or location used to determine the quality or physical characteristics of ground water, surface water or water in either the unsaturated or saturated zone.

Nonconforming Solid Waste Disposal Site or Facility

A public or private solid waste disposal site or facility that was lawfully in existence before August 8, 1975.

Non-putrescible

Solid waste, other than garbage, hazardous waste, industrial waste, mixed municipal solid waste, sludge or other special waste that cannot become rotten or enter a foul state of decay or decomposition.

Open Burning

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

Operator

The person responsible for the overall operation of a facility.

Owner

The person or persons who own a facility or part of a facility.

Person

Any human being, 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, but does not include the Minnesota Pollution Control Agency.

Pollutant

Has the meaning given it in Minnesota Statutes, Chapter 115A.

Post-Closure

The period after closure during which the long term care, maintenance and monitoring of a site or facility takes place.

Processing

The treatment of solid waste, household hazardous waste and recyclables after collection and before disposal. Processing includes, but is not limited to, packaging, volume reduction, storage, separation, exchange, physical, chemical or biological modification and transfer from one waste facility to another.

Putrescible

Solid waste which is capable of becoming rotten and which may reach a foul state of decay or decomposition.

Recyclable Materials

Corrugated cardboard, glass bottles and jars, high grade ledger paper, newspaper, metal can, #1 and #2 plastic bottles or materials identified by resolution of the Board.

Recycling Facility

A site used to separate, process, modify, convert or otherwise prepare solid wastes within six months so the component materials or substances may be beneficially used or reused as raw materials. This does not include facilities that process their own waste stream.

Refuse

Putrescible and non-putrescible solid wastes, except for materials collected, processed or disposed of as separate waste streams.

Resource Recovery

The reclamation for sale or reuse of materials, substances, energy or other products contained within or derived from waste.

Rubbish

Non-putrescible solid wastes, except for materials collected, processed or disposed of as a separate waste stream.

Runoff

The portion of precipitation that drains from an area as surface flow.

Scavenging

Unauthorized removal of solid waste materials, including recyclables, from a licensed solid waste disposal facility or collection point.

Shoreland

Land located within the following distances from the ordinary high water elevation of public waters:

- A. Land within 1,000 feet from the normal high water mark of a lake, pond, reservoir, impoundment or flowage; and
- B. Land within 300 feet of a river or stream or the landward side of flood plain delineated by Ordinance on such a river or stream, whichever is greater.

Solid Waste

Any solid semisolid, liquid, or contained gaseous material requiring disposal. Solid waste 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, discharges that are point sources subject to Section 402 of the federal Water Pollution Control Act, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954.

Solid Waste Collection

The gathering of solid waste from public or private places.

Solid Waste Plan

The Rice County Solid Waste Management Plan, dated May 1988, or most recent approved version, and amendments thereto.

Solid Waste Storage

The holding of solid waste for more than forty-eight hours.

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.

Source Separated Materials

Recyclable materials removed from solid waste, separated by recyclable category by the generator and recovered for reuse in their original form or for use in manufacturing processes.

Special Wastes

Solid wastes requiring management other than that normally used for mixed municipal solid waste.

State

The State of Minnesota.

Tipping Fee

The fee charged to commercial haulers and citizens for waste delivered to the facility.

Unacceptable Waste

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

Waste Tire

A pneumatic tire or solid tire that has been discarded or that can no longer be used for its original intended purpose because of wear, damage or defect.

Waste Tire Processing Facility

A licensed waste facility used for the shredding, slicing, processing or manufacturing of usable materials from waste tires, and may include temporary storage activity. Processing does not include the re-treading of waste tires.

Waste Monitoring System

A system of wells, lysimeters or other mechanisms used to obtain representative samples of both underground water and surface water where required in the vicinity of a land disposal site.

Water Table

The surface of the ground water at which the pressure is atmospheric. Generally, this is the top of the saturated zone.

Wetcell

A lead acid battery.

Wetland

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

Yard Waste

Garden waste, leaves, lawn cuttings, prunings, weeds, shrubs and tree waste, excluding whole trees greater than nine inches in diameter, generated on residential or commercial properties.

Chapter 603 General Provisions

603.01 Solid waste license required

All solid waste collectors, haulers, disposal facilities, transfer stations, recycling facilities, commercial burning facilities or sites, or other solid waste activities shall be licensed by the County.

- A. **Licensed facility disposal.** Any person disposing, storing, transferring, recycling, or burning solid waste within Rice County shall do so only at a licensed site or facility and with the approval of the owner/operator of the site or facility or in conformance with the performance standards set forth hereafter.
- B. **License required.** Any person allowing real or personal property under their control to be used for solid waste disposal, storage, transfer, recycling, or burning shall obtain a license issued by the Department.

603.02 License suspension or revocation

Any license required under this Ordinance may be suspended by the County Board for violation of any provision of this Ordinance.

603.03 License application

Any person conducting activities requiring a license from the Solid Waste Department shall submit a license application that provides all necessary information for the Department to ensure that the provisions of this Ordinance and the County Solid Waste Plan will be met. Applicants for a license shall not commence any construction activities or operation or commence collection or hauling service until the license has been issued.

603.04 License for collector or hauler

The application for license shall contain the following information:

- A. The name and current business address of the refuse hauler/recyclable collector;
- B. The type, number and capacity of the refuse hauling vehicles and other containers or collection equipment used for solid waste or recyclables;
- C. A general description of the service area, which need not include information about specific customers; and
- D. An annual report identifying tonnage for solid waste and recyclables collected.

603.05 License for solid waste facilities

An applicant for a license to operate a solid waste facility, including composting facility, demolition landfill, recycling facilities, or transfer facility, shall complete and submit to the Department an application. The application shall not be considered complete until the Department receives the following information and submittals:

- A. **All other materials and fees.** All applicable fees, materials required by this section, materials required by subsequent sections applying to the specific waste management activity for which a license is sought.
- B. **Notify governing bodies.** Demonstration that the applicant has notified all municipal or township governing bodies located within two (2) miles of the affected property,
- C. **Notify property owners.** Demonstration that the applicant has notified in writing the property owners of record within one-quarter (1/4) mile of the affected property or the ten

properties nearest to the affected property, whichever is the greatest number of property owners.

- D. **State submittals.** Copies of all submittals to the State during the State permitting and/or licensing process for solid waste facilities and operations.
- E. **Other ordinances and regulations.** Demonstration of compliance with all other Rice County Ordinances, including copy of the conditional use permit, and compliance with State and Federal regulations.
- F. **Additional information.** The applicant shall submit additional information as requested by the Department.
- G. **Performance bond.** Unless otherwise provided by the Board, furnishing to the County a performance bond, in an amount to be set by the 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 the bond or other approved instruments shall be that if the principal fails to obey any of the requirements or do any of the acts required by this Ordinance in the operation of the waste facility or activity, or if, for any reason, ceases to operate or abandons the waste facility or activity, and the County is required to expend any monies or expend any labor or material to restore the facility to the condition and requirements as provided by the Ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expense incurred to remedy the failure of the principal to comply with the terms of the Ordinance, and the obligor and its sureties will indemnify and save the County harmless from all losses, costs and charges that may accrue to the County because of any default of the obligor under the terms of their license to operate. The performance bond shall be subject to cancellation by the surety at any time only upon giving one hundred twenty (120) days prior written notice of cancellation to the County.
- H. **Certificates of insurance.** Furnishing to the County certificates of insurance issued by insurers duly licensed by the State of Minnesota covering public liability insurance, including general liability, automobile liability, completed operations liability, and bodily injury liability in amounts to be set by the Board. In addition, the applicant shall provide evidence of workers compensation coverage in the required statutory amount.
- I. **Plans.** The proposed plan of operation, closure, financial assurance and post closure activity.

603.06 Additional application requirements for specialized facilities

- A. **Commercial tree and brush open burning sites.** In addition to the requirements set forth above in Section 603.05, an application shall include the following;
 - 1. State burning permit from the township or appropriate authority;
 - 2. Site map drawn to scale, which shows the location of the proposed facility;
 - 3. Name, address, and phone number of applicant;
 - 4. Any other information required by the Department.

B. **Recycling facilities.** In addition to the requirements set forth in Section 603.05, a license application shall contain the following:

1. A current map or an aerial photograph of the area showing the land use and zoning within one-quarter (1/4) mile of the resource recovery facility. A location inset map shall be included;
2. A plot plan including: the legal description of the site of the facility; a description of the immediate adjacent area showing dimensions, present and planned pertinent features including but not limited to roads, buildings, fencing, and other applicable details; and the general topography. The scale of the plot plan shall not be greater than two hundred (200) feet per inch;
3. A report accompanying the plans indicating:
 - a. Area of the site in acres;
 - b. Owner of the site and proposed licensee;
 - c. Individuals responsible for actual operation and maintenance of the resource recovery facility and attending operating procedures;
 - d. Sanitary landfill or other waste facility where any residue will be transferred, the owner of landfill, hours of operation, and the Minnesota Pollution Control Agency permit number;
 - e. Type and amount of equipment to be provided for the operation of the resources recovery facility;
 - f. Population and geographical areas to be served by the proposed facility;
 - g. Anticipated tonnage of solid waste delivered to the facility from each community within the area;
 - h. An estimate of recyclable materials to be delivered to the facility;
 - i. Proposed storage capacity on-site;
 - j. Proposed marketing plan for materials;
 - k. Proposed access routes within a one (1) mile radius of the proposed facility;
 - l. As recommended by the Department, suitable soils, geologic and ground water information will be submitted;
 - m. Local government approval of the facility site;
 - n. MPCA approved permit; and
 - o. Any other information required by the Department.

C. **Appliance storage.** In addition to the requirements set forth above in Section 603.05, a license application shall contain the following:

1. Detailed disposal plan which does not include any on-site burial or burning, and provides for the recycling or reuse of the scrap metal;
2. Final disposal processing plans at an MPCA approved processing facility;
3. MPCA and U.S. Environmental Protection Agency approved permits;
4. Any other information required by the Department.

- D. **Waste tire storage.** In addition to the requirements set forth in Section 603.05, a license application shall contain the following:
1. Detailed plans and specifications;
 2. Fire prevention plans;
 3. Vector Control Plans;
 4. MPCA approved permit; and
 5. Any other information required by the Department.
- E. **Yard waste composting facility.** In addition to the general requirements set forth in Section 603.05, a license application shall contain the following:
1. Facility design capacity, type of waste received, and the intended distribution of the finished product;
 2. Identification of facility location;
 3. Name, phone number, and address of the owner or operator;
 4. MPCA approved permit; and
 5. Any other information required by the Department.
- F. **Demolition waste facilities.** In addition to the requirements set forth in Section 603.05, a license application shall contain the following:
1. Detailed plans specifying proposed materials, site capacity and if appropriate, soil evaluation and hydrogeologic studies;
 2. Description of procedures for dust, noise or traffic control;
 3. Signed agreements or indicia of ownership of the proposed site;
 4. For commercial off-site use, an approved conditional use permit;
 5. Estimated duration of site use;
 6. MPCA approved permit; and
 7. Any other information required by the Department.

603.07 County review of application and issuance of license

- A. **Time limit.** After receiving a completed application, the Department shall have sixty (60) days to:
1. Approve or deny the application;
 2. Request additional information; or
 3. If appropriate, forward the application to the Rice County Board of Commissioners for further action.

B. Issuance and renewal conditions. The following conditions shall be met for the County to issue or renew a license.

1. Submission of false information by the applicant shall constitute grounds for denying, suspending or revoking a license or license renewal;
2. A license issued pursuant to this Ordinance shall be for a maximum period of one (1) year. The Solid Waste Department may thereafter issue annual renewals;
3. Operational requirements must be met before a license may be annually renewed;
4. Licenses shall not be transferable; and
5. Unless otherwise provided by the Department, 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 for the closure, post-closure maintenance and monitoring of the site or facility, as required under Minnesota Rules 7035.2695. Use of this financial assurance shall be limited to the site or facility for which it was provided. Documentation submitted with the application for Department approval shall include funding procedures, a description of the funding method, the value of the funding, and an inflation adjusted cost estimate which assures that the closure and post-closure activities at the site or facility take place. The amount of the financial assurance shall be equal to or exceed the total estimated post-closure costs specified in the approved post-closure plan.

603.08 Prohibited solid waste management facilities

- A. **Prohibited facilities.** Rice County prohibits development of disposal facilities that are deemed to be unnecessary or duplicative. In addition, the County prohibits the following types of waste facilities:
1. Regulated infectious waste land disposal facilities;
 2. Hazardous waste disposal facilities; and
 3. Radioactive waste disposal facilities.

603.09 County permits and other regulations

All licenses issued by the Department are contingent upon acquiring all necessary land use permits, approvals, or other written documentation from the County Planning and Zoning Department, including conditional use permits and variances as specified in Chapter 503 (Zoning Administration) and all permits or other approvals required in Chapters 505-507 and 521 -523.

603.10 Insurance required for all facility and hauling licensees

A licensee shall provide and maintain at all times during the term of the license such insurance coverage as identified in this section. Such policies of insurance shall apply to the extent of, but not as a limitation upon or in satisfaction of, the license indemnity provisions. Licensees shall maintain:

- A. Workers compensation insurance in compliance with all applicable state statutes;
- B. General liability insurance with a policy limit of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate;
- C. Automobile liability insurance for all owned, non-owned, and hired automobiles and other motor vehicles; and
- D. Additional insurance as required by the County.

603.11 Indemnification of County

To the fullest extent permitted by law, a licensee shall indemnify Rice County, its officers, employees, agents, and others acting on its behalf, to hold them harmless, and to defend and protect them from and against any and all loss, damage, liability, cost and expense (specifically including attorneys' fees and other costs and expenses of defense), of any sort whatsoever, based upon, resulting from, or otherwise arising in connection with any actions, claims or proceedings 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 in the performance of any of a licensee's obligations under this Ordinance.

Chapter 604 Solid Waste Department

604.01 Authority established

The Rice County Board of Commissioners established by resolution or ordinance on November 8, 2005 the Solid Waste Department for which the Board may appoint a Director with sufficient personnel to discharge the duties of this Department. The Solid Waste Director shall have all necessary authority to implement and carry out the provisions of this Ordinance including, but not limited to, the following:

- A. To review and evaluate all applications and supporting materials referred to the Department for facilities and operations within the County;
- B. To inspect facilities and operations;
- C. To investigate violations of this Ordinance and to take appropriate enforcement actions;
- D. To work cooperatively with other County departments on enforcement of land use, health, or safety issues in regard to on-site management of solid waste;
- E. To recommend to the County Attorney that legal proceedings be initiated against a person or group of persons to compel compliance with the provisions of this Ordinance or to terminate or control a facility or operation not in compliance with this Ordinance;
- F. To conduct studies, investigations and research relating to solid waste activities, including but not limited to methodology, chemical and physical considerations, and engineering;
- G. To advise, consult and cooperate with the public and other governmental agencies in furtherance of the purpose of this Ordinance; and
- H. To enforce the provisions of this Ordinance.

Chapter 605 Fees And Service Charges

605.01 Fee schedule

Fees for licenses shall be set by resolution of the Rice County Board of Commissioners.

605.02 Investigation fees

Fees for repeated visits or investigations of property to determine compliance with the Ordinance may be established and set by resolution of the Rice County Board of Commissioners. The fees established shall include the cost and amount of the service, including data accumulation, planning, and administration.

605.03 Landfill fee

The Board shall establish or amend the solid waste fee by resolution. The fee shall be determined by:

- A. **Acquisition cost.** The cost of acquisition, operation, and maintenance of county solid waste facilities;
- B. **Services cost.** The cost of the county solid waste services including those provided by the facilities; and
- C. **Other costs.** All other costs incurred in providing county solid waste services.

605.04 County facilities exempted

Any solid waste facilities or vehicles owned and operated by Rice County or any incorporated areas shall be exempt from payment of fees but shall be subject to the operational requirements of this Ordinance.

Chapter 606 Violations, Enforcement, And Penalties

606.01 Violations

Persons or organizations that violate the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine, imprisonment or both. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues shall constitute a separate offense. All of the following shall be deemed violation of this Ordinance:

- A. **Ordinance provisions.** Failure to comply with any of the provisions of this Ordinance when required to do so;
- B. **Permits or certificate.** Failure to obtain any required permit or certificate;
- C. **Fee.** Failure to pay a required fee;
- D. **False statements.** Making a false statement in any document required to be submitted under the provisions of this Ordinance; or
- E. **License conditions.** Violating a condition of a license.

606.02 Injunctive relief and other remedies

In the event of a violation or a threat of violation of this Ordinance, the County Attorney may, as directed by the County Board, take appropriate action to enforce this Ordinance, including application for 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.

606.03 Remedies cumulative

No remedy set forth in this Ordinance is intended to be exclusive of any other remedy or remedies. No delay in the exercise of any remedy for any violation of this Ordinance shall later impair or waive any such right or power of the County.

606.04 Corrective actions

- A. **Abatement.** In the event of an emergency abatement by the County, or if a property owner does not complete corrective actions ordered by the County under the provisions of this Ordinance, or in violation of a stipulation agreement or court order, the Department may abate the violations, and the Department has the authority to enter the property and perform the corrective actions and recover the costs of the same from the property owner.
- B. **Cost as civil action or assessment.** If a person fails to comply with the provisions of this Ordinance, the County may recover the costs incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the Board, the costs may be certified to the County Auditor as a Special Assessment against the real property.

606.05 Inspection

All property affected by this Ordinance shall be subject to inspection by the County in accordance with Minnesota Statutes. After presentation of credentials, the County may collect samples for evidence or laboratory examination as deemed necessary for enforcement of this Ordinance or in the interest of protecting the public health, safety, or welfare. No person shall interfere with the performance of the duties of the County officers or refuse to permit the County's officers to inspect the property.

606.06 Administrative penalties

The Solid Waste Director may issue administrative fines or impose performance conditions upon any person who violates the terms of this Ordinance or who fails to abate the existence of a violation.

- A. **Citations.** The Solid Waste Director or assignee may issue citations for violations of this Ordinance other than for violations resulting from failure to pay. The Director may not physically arrest or take into custody any violator.
 1. Citations shall contain at least the following:
 - a. Name and address of the person charged in the violation, the owner or person in charge of the premises at which the violation occurs;
 - b. The date and place of the violation;
 - c. A short description of the violation followed by the Section of this Ordinance violated;
 - d. The date and place at which the person receiving the citation shall appear and a notice that if such person does not respond, a warrant may be issued for such persons arrest;
 - e. The name of the person issuing the citation; and
 - f. Such other information as the Department may specify.
- B. **Citation issuance.** The citation shall be issued to the person charged with the violation or in the case of a business entity, to any officer or agent expressly or impliedly authorized to accept such citation.
- C. **Appearance.** The person charged with the violation shall report to the Department by the date set forth on the citation.
- D. **Fine or corrective action.** The Director may require corrective actions and/or impose a fine for violations of this Ordinance as established by resolution of the Board.
- E. **Closure of an unlicensed site.** No person shall operate a dump or any unlicensed solid waste disposal site. The owner of any unlicensed site shall cease operation and close such site in accordance with the following requirements:
 - a. Close access to the site and erect signs indicating that dumping is not allowed.
 - b. No burning shall be allowed.
 - c. Remove all chemical containers.
 - d. Eradicate all rodents.
 - e. At the discretion of the Board, the owner shall conduct a water-monitoring program pursuant to Minnesota Rules 7035.2655 (Post closure Care and Use of Property) and 7035.2815, subd 3 (Hydrologic Evaluation). Plans to protect the ground and surface water shall be approved by the Department and MPCA prior to implementation.
 - f. Divert surface water drainage around and away from the disposal area.
 - g. Compact and cover all refuse with at least two feet of compact cover material.
 - h. Seed cover material so that adequate turf is present and take all measures necessary prior to established vegetative cover to prevent erosion. Erosion control best management practices should be consistent with Minnesota Pollution Control Agency's guidance document *Protecting Water Quality in Urban Areas*, or most recent version.
 - i. Establish and maintain a grade sufficient to promote water runoff without erosion after the site is seeded.
 - j. Place on record with the Rice County Recorder an instrument in a form described by the Department placing the public on notice of the existence and location of the illegal site and of the obligations placed upon the parties holding interest in the property and the restrictions which may affect the use of the property.

Chapter 607 Collection And Transportation

607.01 Collection services required

Every business and household in Rice County shall engage a hauler for collection of mixed solid waste and recyclables, except as provided below:

- A. **Business alternative collection.** Every business that does not engage a hauler must obtain Solid Waste Department approval for alternative collection or transportation.
- B. **Households.** Every household that does not engage a hauler must comply with the requirements of this Ordinance for alternative practices.
- C. **City and town collection.** Cities and towns may organize collection services for households or businesses consistent with the Rice County Solid Waste Management Plan, as provided under Minnesota Statutes 115A.
- D. **County collection.** Rice County may require cities and towns to organize collection services or may organize collection services for cities or towns that have not organized collection services, as provided in Minnesota Statutes 115A.94, subd. 5.

607.02 Mandatory residential recycling

An owner or occupant of a residential or multi-unit residential building shall separate recyclable material for collection and shall not deposit for collection mixed municipal solid waste which contains recyclable materials including corrugated cardboard, glass bottles and jars, high grade ledger paper, newspaper, metal cans, #1 and #2 plastic bottles or materials identified by resolution of the Board unless such waste is delivered or collected for direct delivery to a County-licensed facility for separation or recycling.

607.03 Mandatory commercial recycling

An owner or occupant of a commercial, industrial or institutional building shall not deposit for collection mixed municipal solid waste which contains recyclable materials including corrugated cardboard, glass bottles and jars, high grade ledger paper, newspaper, metal cans, #1 and #2 plastic bottles or materials identified by resolution of the Board unless such waste is delivered or collected for direct delivery to a County-licensed facility for separation or recycling.

607.04 Commingling prohibited

No hauler shall collect or transport any recyclable materials commingled with mixed municipal solid waste unless allowed by the terms of this Ordinance.

- A. All recyclable materials shall be transported to an approved recycling facility.
- B. All haulers must comply with all Rice County ordinances and applicable State and Federal laws.

607.05 Collection and hauling vehicle standards

Personal and commercial vehicles used for collection or transportation of solid waste must comply with state standards for the transportation of refuse or recyclables.

607.06 Vehicle equipment inspection

Solid waste vehicle equipment shall be subject to inspection by the Solid Waste Department.

607.07 Volume or weight based fees required

Collectors of solid waste shall charge for collection on the basis of the volume or weight of waste collected.

607.08 Recycling to be encouraged in fee structure

Haulers shall not impose greater charges on residences who recycle than those who do not recycle.

607.09 Same day service

Haulers shall provide same day collection services for mixed municipal solid waste and recyclables. If mixed municipal solid waste collection services do not occur weekly, the collection services for recyclables shall occur on the same day of the normal collection of mixed municipal solid waste.

Chapter 608 Residential Disposal Of Solid Waste On Farms

608.01 Burning

Owners of residential dwellings are prohibited from burning garbage except that person operating land defined as a farm may burn garbage generated from the person's household or as part of the person's farming operation without obtaining a license if:

- A. **Obtain permit.** A burn permit has been obtained and the burn area meets all applicable performance standards from the township or the Department of Natural Resources if the township does not regulate burning;
- B. **Burn barrel.** A burn barrel is used and located at least three hundred (300) feet from any residential dwelling not located on the site; or
- C. **Burn site monitoring.** The burning site is monitored from the commencement of the burning until the fire is completely extinguished, the prevailing wind is away from nearby residences and occupied buildings, and the burning is conducted as far away from a road as possible and controlled so that a traffic hazard is not created.

608.02 Yard waste

- A. **Burial.** Residential yard waste may be buried without obtaining a license.
- B. **Burning.** Residential yard waste may be burned without obtaining a license as long as the burn site is located so that prevailing winds are away from dwellings and roads, and the site is monitored.

608.03 Hazardous waste

All residential hazardous waste must be disposed at an approved hazardous waste facility.

Chapter 609 Hazardous Wastes

609.01 Hazardous waste generally

All waste defined as hazardous under Minnesota Statute shall be managed by the waste generator in accordance with MPCA rules, and the following standards.

- A. Burial or surface disposal of all hazardous waste is hereby prohibited; and
- B. All hazardous waste shall be disposed of at a licensed hazardous waste facility.

609.02 Special wastes

The following designated hazardous wastes shall be regulated as follows:

- A. **Wet cell batteries.**
 - 1. Batteries shall be stored to ensure that leakage is contained; and
 - 2. Batteries shall be disposed at an approved processing facility that recycles all battery components.
- B. **Used motor oil.**
 - 1. Burial or surface disposal of used motor oil is hereby prohibited;
 - 2. Used motor oil shall be disposed of at a resource recovery disposal facility approved by the MPCA; and
 - 3. Compliance with Minnesota Statutes signage requirements is mandatory.
- C. **Other special wastes.** Additional special waste identified by State Statute or MPCA agency rules may be subject to further regulation by the Rice County Board.

Chapter 610 Non-putrescible Materials

610.01 Consolidation required on site

In land use zones A (Agricultural) all non-putrescible materials, except for farm implements that are substantially intact and not commingled with other nonputrescible materials, must be consolidated to an area not to exceed one-half (1/2) acre or five percent (5%) of the parcel size, whichever is less.

610.02 Other districts

In all other zoning districts, all materials shall be consolidated to an area not to exceed one percent (1%) of the parcel size.

610.03 Responsible storage required

All non-putrescible materials shall be stored in a nuisance free and environmentally sound manner.

Chapter 611 Demolition Waste Facilities and Sites

611.01 License required

A license must be obtained from the Department for any of the following activities:

- A. **Disposal.** The disposal of demolition waste generated by construction or demolition of structures;
- B. **Fill.** The use of select demolition waste as fill for a specific land improvement project; or
- C. **Storage.** The storage of demolition waste intended for recycling or beneficial reuse.

611.02 Location requirements

Demolition waste facilities shall conform to all performance and site requirements of the County Zoning Ordinance, with location standards in Minnesota Rules (7035.2555 and 7035.2825) and shall not in any event be located on sites with the following features or characteristics:

- A. With karst features including sink holes, disappearing streams and cave;
- B. Within wetland areas;
- C. Within a flood plain;
- D. Within a shore land; or
- E. With a water table within five feet of the lowest fill elevation.

611.03 Design requirements

Demolition waste facilities shall be designed consistent with the requirements of Minnesota Rules 7035.2825 and the following:

- A. **Site preparation.** Site preparation must allow for orderly development of the site. Initial site preparation must include clearing and grubbing, top soil stripping and stock-piling, fill excavation, and if appropriate, drainage control structures and other design features necessary to construct and operate the facility.
- B. **Elevations.** The site must be developed in phases to achieve final fill elevations as rapidly as possible. The design of each phase must take into account weather conditions and site drainage and waste flow pattern into the site.
- C. **Surface water.** Surface water drainage must be diverted around and away from the fill areas.
- D. **Erosion prevention.** Slopes and drainage way must be designed to prevent erosion. Slopes longer than 200 feet must be interrupted with drainage ways.
- E. **Final slopes.** Final slopes for the fill area must be a minimum two percent (2%) and a maximum of twenty percent (20%).

611.04 Operation requirements

The following operation requirements, in addition to those requirements in Minnesota Rules 7035.2825, must be met at site where demolition waste is being stored:

- A. **Certified operator.** A certified operator must be present at all times the facility is open to accept waste.
- B. **Waste application.** The waste must be spread and compacted to the extent possible.
- C. **Monthly coverage.** The site must be covered at least monthly.
- D. **Cover material.** Suitable cover material must be maintained at the site.
- E. **Phasing.** Each phase must be staked for proper grading and filling.
- F. **Separation.** A minimum separation distance of 50 feet must be maintained between the fill boundaries and the site property line.
- G. **Demolition waste only.** Only demolition waste may be placed in the fill area.
- H. **Waste stored for reuse.** Waste at the site intended for reuse must be stored in accordance with Minnesota Rule 7035.2855, including preventing migration of contaminants into subsurface soils and waters, stormwater management sufficient to control runoff from a 24-hour, 25 -year storm, management of particulate matter subject to wind dispersion, and other nuisance or potential nuisance conditions.

611.05 Site closure

The demolition waste facility must meet the requirements of Minnesota Rules 7035.2825 and the following closure requirements.

- A. **Phase closure.** The owner or operator must close each phase as it reaches final waste elevation.
- B. **Final cover.** Final cover must consist of at least two (2) feet of soil capable of sustaining vegetative growth and preventing erosion from a 24-hour 10-year storm.
- C. **Inspections.** The site shall be inspected one (1) year after closure to determine if settlement and erosion problems exist.
- D. **Timely remedies.** All problems at the site must be corrected within thirty (30) days of the inspection.
- E. **Deed notation.** A notation must be placed on the property deed indicating the site use and location of the waste.

Chapter 612 Yard Waste Composting Facilities

612.01 License required

A license shall first be obtained from the Department before constructing, establishing, maintaining or operating a yard waste composting facility.

612.02 Backyard composting

Backyard composting sites are exempt from the provisions of this Chapter.

612.03 Location requirements

Yard waste composting facilities shall conform to all performance and site requirements of the County Zoning Ordinance, with location standards in Minnesota Rules (7035.2555 and 7035.2836) and shall not in any event be located on sites with the following features or characteristics:

- A. A site with karst features including sinkholes, disappearing streams and caves;
- B. Within wetland areas;
- C. Within a flood plain;
- D. Within a shore land; or
- E. With a water table within five (5) feet of the lowest fill elevation.

612.04 Operation requirements

Compost facilities must comply with the operation requirements in Minnesota Rule 7035.2836. Composted yard waste offered for use off-site or for the use of person other than the licensee must be produced by a process that encompasses turning of the yard waste on a periodic basis to aerate the yard waste, maintain temperatures, and reduce pathogens. The composted yard waste must contain no sharp objects greater than one (1) inch in diameter.

Chapter 613 Commercial Solid Waste Storage

613.01 License required

A license shall first be obtained from the Department before constructing, establishing, maintaining or operating a site that stores commercial solid waste for more than two (2) weeks, except as described in this Chapter.

613.02 State rule adopted

The owner and occupant of any premises, business establishment, or industry is responsible for the satisfactory storage of all solid waste accumulated at that premise, business establishment, or industry. Solid waste shall be stored in accordance with Solid Waste Rule 7035.0700. Solid Waste Rule 7035.0700 is hereby adopted by reference as part of this Ordinance.

613.03 Storing for reuse or recycling

Concrete, asphalt, or other material that has been separated for the purpose of recycling as part of the same project from which the material was demolished shall not be stored for more than six (6) months without obtaining a license from the Department.

613.04 Operation requirements

- A. **Certified operator.** A certified operator must be present at all times the facility is open to accept waste.
- B. **Performance requirements.** All performance requirements in other County ordinances must be met.
- C. **Reuse.** Waste at the site intended for reuse must be stored in accordance with Minnesota Rule 7035.2855 including preventing migration of contaminants into subsurface soils and waters, stormwater management sufficient to control runoff from a 24-hour, 25 -year storm, management of particulate matter subject to wind dispersion, and other nuisance or potential nuisance conditions.

613.05 Site closure requirements

Upon closure of a commercial solid waste storage site, the licensee shall be responsible for removal, recycling, or disposal of all solid waste from the site in accordance with the requirements of this Ordinance and the MPCA.

Chapter 614 Waste Tires

614.01 License required

A license shall first be obtained from the Department before the outside storage of waste tires in excess of five (5) waste tires within a parcel of ten (10) acres or less or twenty-five (25) waste tires within a parcel of more than ten (10) acres unless excluded as follows:

- A. **Retail operation.** A tire retailer with a maximum of five hundred (500) tires on site;
- B. **Re-treading.** A tire re-treading business if no more than three thousand (3000) waste tires are on site;
- C. **Motor vehicle service.** Other business which remove tires from motor vehicles if no more than five hundred (500) waste tires are on site; and
- D. **Agricultural.** A person using waste tires for agricultural use if kept on site.

614.02 Location requirements

Waste tire storage facilities shall conform to all performance and site requirements of the County Zoning Ordinance, with location standards in Minnesota Rules (7035.2555), and shall not in any event be located on sites with the following features or characteristics:

- A. **Wetlands.** Waste tires shall not be stored within a thousand (1000) feet of intermittent or permanent wetlands, streams, ponds, and lakes including shore land and flood plain areas.
- B. **Wooded areas.** Waste tires shall not be stored within a thousand (1000) feet of wooded areas and other areas in which trees, tree stumps and brush are located, which could harbor mosquito populations.
- C. **Health concerns.** Waste tires shall not be stored within one-half (1/2) mile of a known or suspected endemic area of mosquito-born viral encephalitis or other diseases.
- D. **At risk residence, businesses.** Waste tires shall not be stored within one-half (1/2) mile of susceptible persons, which shall include private residences, day care centers, schools, parks, and recreational facilities.

614.03 Operational requirements

Operational requirements shall meet the following standards, in addition to the requirements of Minnesota Rules 9220.0200-9220.0520.

- A. **Area.** Waste tires shall be confined to as small an area as practicable, with individual piles not more than twenty-five hundred (2500) square feet in area and twenty (20) feet in height.
- B. **Separation.** A minimum twelve (12) foot separation distance shall be provided between piles of waste tires to allow for truck and emergency vehicle access.
- C. **Fire prevention.** Adequate measures shall be provided to minimize the potential for tire fires.
- D. **Minimize standing water.** Waste tires shall be piled as to minimize the accumulation of stagnant water.
- E. **Adjacent property.** Waste tires shall be stored a minimum of fifty (50) feet from the adjacent property line.

- F. **Drainage.** Surface water drainage shall be diverted around and away from waste tire storage area.
- G. **Screening.** Adequate visual screening of waste tire storage areas from housing or public right-of-ways shall be provided by use of natural objects, such as trees, berms, fences, or other means deemed acceptable by the Department.
- H. **Removal and processing.** Collected and stored waste tires shall be removed for processing, reuse, and recycling, incineration, or final disposal on a regular basis to insure the total waste tire volume does not exceed the designated capacity or become a public health and safety hazard or nuisance.
- I. **Records.** Complete and accurate records of waste tire management shall be maintained and submitted to the Department with the operational report.
- J. **Burial prohibited.** Burial or surface disposal of waste tires is hereby prohibited.

614.04 Site closure requirements

Upon closure of a waste tire storage operation the licensee shall be responsible for removal of all waste tires and tire products from the site as approved by the Department and processed by an MPCA approved processing facility. A duplicate of MPCA approval shall be sent to the County Solid Waste Department.

Chapter 615 Appliances

615.01 License required

A license shall first be obtained from the Department before constructing, establishing, maintaining or operating an appliance storage facility for three or more appliances.

615.02 Location requirements

Appliance storage facilities shall conform to all performance and site requirements of the County Zoning Ordinance, with location standards in Minnesota Rules (7035.2555) and shall not in any event be located on sites with the following features or characteristics:

- A. **OHWL.** Appliances or their components shall not be located closer than seventy-five (75) feet from the ordinary high water mark of a wetland.
- B. **Shoreland.** Appliances or their components shall not be stored within three hundred (300) feet of any streams, ponds and lakes including shore land and flood plain areas.

615.03 Operation requirements

Appliance storage sites shall maintain the following minimum performance standards:

- A. **Certified technicians required.** All recycling activities or removal of hazardous substances must be performed by an appliance technician certified consistent with Minnesota Rules 7027.1100;
- B. **Prompt removal.** Refrigerants shall be properly removed upon arrival. Chlorofluorocarbon/Freon gases or other hazardous solutions or vapors used as refrigerants must be recycled or disposed of according to Minnesota Rules;
- C. **Motors and hazardous waste.** Motors shall be properly removed upon arrival. Switches and temperature gauges containing mercury shall be removed and managed as a hazardous waste;
- D. **PCBs.** Capacitors shall be properly removed upon arrival and polychlorinated biphenyls shall be removed and managed as a hazardous waste;
- E. **Bonding.** A bond shall be required for storage facilities to guarantee any future environmental remediation costs;
- F. **Time limit.** Storage shall not exceed six (6) months for any individual appliance; and
- G. **Burial prohibited.** Burial or surface disposal of appliances is hereby prohibited.

Chapter 616 Recycling Facilities

616.01 License required

A license shall first be obtained from the Board before constructing, operating, or installing a recycling facility.

616.02 Location requirements

Recycling facilities shall conform to all performance and site requirements of the County Zoning Ordinance, Minnesota Rules 7035.2845, and shall not in any event be located on sites with the following features or characteristics:

- A. A site with karst features including sinkholes, disappearing streams and caves;
- B. Within wetland areas;
- C. Within a flood plain;
- D. Within a shore land; or
- E. With a water table within five (5) feet of the lowest fill elevation.

616.03 Operation requirements

Recycling facilities shall meet the following standards, in addition to those established in Minnesota Rules 7035.2845.

- A. **Signage.** A sign, subject to the approval of the Department, shall be posted on the premises indicating the facility name, schedule of days and hours it is open to the public, and prices for use.
- B. **Records.** Records approved by the Department shall be maintained indicating the type and quantity of solid waste passing through the recycling facility.
- C. **Minimize nuisances.** The recycling facility shall be so situated, equipped, operated, and maintained so as to limit interference with other activities in the area.
- D. **Appearance.** The premises, entrances, and exits shall be maintained in a clean, neat, and orderly manner at all times.
- E. **Traffic.** All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe ingress and egress.
- F. **Unloading.** All unloading of solid waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside of the facility.
- G. **Other regulations.** Such other regulations as may be established by the Board in order to protect the health, safety, and welfare of the public.
- H. **Enclosed area.** All processing shall occur in an enclosed area.

Chapter 617 Commercial Tree And Brush Open Burning Sites

617.01 License required

A license shall first be obtained from the Department before operating a commercial tree and brush open burning site.

617.02 Location requirements

An open burning site shall conform to all performance and site requirements of the County Zoning Ordinance and township burning requirements and shall not in any event be located on sites within the following:

- A. 1,000 feet of an occupied building unless written permission is obtained from the building owner and occupant;
- B. 1,000 feet of a public roadway;
- C. One mile of an airport or landing strip unless written permission is obtained for the affected airport or landing strip;
- D. 300 feet of a stream, river, lake, or other water body unless berms or other measures are used to ensure that ash or organic material does not enter the water body; and
- E. 300 feet of a wetland as defined in Minnesota Rules 7035.0300, subpart 119.

617.03 Operation requirements

An open burning site shall be operated as follows:

- A. **Attendant.** A qualified attendant must be on duty at all times when the site is open for disposal of material to be burned and for the duration of any fire on the site;
- B. **Access.** Access to the site must be controlled through a gate that is locked when the attendant is not on duty;
- C. **Burning.** Burning and ash storage areas must be designated and maintained;
- D. **Surface water.** Surface water drainage must be diverted around and away from the burning and ash storage areas;
- E. **Prevent traffic hazard.** Burning must be conducted so that a traffic hazard is not created, prevailing winds are away from nearby residences and a nuisance does not result;
- F. **Notification.** Prior notice must be given to the local authority and if appropriate the DNR, of the time and duration of each burn;
- G. **Control of fire.** The fire must not be allowed to smolder with no flames present; and
- H. **Dust.** Fugitive dust emissions from access roads and the site must be controlled.

617.04 Site closure requirements

An open burning site shall be subject to the following closure requirements:

- A. **Unburned materials.** All unburned materials must be removed and disposed of through burning at another licensed burn site or by other methods allowed by applicable statutes, rules, and ordinances;
- B. **Restoration.** Areas affected by burning must be covered with soil and seeded to prevent erosion and to restore the site to a natural condition; and
- C. **Ash disposal.** All ash must be removed to a licensed or permitted solid waste land disposal facility or disposed of by other methods allowed by applicable statutes, rules, and ordinances.

Chapter 618 Electronics

Chapter intentionally left blank

Chapter 619 Prior Ordinance Repealed

619.01 Prior ordinance repealed

The prior Rice County Solid Waste Ordinance, dated December 22, 1992, is hereby repealed in its entirety.

Approved by the Rice County Board of Commissioners, this 8th day of November, 2005

Jim Brown

Chair, Rice County Board of Commissioners

ATTEST:

Gary Weirs

Rice County Administrator