

Hennepin County

Solid Waste Ordinances

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The following ordinances regulate solid waste management in Hennepin County:

[Ordinance #02 Solid Waste Disposal](#)

Establishes the standards for disposal of solid waste and the operation of solid waste facilities in Hennepin County.

[Ordinance #07 Hazardous Waste Management](#)

Establish rules, regulations, and standards, for hazardous waste management in Hennepin County.

[Ordinance #10 Solid Waste Surcharge](#)

Information about surcharges placed on municipal solid waste.

[Ordinance #13 Solid Waste Source Separation](#)

Regulates the separation of recyclable materials from solid waste.

[Ordinance #15 Solid Waste Management Fee](#)

Establishes the solid waste management fee, which funds environmental programs.

[Ordinance #17 Hauler Licensing](#)

Establishes rules, regulations and standards for the regional licensing of solid waste haulers.

[Ordinance #18 County Collected Solid Waste Fee](#)

Establishes authority for a Hennepin County collected solid waste fee to fund waste management programs.

Ordinance 2

SOLID WASTE DISPOSAL

FOR HENNEPIN COUNTY DEPARTMENT OF ENVIRONMENT AND ENERGY

Adopted by the
Hennepin County board of Commissioners
July 17, 1976

Amended on April 8, 1980
Amended on August 2, 1983
Amended on June 19, 2001

In accordance with
Minnesota Statutes, Section 473.811

- [1.00 General Provisions](#)
- [2.00 Standards for Health, Safety and Environmental Preservation](#)
- [3.00 Licensing](#)
- [4.00 Compost Facilities](#)
- [5.00 Land Disposal Facilities](#)
- [6.00 Processing Facilities](#)
- [7.00 Solid Waste Storage](#)
- [8.00 Transfer Facilities](#)
- [9.00 Waste Tire Facilities](#)
- [10.00 Wood Waste Facilities](#)
- [11.00 Administration and Enforcement](#)
- [12.00 Termination of Operation](#)
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- [14.00 Modification of Requirements](#)
- [15.00 Effective Date](#)
- [16.00 Severability](#)
- [17.00 Provisions are Cumulative](#)

Purpose

The purpose of this ordinance is to establish standards for disposal of solid waste within Hennepin County and the operation of solid waste facilities in Hennepin County, Minnesota, in accordance with Minn. Stat. § 473.811.

To accomplish this purpose, the ordinance sets forth:

- A. license requirements for the establishment and operation of a solid waste facility;
- B. design and construction requirements for solid waste facilities;

- C. insurance and performance bond requirements;
- D. solid waste facility operating requirements;
- E. requirements preventing illegal dumping;
- F. requirements establishing procedures to close open dumps;
- G. procedures for inspection of solid waste facilities and enforcement of this ordinance;
- and
- H. Violations and penalties for noncompliance.

1.00 GENERAL PROVISIONS

1.01 Administrative Procedures.

Provisions of the Hennepin County Ordinance Number One, County Licenses, Procedures-Criminal Penalty Ordinance that are not covered by this ordinance and do not conflict with provisions of this ordinance shall apply as if fully set forth herein.

1.02 Administration.

This ordinance shall be administered by the Hennepin County Department of Environment and Energy. The term "Department" where used in this ordinance and the Hennepin County Administrative Procedures Ordinance, shall mean the Hennepin County Department of Environment and Energy.

1.03 Definitions.

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

A. "Backyard compost site" means a site used to compost vegetative food scraps, garden wastes, weeds, lawn cuttings, leaves and prunings from a single family household, apartment building, or a single commercial office, by an owner occupant, or lessee of the property.

B. "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a closed Solid Waste Facility including removing contaminated equipment, removing liners, applying final cover, grading and seeding final cover, installing monitoring devices, constructing ground water and surface water diversion structures, and installing gas control systems, as necessary.

C. "Clean fill" means uncontaminated natural earthen material such as soil, sand, and gravel.

D. "Collection" when referring to solid waste, means the aggregation of solid waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a solid waste facility.

E. "Compostable material" means any material that is primarily organic and can be putrefied.

F. "Composting" means the controlled biological decomposition and management of selected solid waste to produce an innocuous, humus product-like material, which can be used as a soil conditioner.

G. "Composting Facility" means 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.

H. "Construction Debris" means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of building and roads.

I. "County" means Hennepin County, Minnesota.

J. "County Board" means the Hennepin County Board of Commissioners.

K. "Demolition Debris" means solid waste resulting from the demolition of buildings, roads, and other structures including but not limited to concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts, and other waste materials which have been approved in writing by the Department. Demolition debris does not include asbestos wastes.

L. "Demolition Landfill" means a facility used to dispose of construction debris and/or demolition debris in or on the land.

M. "Department" means the Hennepin County Department of Environmental Services.

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

O. "Hazardous Waste" means any refuse, sludge, or other waste materials or combinations of refuse, sludge, or other waste materials in solid, semi- solid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose 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 not limited to explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste does not include source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended.

P. "Industrial Solid Waste Landfill" means a facility used to dispose of industrial solid waste in or on the land.

Q. "Industrial Solid Waste" means solid waste resulting from an industrial, manufacturing, service, or commercial activity that is managed as a separate waste stream.

R. "Inert Material" means a material that normally displays no chemical activity except under special or extreme conditions to include non-compostable material remaining in a compost system after decomposition.

S. "Land Disposal Facility" means a facility used to dispose of solid waste in or on the land. Land disposal facilities include but are not limited to municipal solid waste landfills, demolition landfills, industrial landfills, and qualified clean fill landfills.

T. "Licensee" means the person who has been given written authority by the County Board or Department to carry out any of the activities for which a license is required under the provision of this ordinance.

U. "Major Modification" means a proposed change in a licensed solid waste facility that requires County Board Approval. The criteria are stated in Section 3.08 item B.

V. "MPCA" means the Minnesota Pollution Control Agency, its agents or representatives.

W. "MPCA Rules" means Minnesota Pollution Control Agency Solid Waste Management Rules.

X. "Municipal Solid Waste" means garbage, refuse and other solid waste from residential, commercial, industrial and community activities.

Y. "Municipal Solid Waste Landfill" means a site used for the disposal of municipal solid waste in or on the land.

Z. "Nonconforming Solid Waste Disposal Site or Facility" means a public or private solid waste disposal site or facility that does not hold a current license by the County and a current permit from the Minnesota Pollution Control Agency.

AA. "Open Dump" means a 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.

BB. "Operator" means the person or persons responsible for the operation of a solid waste facility.

CC. "Person" means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the Minnesota Pollution Control Agency.

DD. "Petroleum Contaminated Soil" means excavated soil which, because of its petroleum content, must be treated or disposed of according to the Minnesota Pollution Control Agency guidelines.

EE. "Postclosure" means actions taken for the care, maintenance, and monitoring of a Solid Waste Facility after closure that will prevent, mitigate, or minimize the threat posed to public health and the environment posed by the closed Solid Waste Facility. This process continues until it is determined by the County to be no longer necessary.

FF. "Processing" means the treatment of solid waste after collection and before disposal. Processing includes but is not limited to reduction, separation, exchange, resource recovery, physical, chemical, or biological modification.

GG. "Processing Facility" means a site used to process solid waste.

HH. "Public Nuisance" means the creation of acts or conditions that unreasonably annoy, injure, or endanger the safety, health, comfort, or repose of any number of members, of the public.

II. "Putrescible Material" means solid waste which is capable of becoming rotten and which may reach a foul state of decay or decomposition.

JJ. "Qualified Clean Fill" means uncontaminated concrete, brick, or inert materials, less than eighteen (18) inches in any dimension approved for beneficial use by the Department and the Minnesota Pollution Control Agency.

KK. "Qualified Clean Fill Landfill" means utilization of qualified clean fill for a beneficial land use project.

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

MM. "Salvaging" means the controlled and authorized removal of waste materials from a licensed solid waste facility.

NN. "Sewage Sludge" means the solids and associated liquids in municipal wastewater, which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerated residues and grit, scum, or screening removed from other solids during treatment.

OO. "Sludge" means any solid, semi-solid, or liquid waste generated from a commercial, or industrial wastewater treatment plant, water supply treatment plant, or air contaminant treatment facility, or any other waste having similar characteristics and effects.

PP. "Solid Waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, construction, demolition, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as slit, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources, subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

QQ. "Solid Waste Facility" means a facility used for processing or disposal of solid waste in Hennepin County. Solid waste facilities include but are not limited to compost facilities, land disposal facilities, transfer facilities, processing facilities, waste tire facilities.

RR. "Solid Waste Storage" means the holding of solid waste for more than 48 hours in quantities equal to or greater than ten cubic yards.

SS. "Transfer Facility" means an intermediate solid waste facility in which solid waste collected from any source is temporarily deposited to await transportation to another solid waste facility.

TT. "Unprocessed Waste" means municipal solid waste that has been certified as unprocessable by the Department, or municipal solid waste that has been transferred to a Land Disposal Facility from a Processing Facility where it has been certified as unprocessable by the operator and no other Processing Facility in the metropolitan area is capable of processing the municipal solid waste.

UU. "Waste" means solid waste, sewage sludge, and hazardous waste.

VV. "Waste Tire" means any tire that is no longer suitable for its original intended purpose because of wear, damage, or defect, or has been discarded.

WW. "Waste Tire Facility" means a solid waste facility where more than 500 waste tires or an equivalent amount of tire derived products are collected, deposited, stored, or processed. The temporary storage of waste tires or tire derived products at the site of final use does not make the site a waste tire facility.

XX. "Waste-to-Energy Facility" means a facility where solid waste is converted to energy.

YY. "Wood Waste" means chemically untreated wood pieces. Such materials may include but are not limited to tree waste (greater than four inches in diameter), stumps, untreated lumber, and untreated wood pallets. Wood waste does not include wood

pieces or particles containing or treated with chemical additives, glue, resin, or chemical preservatives.

ZZ. "Wood Waste Site" means a location, one acre or larger in size, where wood waste is processed.

AAA. "Yard Waste" means the garden wastes, leaves, lawn cuttings, weeds, prunings, shrubs, and tree waste (less than four inches in diameter) generated at residential or commercial properties.

1.04 Compliance.

No person shall cause or permit the disposal, or processing of solid waste, or construct or operate solid waste facilities, except in full compliance with the provisions of this ordinance, including but not limited to all provisions requiring full disclosure of information regarding such disposal, or processing.

1.05 Conditions.

The Department may impose conditions on any license, permit or variance as deemed necessary to monitor the operation and ensure the public health and safety. Violation of any condition imposed by the County on a license, permit, or variance shall be deemed a violation of this ordinance and subject to the penalty provisions set forth in this ordinance.

1.06 False Information.

Omission of any information or submission of false information may be deemed a violation of this ordinance or may be deemed a violation of Minnesota statutes.

1.07 Prohibitions.

A. Unprocessed municipal solid waste. No facility required to be licensed by this ordinance may accept unprocessed municipal solid waste for final disposal in violation of Minn. Stat. § 473.848, Subdivisions 1 and 5. Solid waste facilities shall maintain records accessible to County representatives documenting compliance with the provisions of this subsection and pursuant to Section 3.07 subsections N and O of this ordinance. Conditions governing disposal or processing shall not apply to solid waste or its residue that is properly transported out of Minnesota for disposal or processing unless flow control is authorized at the federal level.

B. Shoreland. No person shall authorize or allow the filling or trenching of any solid waste facility within the shoreland or wetlands of land under his or her control as owner, lessee, or otherwise.

C. Open Dumps. No person shall operate an open dump.

1. Waste placed in open dumps or illegally disposed of shall be collected and transported to a licensed solid waste facility for proper disposal by the property owner or other person(s) determined by the Department to be responsible for the illegal activity. The responsible person

shall notify the Department at least 48 hours prior to commencement of excavation/removal activity at the subject site. A receipt or other documentation approved by the Department, which indicates satisfactory and legal disposal of the subject solid waste shall be submitted to the Department no later than 14 days after disposal.

2. Open dumps may submit a closure plan to the Department for approval. Closure plans shall be in compliance with MPCA rules and any other requirement deemed necessary by the Department.
3. Effective means must be taken, if necessary, to control flies, rodents, and other insects, or vermin.
4. Implementation of a water-monitoring program may be required by the Department based on the open dump's potential to adversely affect the public's health and the environment. Any required water-monitoring program shall be in accordance with MPCA rules, guidelines, procedures and policies. Plans to protect the ground and surface water shall be approved by the Department prior to implementation.
5. Surface water must be diverted around and away from the open dump.
6. Remove all containerized liquids, hazardous waste, and other items specified by the Department for proper processing or disposal. Recyclable materials shall be removed and processed if feasible.
7. The owner of the property on which the open dump is located, shall place on record an instrument with the Hennepin County Recorder, in a form prescribed by the Department placing the public on notice of the existence and location of the open dump and of the obligations placed upon parties holding an interest in the property and the restrictions which may affect the use of the property.
8. Waiver. The Department may waive any of the closure requirements of this ordinance, provided such waiver does not violate Department rules or create a Public Nuisance.

2.00 STANDARDS FOR HEALTH, SAFETY, AND ENVIRONMENTAL PRESERVATION

2.01 Standards Adopted.

Pursuant to Minn. Stat. § 375.51 Subd. 3, the County includes by reference current Minn. Rules 7001.3050 subp. 3 item A, 7035.0300 to 7035.2885, 7037.0100 to 7037.3700, 9220.0110 to 9220.0300 and 9220.0450 to 9220.0510, inclusive, relating to solid waste, petroleum soil contaminated soil management and waste tire management, respectively, along with new rules or updated version of the rules promulgated after adoption of this ordinance, and any updated versions of such rules as further adopted after adoption of this ordinance. Such standards include such other Minn. Rules as identified in respective facility section in the remainder of this ordinance. Failure to list or reference a specific state rule or updated rule shall not invalidate its application in relationship to this ordinance.

2.02 State Rules As Read.

The above State Rules are hereby modified to be read in this ordinance as follows:

A. Wherever the terms “Minnesota Pollution Control Agency,” “MPCA,” or “Agency,” appear in these adopted Rules, they shall be held to mean the “Department.”

B. Wherever the terms “Director” or “Commissioner” appear in these adopted Rules, they shall be held to mean the “Department.”

C. When referring to any solid waste facility except a qualified clean fill landfill, wherever the terms “permit,” “permittee,” “permitting,” or “permitted” appear in these adopted Rules, they shall be held to mean “license,” “licensee,” “licensing,” or “licensed.”

D. Wherever the terms “Minnesota” or “State of Minnesota” appear in these adopted Rules, they shall be held to mean “Hennepin County.”

E. Wherever the term “Minnesota Waste Management Board” or “Board” appears in these adopted Rules, it shall be held to mean the “Department.”

F. Wherever the term “Chair” appears in these adopted Rules, it shall be held to mean the “Department.”

3.00 LICENSING

3.01 License or Permit Required.

A solid waste facility license, from the County Board or Department is required to establish, operate, or maintain a compost facility, land disposal facility, processing facility, solid waste storage facility, transfer facility, waste tire facility and a wood waste facility. A permit is required, from the County Board or the Department to establish, operate or maintain a qualified clean fill landfill.

Unless otherwise provided by this ordinance, no person shall, within Hennepin County:

A. Dispose of solid waste except at a solid waste facility licensed or permitted by the County Board or the Department;

B. Allow property or land under his or her control to be used for disposal of solid waste unless licensed or permitted by the County Board or the Department to do so;

C. A solid waste facility shall be licensed or permitted until closure is complete as approved by the Department;

D. If a solid waste facility can be classified as more than one of the types defined by this ordinance, the facility shall be licensed according to its primary function as determined by the Department. Requirements for the additional solid waste facility types shall also be satisfied.

3.02 Licensing Not Exclusive.

The obtaining of a solid waste facility license or permit shall not be deemed to exclude the necessity of obtaining other appropriate licenses or permits except as expressly provided herein. Compliance with the provisions of this ordinance shall not relieve any person of the need to comply with any and all other applicable rules, regulations, and laws.

3.03 Fees.

A. The County Board shall by resolution establish fees, including fees for the initial license, permit, and renewal of licenses for facilities.

B. The County Board, by resolution, establishes such other fees as may be necessary for the administration of this ordinance.

C. Fees for new licenses and permits are due upon submittal of an application for a license or permit to the Department. Fees for the renewal of licenses are due thirty (30) days prior to the expiration of the current license. As used herein, fees include license fees, permit fees, application fees, and such other fees as may be prescribed by the County Board.

3.04 License Term.

Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance shall be non-transferable and shall be for a period of not more than one year.

The license year for solid waste facilities shall be from July 1 through June 30.

3.05 License or Permit Application.

A. Applications for license, permits or license renewals shall be submitted to the Department, on forms provided by the Department. Applicants shall provide all information as required for the administration of this ordinance.

B. The application for a solid waste facility license or permit shall include:

1. A copy of the applicant's MPCA application materials: if the applicant has received a permit-by-rule from the MPCA, application requirements provided in Minn. Rule 7035.1800 (Permit Application and Required Plans) shall be submitted to the Department.
2. The initial application for licensing a solid waste facility shall include the documentation required by Minn. Rules 7035.2625 through 7035.2655 (Closure, Closure Procedures, Postclosure Care and Use of Property). The documentation shall establish financial assurance for the closure and postclosure of the solid waste facility, including funding procedures, a description of the funding method, and the value of the funding which assures that closure and postclosure activities of the solid waste facility will take place.
3. A Fire Protection Plan: The plan shall be a formal written plan, approved by the Fire Chief of the fire protection agency responsible for the solid waste facility. The plan shall detail procedures for fire protection, including fire suppression equipment, the number of facility employees available to respond to a fire, training of employees, and other information as required by the Fire Chief.

4. A Litter Control Plan: The plan shall be a formal written plan, approved by the Department detailing what measures will be taken to prevent and re-mediate the effects of waste material that is scattered on or off-site.
5. A Vermin Control Plan: The plan shall be a formal written plan, approved by the Department detailing how vermin will be controlled on-site.
6. An Odor Control Plan: The plan shall be a formal written plan, approved by the Department outlining how odors will be controlled on-site.
7. Municipal Approval: The applicant shall provide written proof that the local municipal government where the proposed solid waste facility is to be situated has considered and authorized establishment of the facility.
8. Property Identification Number: The property identification number (PID) of the parcel or parcels where the licensed or permitted activity actually take place.

C. Applicants for a solid waste facility license shall not commence any construction or operation until the initial license application has been approved by the County.

3.06 Incomplete or Non-Conforming Application.

If an application for a solid waste facility license, permit or license renewal is not complete or otherwise does not conform with the requirements set forth in this ordinance, the Department shall advise the applicant in writing of the reasons for non-acceptance within sixty (60) days of the application receipt. The Department may request that the applicant resubmit, modify or otherwise alter the application. The applicant shall comply with such requests within the time specified by the department.

3.07 Standard Licensing Conditions.

Solid waste facilities must comply with the following conditions:

- A. Operations shall be in conformance with all requirements of the MPCA permit and all applicable ordinances, statutes, rules and regulations.
- B. Subsequent disposal of municipal solid waste shall be at a solid waste facility(ies) for which all applicable state, county, and municipal permits(s)/license(s) have been issued. Upon request by the Department, the licensee shall provide all said copies of permits(s)/license(s).
- C. The County shall set capacity limits on the facility, taking into account site location, size of the facility, surrounding properties, hydrology, site facilities and waste type.
- D. Source-separated recyclables shall not be accepted except for recycling or transfer to a recycler unless it is determined that no other person is willing to accept the recyclable materials as provided in Minn. Stat. § 115A.95.
- E. Operational hours for all licensed facilities shall be approved by the Department.
- F. The licensee shall notify the department at least 60 days prior to implementing any major modifications.

G. Licensee shall immediately notify the Department of all hazardous, infectious, or radioactive materials delivered to licensee's solid waste facility. A "Waste Inspection/Incident Report" shall be completed and sent to the Department within 48 hours of discovery of the waste. The "Waste Inspection/Incident Report" is available and shall be provided by the Department upon request.

H. The required license fee shall be paid before the license is issued.

I. A performance bond or letter of credit consistent with written County policy shall be submitted before the license is issued.

J. Proof of insurance consistent with written County policy shall be provided before the license is issued. The County policy is available and shall be provided by the Department upon request.

K. The licensee shall enact and comply with the Fire Control Plan, Litter Control Plan, and the Odor Control Plan, as approved by the Department.

L. A copy of the MPCA annual report shall be submitted with all requested information provided.

M. Copies of all inspection reports received from state and local agencies shall be submitted to the Department.

N. Reports shall be submitted on Department approved forms, which indicate the amount of waste brought in by date, hauler, origin of waste by county, Hennepin County Vehicle ID Number (if available), amount and type of products removed from waste, and the amount of outgoing materials and their ultimate destination.

O. The County shall be permitted to access business records and the licensee shall fully cooperate with all County requests for documents. A business record includes but is not limited to a memorandum, report, record, or data compilation, in any form.

P. The County shall be permitted to access and inspect all areas of the solid waste facility, including but not limited to vehicles, containers, and storage areas.

Q. The Department shall have discretion to impose additional requirements in order to protect public health and safety.

3.08 Renewal.

A. Each license granted shall expire annually at midnight on June 30th, unless otherwise provided by the County Board. The Department shall mail an annual license renewal notice to all licensees by March 1st. Applications for license renewal shall be made in writing to the Department by April 1st. Failure to apply for a license renewal by April 1st, shall serve as intent to begin closure of the solid waste facility at the end of the current year. Applications for license modification or license renewal received after April 1st, shall be considered late and subject to a late application fee.

B. An application for renewal shall include any changes in the information submitted in the last approved license application. Major modifications planned for the new licensing period must also be noted in the information submitted to the Department. The Department shall use the following criteria to determine major modifications:

1. Potential for significant environmental and/or public health impact.
2. Change in the type(s) or quantity(ies) of waste accepted.
3. Change in the waste management method or addition of a new waste management method used at a site or solid waste facility.

C. Failure to submit such information is grounds for revocation or for denial of license renewal by the Department. If there are no changes, this fact shall be stated in the renewal application.

D. Facility license renewal applications shall be subject to approval of the Department. If the Department does not act on a facility license renewal application, which is complete and submitted on time, the current license shall continue in force until action is taken.

3.09 Denial.

Failure by the County to act on an initial solid waste facility application within one hundred twenty (120) days from the date of receipt of a completed application, shall constitute grounds for the applicant to request a hearing. The request for a hearing shall be governed by Section 11.10 of this ordinance. Failure to act shall be construed as denial without prejudice.

3.10 Performance Bonds.

Unless otherwise provided by the County Board and/or the Department, issuance of a solid waste facility license, pursuant to the provisions of this ordinance, shall be contingent upon the applicant furnishing to the Department a bond or letter of credit naming the County as the obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The amount of the bond or letter of credit shall be set by the Department according to the following formula:

A. Estimated cost, submitted by the applicant and approved by the Department, for a third party contractor, unrelated to the applicant or to Hennepin County, to properly dispose of the maximum inventory of solid wastes that will be on-site at any one time, and to decontaminate the facility and all equipment in the facility, or dispose of any equipment that cannot be decontaminated, and to perform any other activities necessary to ensure that the facility does not pose a threat to human health or the environment.

B. And an additional thirty (30) percent of such unanticipated expenses and administrative costs that the County might incur.

The condition of such bond or letter of credit shall be that, if the principal fails to obey any of the requirements or do any of the acts required by this ordinance, an order or

notice issued by the Department, or conditions of the license in the operation of the site or facility; or if for any reason ceases to operate or abandons the site or facility, and the County determines that chemical analysis and/or testing and remediation are required to restore the site or facility to the condition and requirements as provided by the ordinance, notice, order, or license, the principal and the sureties on its bond shall pay for any and all expenses required for chemical testing and to remedy the failure of the principal to comply with the terms of the ordinance, orders or notices of the Department, or conditions of the license; and that the principal and its sureties will indemnify and save the County harmless from all losses, costs and charges that may occur to the County because of any default of the principal under the terms of his or her license to operate and the ordinance of the County. In the event the County is required to expend monies or expend any labor or material to restore the site or facility to the condition or requirements as provided by this ordinance, order or notice by the Department, or license, the principal and the sureties shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with the terms of this ordinance, orders or notices of the Department or conditions of the license. The applicant may satisfy the requirements of this section by demonstrating that they pass a financial test as specified in Minn. Rule 7035.2750, the terms of which will be set on a case by case basis by the Department. For facilities permitted by the Agency or having interim status, or otherwise required by the Agency to establish financial assurance for closure or corrective action, the license applicant in lieu of the above shall submit to the Department for review satisfactory evidence of compliance with the Agency's financial assurance requirements As specified in Minn. Rules 7035.2695.

3.11 Insurance.

Unless otherwise provided by the County Board and/or the Department, issuance of a license or permit to a facility shall be contingent upon the applicant furnishing to the County a certificate of insurance showing that the applicant maintains the following minimum coverages:

A. A commercial general liability insurance policy covering all premises and operations with limits of not less than \$1,000,000 for personal injuries arising from one occurrence, \$1,000,000 for damages arising from death and/or total bodily injuries arising from one occurrence and \$1,000,000 for property damage arising from one occurrence or a combined single limit thereof, with a \$2,000,000 annual aggregate.

B. An automobile liability insurance policy, if applicable, with limits of \$1,000,000 per accident for death or bodily injury and/or damages to any one person, \$1,000,000 for total bodily injuries and/or damages arising from any one accident and with limits of not less than \$1,000,000 per accident for property damage.

C. Workers compensation coverage at the statutory limits (or written confirmation that the applicant is a qualified self-insured or is otherwise exempt under Minn. Statute § 176.041.).

4.00 COMPOST FACILITIES

4.01 General Requirements.

The general requirements and standards for a compost facility shall be in accordance with Minn. Rules 7035.2525 through 7035.2655 (Facility General Technical Requirements)

4.02 Design and Construction Requirements.

Compost facilities shall be designed and constructed in accordance with Minn. Rules 7035.2836.

4.03 Operating Requirements.

Compost facilities shall be operated in accordance with Minn. Rules 7035.2836 Subp. 3 (Yard Waste Compost Facilities), 7035.2836 Subp. 5 (Solid Waste Compost Facilities).

4.04 Exemptions.

Backyard compost sites shall be exempt from Section 4.00 of this ordinance if the following criteria are met:

A. Operations at the site shall not create a public nuisance or any conditions that adversely affect the environment or public health.

B. Operations at the site shall not violate state or local laws, ordinances, rules, or regulations.

4.05 Compliance.

Failure to comply with the requirements of this section is a violation of this ordinance and is subject to penalties and enforcement actions provided in Section 13.00 of this ordinance.

5.00 LAND DISPOSAL FACILITIES

5.01 General Requirements.

The general requirements and standards for solid waste land disposal facilities shall be in accordance with Minn. Rules 7035.2525 through 7035.2655 (Facility General Technical Requirements)

5.02 Design and Construction Requirements.

Land disposal facilities shall be designed and constructed in accordance with Minn. Rules 7035.2815 (Municipal Land Disposal Facilities), 7035.2825 (Demolition Debris Land Disposal Facilities), and 7035.1590 through 7035.2500 (Industrial Solid Waste Land Disposal Facility Abandonment). Pursuant to Minn. Rules 7035.2825 subp. 10, a hydrogeologic survey is required, unless a risk assessment determines that a hydrogeologic survey is not needed.

5.03 Operating Requirements.

Land disposal facilities shall be operated in accordance with Minn. Rules 7035.2815 (Municipal Solid Waste Land Disposal Facilities), 7035.2825 (Demolition Debris Land Disposal Facilities), and 7035.1590 through 7035.2500 (Industrial Solid Waste Land Disposal Facility Requirements). In addition, the following operating requirements apply:

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

B. Industrial solid waste shall be disposed of in accordance with the current "MPCA Industrial Waste Management Plan". Written permission must be obtained from the Department prior to co-disposal and segregated disposal of applicable waste.

C. Salvaging shall be allowed only when approved in writing by the Department.

D. Animal feeding within the site is prohibited.

E. Paper, plastic, cardboard, cans, bottles, tires, appliances, vehicles, or other materials not specifically defined as construction or demolition debris in subsection 1.03, items H and K, shall not be deposited in a demolition landfill.

5.04 Exemptions.

A qualified cleanfill landfill shall be considered exempt from Sections 5.01, 5.02 and 5.03 of this ordinance if all of the following criteria are met:

A. It is a qualified clean fill landfill as defined by subsection 1.03 item KK.

B. Application for a "qualified clean fill landfill" shall be reviewed and approved by the Department before initiation of fill activities..

C. Operations of the "qualified clean fill landfill" are in accordance with departmental instructions. Applicants will receive operating instructions upon approval of the initial application

D. Qualified clean fill landfills exempted under subsection 5.04 item A, shall comply with the following provisions unless specifically waived by the Department;

1. The site shall be managed to eliminate any potential hazards to the environment and surrounding populations.
2. Only clean fill or qualified clean fill as defined in subsection 1.03 items C and JJ shall be deposited on the site.
3. Two (2) feet of final cover shall be applied to the site within one-month termination of the fill.
4. The site shall have a slope of 2 to 25 percent to promote surface water drainage.
5. Vegetation shall be established on site upon application of final cover material. If the site is terminated during the winter months, vegetation shall be established immediately the subsequent spring after termination of filling.

6. All qualified clean fill landfills shall comply with all applicable State, County and local rules and regulation.
7. The qualified clean fill landfill shall not be open for general public use.

6.00 PROCESSING FACILITIES

6.01 General Requirements.

The general requirements and standards for processing facilities shall be in accordance with Minn. Rules 7035.2525 through 7035.2655.

6.02 Design and Construction Requirements.

Processing facilities shall be designed and constructed in accordance with Minn. Rules 7035.2855 (Solid Waste Storage Standards), and 7035.2875 (Refuse-Derived Fuel Facilities).

6.03 Operating Requirements.

Processing facilities shall be operated in accordance with Minn. Rules (Solid Waste Storage Standards), and 7035.2875 (Refuse- Derived Fuel Facilities).

7.00 SOLID WASTE STORAGE

7.01 General Requirements.

Solid waste storage shall be in compliance with Minn. Rule 7035.2855.

7.02 Design and Operational Requirements.

Solid waste storage shall be in accordance with Minn. Rule 7035.2855 Subp. 3.

8.00 TRANSFER FACILITIES

8.01 General Requirements.

The general requirements and standards for Transfer facilities shall be in accordance with Minn. Rules 7035.2525 through 7035.2655.

8.02 Design and Construction Requirements.

Transfer facilities shall be designed and constructed in accordance with Minn. Rule 7035.2865 (Solid Waste Transfer Facilities).

8.03 Operating Requirements.

Transfer facilities shall be operated in accordance with Minn. Rule 7035.2865 Subp. 4 (Solid Waste Transfer Facilities). In addition, the following operating requirements apply:

A. Unloading and loading of solid waste shall be done inside an enclosed structure. Facilities currently operating outside of an enclosed structure shall provide the Department with plans, within 120 days of adoption of this ordinance by the County Board, to enclose the structure within two years

B. All solid waste from vehicles shall be unloaded completely within the structure. If there is insufficient capacity within the facility to completely unload a vehicle, the vehicle shall not be unloaded until there is adequate space for proper unloading procedures within the structure.

C. Solid waste transfer facilities shall be equipped with a scale and all solid waste transactions shall be weighed, recorded and submitted to the Department.

9.00 WASTE TIRE FACILITIES

9.01 Design and Construction Requirements.

Waste tire facilities shall be designed and constructed in accordance with Minn. Rules 9220.0100 through 9220.0935.

9.02 Operating Requirements.

Waste tire facilities shall be operated in accordance with Minn. Rules 9220.0100 through 9220.0935. In addition, the following operating requirements apply:

A. Persons who produce or otherwise accumulate waste tires in the course of their business shall keep records concerning their waste tire management. Such records shall include, but not necessarily be limited to:

1. The volume of waste tires generated;
2. Identification of transporters, disposers, and processors utilized by said person or their agents.
3. Dates and quantities of waste tire shipments, disposal or processing.

B. Documentation verifying the proper management of such waste tires and such other information or data requested by the Department shall be maintained to ensure the proper management of waste tires.

10.00 WOOD WASTE FACILITIES

10.01 General Requirements.

The general requirements and standards for a wood waste facility shall be in accordance with Minn. Rules 7035.2525 through 7035.2655.

10.02 Operating Requirements.

Wood waste facilities shall be operated in accordance with the following operating requirements:

A. A sign shall be posted at the entrance of the facility, stating the hours of operation and acceptable materials.

B. The facility shall have sufficient security to control access to the site.

C. Unacceptable materials left at the facility shall be removed and properly disposed of within a reasonable time period of discovery.

D. The licensee shall maintain the site so that it is free of litter.

E. Prior to beginning operations the licensee shall submit a Fire Protection Plan that has been approved by the local Fire Marshal of the Fire Protection Agency responsible for the solid waste facility. The plan shall detail procedures for fire protection, including fire suppression equipment, prescribed fire lanes and fire breaks, the number of facility employees available to respond to a fire, training of employees and other information required by the local Fire Marshal.

11.00 ADMINISTRATION AND ENFORCEMENT

11.01 Duties of the Department.

The Department shall be responsible for the administration and enforcement of this ordinance. The Department's duties shall include, but not be limited to, the following:

A. Receive and review facility license, permit or license renewal applications, recommend action on initial facility license applications for facility licenses issued by the County Board, issue facility license renewals, issue facility permits.

B. Inspect solid waste facilities as provided in this ordinance and investigate complaints of violations of this ordinance.

C. Recommend that legal proceedings be initiated by the County to compel compliance with the provisions of this ordinance.

D. Advise, consult, and cooperate with other governmental agencies in the furtherance of this ordinance.

E. Evaluate proposals, collect data, and make recommendations on processing methods which impact waste streams and licensing of waste facilities.

11.02 Right of Entry.

Whenever necessary to perform an inspection to enforce any of the provisions of this ordinance, or whenever the Department has reasonable cause to believe that solid waste exists in any building or upon any premises, the Department or its authorized agent may enter such building or premises at all reasonable times to inspect the same

or to perform any duty imposed upon the Department by this ordinance, provided that if such building or premises be occupied, the authorized agent shall first present proper credentials and demand entry; and if such building or premises be unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry including, but not limited to, administrative search warrants.

11.03 Orders and Notices.

Whenever the Department or its authorized representatives shall find in any building or on any premises solid waste whether at a site or facility for which a license or permit has been granted by the County or where no such license or permit has been issued, the Department shall issue such orders as may be necessary for the enforcement of this ordinance governing and safeguarding the health, welfare and safety of the public.

11.04 Compliance.

Any person within the County who shall store, deposit, keep, accumulate, process, treat, reclaim, dispose of, or otherwise handle, process, or dispose of solid waste in violation of this ordinance, or who shall permit such solid waste to exist on premise(s) under his or her control or who shall fail to take immediate action to abate the existence of the solid waste when ordered or notified to do so by the Department shall be guilty of a misdemeanor. Any order or notice issued or served by the Department shall be complied with by the owner, operator, occupant, or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance depending upon the nature of the solid waste and the danger created by the violation. In cases of immediate danger to the health, welfare and safety of the public, immediate compliance shall be required. Such compliance shall be by both owner(s) and occupant(s).

11.05 Inspection.

Inspection and evaluation of solid waste facilities, or other sites where the Department has reason to believe solid wastes have been present shall be made by the Department to ensure compliance with the provisions of this ordinance. The owner, operator, or occupant shall be provided with written notice of any deficiencies, recommendations for their correction and the date by which the corrections shall be accomplished. The owner, operator, or occupant shall allow the Department or its authorized agent access for the purposes of making such inspections as may be necessary to determine compliance with the requirements of this ordinance. The owner, operator, or occupant shall provide requested samples of waste, free of charge, to the Department to allow for appropriate tests. The owner, operator, or occupant also shall allow the Department, free of charge, to take samples and do tests, as appropriate, of soils, surface waters, ground waters, air, raw materials, products, or other material or residual present at, or emanating from the site, if such samples and tests will demonstrate whether the owner, operator, or occupant is in compliance with this ordinance. Because it is not always manifest to the eye or other senses that solid waste or constituents of solid waste are present, the Department shall not be required to have overt or obvious reason to believe

a violation has occurred or that solid waste or constituents indicating mismanagement of solid waste are present to take samples of wastes and other materials, as described, and do tests and monitoring as required via appropriate methods and instrumentation. The Department need only have reasonable belief that solid waste has been present at the site to take samples and do tests. The owner, operator, or occupant shall allow free access at reasonable times to inspect and copy, at a reasonable cost all business records related to an owner's, operator's, or occupant's processing and disposal of solid waste. The owner, operator, or occupant shall allow the Department to record and document its findings in any reasonable and appropriate manner including, but not limited to, notes, photographs, photocopies, readouts from analytical instruments, videotapes, audio recordings, and computer storage systems or other electronic media. When requested by the Department, photocopies of records shall be provided at a reasonable cost.

11.06 Financial Assurance.

Whenever the Department has reasonable cause to believe that solid waste has been mismanaged by a person upon any premises, the Department may require that person to demonstrate to the satisfaction of Hennepin County the availability of adequate financial resources for cleanup as described in Minn. Rules 7035.2695. When a facility site becomes tax delinquent the Department may order its owner, operator, or occupant to provide financial assurance in the form of a bond or letter of credit naming the County as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The amount of the bond or letter of credit shall be set by the Department according to the following formula:

1. Estimated cost, for a third party contractor, unrelated to the owner or operator or to Hennepin County, to dispose of the solid wastes on-site and to decontaminate the site, and to perform any other activities necessary to ensure that the site does not pose a threat to human health or the environment;
2. And an additional thirty (30) percent to cover unanticipated costs and administrative costs that the County might incur.

11.07 Revocation of License.

Any license issued by the Department or the County Board pursuant to this ordinance may be revoked by the issuer for a serious, deliberate, or repeated violation of any provision of this ordinance that threatens the public health and safety and/or the environment. Revocation shall not occur earlier than ten (10) calendar days, exclusive of the day of service, after written notice of revocation has been served on the licensee. Such written notice shall contain the effective date of revocation, the nature of the violation or violations constituting the basis for the revocation, and the facts which support the conclusion that a violation or violations have occurred, and a statement that if the licensee desires a hearing they may, within ten (10) calendar days, exclusive of the day of service, file a written request with the Department. Failure within 10 days of notice to request a hearing shall allow revocation. If a hearing is requested, the revocation shall be stayed pending the outcome of the hearing and issuance of the Department order identifying the outcome of the hearing.

11.08 Suspension of License.

Any license required under this ordinance may be suspended for not longer than sixty (60) days by the issuer for violation of any provision of this ordinance. Suspension shall not occur earlier than ten (10) calendar days, exclusive of the day of service, after written notice of suspension has been served on the licensee. Such written notice shall contain the effective date of suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred and a statement that, if the licensee desires a hearing they may, within ten (10) calendar days, exclusive of the day of service, file a written request with the Department. Failure within ten days of the notice to request a hearing, shall allow revocation. If a hearing is requested, the suspension shall be stayed pending outcome of the hearing and issuance of the Department order identifying the outcome of the hearing.

11.09 Summary Suspension of License.

A. If the Department finds an immediate threat to the public health, safety or welfare requires emergency action and incorporates a finding to that effect in its order, a summary suspension of a license may be ordered by the Department upon notification of the County Attorney's Office and the County Board. Written notices of such summary suspensions shall be served personally on the licensee or by registered or certified mail to the licensee at the address designated in the license application.

B. The written notice in such cases shall state the date of the suspension, the nature of the violation or violations requiring emergency action, and facts supporting said conclusion statement that, if the licensee desires a hearing they may file a written request with the Department within 10 days. Failure to request a hearing shall constitute a suspension of the license. If a hearing is requested, a hearing will be held as soon as possible and following the hearing a Department order identifying the outcome of the hearing shall be issued. The Department review shall be conducted pursuant to Section 11.10 of this ordinance.

C. Upon written notification from the licensee that all the violations for which the summary suspension was invoked have been corrected, the Department shall re-inspect the site, facility, or activity within a reasonable length of time, but in no case more than three (3) working days after receipt of the notice from the licensee. If the Department finds on such re-inspection that the violation or violations constituting the grounds for suspension have been corrected, the Department shall immediately terminate the suspension by written notice to the licensee and the County Board.

D. If a hearing is requested, the summary suspension shall not be stayed pending the outcome of the hearing.

11.10 Hearings.

Whenever a hearing is requested in regard to an application, renewal, suspension or revocation of a license, the procedure shall be governed by the following:

A. Hearing Officer. The hearing shall be before an impartial hearing officer who shall conduct the hearing on behalf of the County Board. The Department shall ascertain the availability and timeliness of scheduling the hearing through the Office of Administrative Hearings and schedule the hearings. If it is determined that a prompt hearing is not readily available through the Office of Administrative Hearings, the Department shall appoint an individual to act as the hearing officer, prescribe the duties of the hearing officer and schedule the hearing.

B. Pre-hearing and Hearing Notice. The Department shall schedule and provide notice of the date, time and place of the pre-hearing conference and hearing. The pre-hearing conference shall be held at least three (3) weeks prior to the hearing. The hearing shall be held no later than forty-five (45) calendar days after receipt of the request for hearing or by mutual agreement of the parties subject to scheduling by the Office of Administrative Hearings, or the hearing officer.

C. Procedure. The pre-hearing conference and hearing shall be conducted in the following manner:

1. The pre-hearing conference shall define the issues, schedule the exchange of witness lists and documentary evidence, seek agreement on the authenticity of documents and relevant testimonial evidence, determine whether intended evidence is cumulative and repetitive, and consider all other matters that will assist in a fair and expeditious hearing.
2. Each party shall exchange all other relevant information and documentary evidence discovered after the pre-hearing conference at least one (1) week prior to the hearing date. Such information shall include all evidence intended for introduction at the hearing and includes but is not limited to the following: exhibits; statements; reports; witness lists including a description of the facts and opinions to which each is expected to testify; photographs; slides; demonstrative evidence. Evidence not exchanged in accordance with this provision will not be considered in the hearing unless good cause is shown to the hearing officer.
3. The hearing shall be public and be tape-recorded or at the discretion of the hearing officer, be recorded by a court reporter.
4. All witnesses shall testify under oath or affirmation.
5. Hearings shall be informal and the strict rules of evidence as applied in the courts shall not apply. Irrelevant, immaterial and repetitious evidence shall be excluded.
6. The Department shall have the burden of proof through clear and convincing evidence.
7. The Department, licensee or applicant, and additional parties as determined by the hearing officer shall present evidence in that order. Each party shall have the opportunity to cross-examine the witnesses of the other party. The hearing officer may examine witnesses.
8. Failure of an applicant or licensee to appear at the hearing shall result in a waiver of the right to a hearing.
9. The hearing officer shall issue a report containing written findings of fact and conclusions based upon the evidence presented at the hearing and shall submit the same to the County Board.
10. Each party adversely affected may submit written exceptions and present argument to the County Board. The Department may submit exceptions and arguments to the rebuttal.

11. The County Board shall consider the report of the hearing officer as soon as possible and may adopt or modify the report and take action, reject the report of the hearing officer, or remand for further hearing. The parties shall be notified of the action of the County Board within thirty (30) calendar days following its determination.
12. Appeal of a decision by the County Board shall be made to the District Court within thirty (30) calendar days following the decision of the Board. The scope of review of the District Court shall be governed by Minn. Statute §14.69. Filing an appeal does not stay enforcement of the County Board decision.

12.00 TERMINATION OF OPERATION

Any person, who for any reason, plans or terminates operations at a site, must remove all solid waste and materials contaminated with solid waste prior to final termination of operations. Termination of operations may include the sale of an operation to a new entity, the simple shutdown of a business or site, which is then not operated, or the relinquishing of lease or rental rights to a property. This removal from the site must be accomplished in full compliance with this ordinance. Materials remaining on the site of a terminated operation shall be considered waste materials. The continued storage of solid wastes on the site of a terminating operation shall be done in compliance with section 7.00 solid waste storage facility rules in this ordinance.

13.00 VIOLATIONS AND PENALTIES

13.01 Misdemeanor.

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

13.02 Aiding and Abetting.

As set forth in Minn. Statute § 609.05, a person is criminally liable for a crime committed by another if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime. A person liable for such crime is also liable for any other crime committed in pursuance of the intended crime if reasonably foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended. A person who intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a crime and thereafter abandons that purpose and makes a reasonable effort to prevent the commission of the crime prior to its commission is not liable if the crime is thereafter committed.

A person liable under this section may be charged with and convicted of the crime although the person who directly committed it has not been convicted, or has been convicted of some other degree of the crime or of some other crime based on the same act, or if the person is a juvenile who has not been found delinquent for the act. For purposes of this section, a crime also includes an act committed by a juvenile that would be a crime if committed by an adult.

13.03 Injunctive Relief.

In the event of a violation or condition constituting an eminent or substantial endangerment to the environment, the County may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations or threatened violations.

13.04 Civil Action or Cost as Special Tax.

If a person fails to comply with the provisions of this ordinance, the County may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax assessment against real property pursuant to Minn. Stat. § 473.811 subd. 5c.

13.05 Citation Authority.

Citations may be issued by the Department pursuant to Section V. of the Ordinance Number 1 County Licenses, Procedures-Criminal Penalty.

13.06 Penalty Provisions.

A. Existing Solid Waste Facility License Renewal. Facilities not submitting applications for license renewal by August 31, and continuing to operate may receive a citation for failure to submit application for license renewal.

B. Embargo. The Department may embargo and forbid the removal, transport, disposal, treatment or use of any material which is or is suspected to be a solid waste and which is being mismanaged or which the Department has reason to suspect is being or will be managed in violation of this ordinance. The Department shall place a tag to indicate the embargo on the suspect material. No person shall remove the tag or remove, transport, dispose, treat, or use such embargoed material except as authorized by the Department. Such action by the Department shall not be considered to impute ownership of the material or management responsibility upon the County.

14.00 MODIFICATION OF REQUIREMENTS

14.01 Waivers or Modifications.

The County Board may waive or modify the strict application of the provisions of this ordinance by reducing or waiving certain requirements when such requirements are shown to be clearly unnecessary or impractical. The County Board may establish additional requirements necessary to reduce risk of harm to persons, property, or the environment based on the individual characteristics of the license application site.

14.02 Agency Approval.

No modification or waiver may be granted if it would result in noncompliance with Minn. Rules 7035, 7037, and 9220 unless such modification or waiver has been approved or granted by the Agency.

14.03 Closure/Post-Closure.

For facilities permitted by the agency, amendments to the facility closure/post-closure plans and the extensions to the closure/post-closure period shall be granted by the Department only where said amendments or extensions have been approved by the agency.

15.00 EFFECTIVE DATE

This ordinance shall be effective immediately upon passage by the County Board.

This ordinance shall not be construed to hold the Department or the County of Hennepin or any officer or employee thereof responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein provided; or by reason of the approval or disapproval of equipment or licensing herein; nor for any action in connection with the inspection or control of solid waste or related business records or in connection with any other official duties.

16.00 SEVERABILITY

The provisions of this ordinance shall be severable in accordance with the following:

A. Validity of Provisions. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect the validity of any of the other provisions of this ordinance not specifically included in said judgment.

B. Application to Site or Facility. 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 or action.

17.00 PROVISIONS ARE CUMULATIVE

The provisions of this ordinance are cumulative to all other laws, ordinances and regulations heretofore passed, or which may be passed hereafter, covering any subject matter in this ordinance.

Passed by the Board of County Commissioners of Hennepin County this 19th day of June 2001.

This ordinance was current when published on this web site. To be certain that it has not been amended since published, please contact the Hennepin County Environmental Services Division, at the email address listed on the right.

Ordinance 7

HAZARDOUS WASTE MANAGEMENT

FOR HENNEPIN COUNTY DEPARTMENT OF ENVIRONMENT AND ENERGY

[Download Ordinance #07 \(PDF\)](#)

Adopted by the Hennepin County
Board of Commissioners
April 8, 1980

Amended on August 2, 1983
Amended on July 2, 1985
Amended on August 12, 1986
Amended on April 26, 1988
Amended on August 14, 1990
Amended on April 27, 1993
Amended on September 12, 1995
Amended on June 2, 1998
Amended on October 26, 1999
Amended on July 25, 2006
Amended on October 2, 2012

In Accordance with
Minnesota Statutes, Section 375.51
Minnesota Statutes, Section 473.811

[1.00 General Provisions](#)
[2.00 Standards for Health, Safety & Environmental Preservation](#)
[3.00 Licensing](#)
[4.00 Administration & Enforcement](#)
[5.00 Termination of Operation and Abandonment](#)
[6.00 Violations & Penalties](#)
[7.00 Modification of Requirements](#)
[8.00 Effective Date](#)
[9.00 Severability](#)
[10.00 Accumulated Provisions](#)

Purpose

The purpose of this ordinance is to establish rules, regulations, and standards, for hazardous waste management in Hennepin County, Minnesota for the identification, labeling, and classification of hazardous waste; the handling, collection, transportation, and storage of hazardous waste; the treatment, processing and disposal of hazardous

waste; the licensing of hazardous waste generators and hazardous waste facilities; the payment of license fees; the penalties for failure to comply with the provisions of this ordinance; the issuance, denial, modification, suspension, and revocation of licenses; the imposition of conditions upon licenses; and other matters as determined to be necessary for the health, welfare and safety of the public. Further, this ordinance shall be liberally construed so as to protect the natural environment from hazardous waste contamination.

Authority

This ordinance is adopted pursuant to Minnesota Statutes, chapters 145A and 473.

The Hennepin County Board of Commissioners does ordain:

1.00 General Provisions

1.01 Administrative Procedures.

Provisions of the Hennepin County Administrative Procedures Ordinance that are not covered by this ordinance and do not conflict with provisions of this ordinance shall apply.

1.02 Administration.

The Hennepin County Department of Environment and Energy shall administer this ordinance.

1.03 Definitions.

A. "Agency" means the Minnesota Pollution Control Agency (MPCA).

B. "Appliance" means any major appliance, as defined in Minnesota Statutes, section 115A.03, that contains components regulated under this ordinance. Appliances shall include any device which contains and uses a class I or II substance (as defined by Code of Federal Regulations, title 40, section 82.3, subpart A, as amended) as a refrigerant and which is used for household or commercial purposes, including any air conditioner, dehumidifier, refrigerator, chiller, or freezer.

C. "Appliance Generator" means any person that uses, installs, replaces, maintains, services, or repairs appliances and as a result, generates appliances or appliance parts that are regulated under this ordinance.

D. "Appliance Processor" means any person that scraps, recycles, or disposes of appliances.

E. "Circuit Boards" means electrical equipment panels consisting of fiberglass, a paper and epoxy blend, or other inert material and electrical conductors, traces, or foils. Circuit boards shall include circuit board trimmings.

F. "Circuit Board Trimmings" means the pieces, including dust particles that are cut or trimmed off of circuit boards during the routing, drilling or punching process in order to make the boards the proper size for use.

G. "County Board" means the Hennepin County Board of Commissioners.

H. "Demolition" means the wrecking or removing of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility. This shall include any renovation that involves the modification or removal of any building components, including, but not limited to, walls, floors, ceilings, roofs, electrical components, ventilation components, and appliances.

I. "Demolition Debris" has the meaning in Minnesota Rules, part 7035.0300, subpart 30.

J. "Department" means Hennepin County Department of Environmental Services, its staff, and designated agents.

K. "Electronics" means electronic components and electronic devices.

L. "Electronic Component" means subassemblies or other parts derived from the disassembly of electronic devices that exhibit the toxicity characteristic defined in Minnesota Rules, part 7045.0131. Electronic components shall include circuit boards.

M. "Electronic Device" means electronic equipment that contains one or more electronic circuit boards, cathode ray tubes, or other circuitry or parts that exhibit the toxicity characteristic defined in Minnesota Rules, part 7045.0131.

N. "Embargo" means an order by the Department prohibiting the movement, removal, transport, use, treatment, sale, or disposal of a material which is, or is suspected to be, a hazardous waste and which is being mismanaged or which the Department has reason to suspect is being or will be managed in violation of this ordinance.

O. "Enforcement Costs" means expenses incurred through the enforcement of this ordinance. These costs shall include, but are not limited to: wages and overhead associated with county employee staff time and staff time from assisting governmental organizations; materials; transportation; services provided by third party consultants, contractors, and laboratories; medical expenses; and all costs incurred in handling and disposing of hazardous waste that was unlawfully delivered to a county household hazardous waste collection site.

P. "Facility" has the meaning in Minnesota Rules, part 7045.0020, subpart 24, and includes, transfer facilities and facilities that collect for treatment, recycling, reclamation, storage, or disposal; special hazardous waste, universal waste, appliances, recyclable fuel, used oil, or waste contaminated with used oil.

Q. "Generator" has the meaning in Minnesota Rules, part 7045.0020, subpart 31, and shall include any person, by site, whose act or process produces a universal waste or

special hazardous waste or whose act first causes a universal waste or special hazardous waste to become subject to regulation.

R. "Hazardous Building Components" means materials and articles that meet the definition of hazardous waste, oil, polychlorinated biphenyls (PCBs), refrigerants, asbestos containing materials; and other items posing risk to humans or the environment. Examples include, but are not limited to, fluorescent and high intensity discharge lamps, neon lighting, lighting ballasts (both PCB and non-PCB containing ballasts), PCB caulk and sealant, electrical capacitors, batteries, circuit boards, appliances, components of heating, ventilation and air conditioning (HVAC) systems that contain the above referenced materials, and thermometers, gauges, switches, and relays containing mercury.

S. "Hazardous Waste" means any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, 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 (42 U.S.C. § 2014), as amended.

T. "Minimal Generator" means any very small quantity generator who generates only the following wastes:

1. one hundred (100) pounds, or less, per year of hazardous waste, including feedstocks and by-products, that is not acutely toxic and that is not listed in 2 through 7 below
2. used oil, waste contaminated with used oil, used oil filters, or petroleum fuel filters
3. spent lead-acid batteries managed under Minnesota Rules, part 7045.0685
4. universal wastes and special hazardous wastes as defined by this ordinance
5. waste photographic fixer solution which is shipped off site for recycling
6. waste photographic fixer if treated on-site to remove eighty (80) or more percent of the hazardous constituent
7. waste recyclable fuel that is not stored or accumulated on site

U. "Person" means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, any firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

V. "Release" or "Releases" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a waste into the environment.

W. “Special Hazardous Waste” includes the following hazardous wastes:

1) photographic and X-ray negatives and paper that exhibit the toxicity characteristic defined in Minnesota Rules, part 7045.0131.

2) electronics, except for “appliances” as defined by this ordinance.

X. “Universal Waste” has the meaning given in the Code of Federal Regulations, title 40, section 273.9.

1.04 Compliance.

No person shall cause or permit the generation, transportation, disposal, or processing of hazardous waste, or the construction or operation of hazardous waste facilities, except in full compliance with the provisions of this ordinance, including but not limited to, all provisions requiring full disclosure of information regarding such generation, transportation, disposal, or processing.

1.05 Conditions.

The Department may impose conditions on any license, permit, or variance as deemed necessary to monitor the operation, ensure the public health and safety, and to protect the environment. A person who violates any condition imposed by the Department on a license, permit, or variance shall be in violation of this ordinance and subject to the penalty provisions in this ordinance.

1.06 False Information.

Any person who omits any information or submits false information is in violation of this ordinance and subject to the penalty provisions in this ordinance.

1.07 Listing, Delisting and Waste Classification.

In the event the Agency modifies the lists of wastes by listing or delisting, or classifies a waste as hazardous, the County Board may, by resolution, amend the lists of wastes set forth in this ordinance, or classify certain wastes as hazardous, to incorporate said Agency action.

1.08 Agency Program Management Decisions and Policies.

The Department may allow generators and facilities to abide by lesser standards as set forth in Program Management Decisions and Policies published and authorized by the Agency. If the generator or facility fails to abide by any Program Management Decision or Policy standards, the generator or facility is subject to all applicable regulations in Minnesota Rules, chapter 7045.

2.00 Standards for Health, Safety & Environmental Preservation

2.01 Standards Adopted.

Minnesota Rules, chapter 7045, except for Minnesota Rules, parts 7045.1000 through 7045.1030, relating to hazardous waste, as may be amended, are hereby adopted by reference and made a part of this ordinance.

2.02 Standards Amended.

The above adopted rules are hereby amended as follows:

A. Wherever the term “Minnesota Pollution Control Agency,” “Pollution Control Agency,” or “Agency” appears in these adopted rules, it means “Department,” except in Minnesota Rules, parts:

- 7045.0020, subparts 4, 9c, and 73h
- 7045.0070
- 7045.0075
- 7045.0080
- 7045.0090 when referenced by 7045.0545
- 7045.0546
- 7045.0547 and 7045.0548
- 7045.0125, subpart 9, item D
- 7045.0129
- 7045.0133
- 7045.0135, subpart 5, item E
- 7045.0218
- 7045.0243, subpart 3, item D
- 7045.0261, subpart 6
- 7045.0275, subpart 2
- 7045.0302
- 7045.0361
- 7045.0395
- 7045.0397
- 7045.0450
- 7045.0452, subpart 2
- 7045.0468, subpart 2
- 7045.0498 through 7045.0524
- 7045.0540
- 7045.0546
- 7045.0552, subpart 3, item A

- 7045.0554
- 7045.0556, subpart 2
- 7045.0574, subpart 2
- 7045.0608 through 7045.0624
- 7045.0645
- 7045.0655, subpart 1, where used with “Environmental Protection Agency,” or “federal or state agency”

For all exceptions cited above, the referenced terms remain unchanged.

B. Wherever the term “Commissioner” appears in these adopted rules, it means “Department” except in Minnesota Rules, parts:

- 7045.0020, subpart 6a, item B, subparts 9c, 22, 34, 43b, 73h and 85a
- 7045.0075
- 7045.0080
- 7045.0090 when referenced by 7045.0545, 7045.0546, 7045.0547 and 7045.0548
- 7045.0120 subpart 1, item X
- 7045.0125, subpart 4, item N and subpart 9, item D
- 7045.0129
- 7045.0218, 7045.0261, subpart 9
- 7045.0265, subparts 1, 2, 3 and 4
- 7045.0294, subpart 1a, item B
- 7045.0302
- 7045.0310, subpart 3, items B, C and D, and subpart 5, items C and D
- 7045.0320, subparts 9 and 10
- 7045.0395
- 7045.0476, subpart 3, item A
- 7045.0498 through 7045.0524
- 7045.0528, subpart 4, item D(4)
- 7045.0545
- 7045.0546
- 7045.0552 subpart 1a
- 7045.0582, subpart 3, item A
- 7045.0608 through 7045.0624
- 7045.0628, subpart 4, item D(4)
- 7045.0652, subpart 2, item B
- 7045.0665
- 7045.0686

- 7045.0845
- 7045.0875, subpart 8, item B
- 7045.0990
- 7045.1309
- 7045.1315, subpart 2, item G

For all exceptions cited above, the term “Commissioner” remains unchanged.

C. Wherever the term “permit,” “permittee,” “permitting,” or “permitted” appears in these adopted rules, it means “license,” “licensee,” “licensing,” or “licensed” except in Minnesota Rules, parts:

- 7045.0020, subpart 10b, subpart 15, subpart 23, subpart 23a, subpart 24, item B, and subpart 58a
- 7045.0121, subpart 2, item D
- 7045.0135 subpart 5, item E
- 7045.0208
- 7045.0210
- 7045.0261, subparts 2 and 6
- 7045.0310, subpart 3, item D and subpart 6, item D
- 7045.0320
- 7045.0397
- 7045.0450
- 7045.0498 through 7045.0524
- 7045.0546
- 7045.0552
- 7045.0554, subpart 1
- 7045.0608 through 7045.0624
- 7045.0692, subpart 6, item F
- 7045.0790, subpart 7, where used with “National Pollutant Discharge Elimination System Permit,” “NPDES Permit,” “State Disposal System Permit,” “Emission Facility Operating Permit,” “permit-by-rule,” “or Air Quality Permit”

For all exceptions cited above, the referenced terms remain unchanged.

D. The terms “Minnesota” or “State of Minnesota” means “County of Hennepin” in Minnesota Rules, parts:

- 7045.0210
- 7045.0212
- 7045.0214
- 7045.0240

- 7045.0302, subpart 1
- 7045.0351, subpart 1
- 7045.0355
- 7045.0361

E. Minnesota Rules, part 7045.0020, subpart 66 is deleted.

F. Minnesota Rules, part 7045.0060 is amended to read as follows: No variance may be granted if granting the variance would result in noncompliance with Environmental Protection Agency (EPA) regulations and Minnesota Pollution Control Agency (MPCA) rules for the generation, storage, processing, treatment, transportation, or disposal of hazardous waste or the operation of hazardous waste facilities.

G. Minnesota Rules, part 7045.0135, subpart 5, item C(4) is amended to read as follows: the fee requirements of the Department, unless a generator demonstrates performance of a PCB phase-out agreement under Minnesota Statutes, section 116.07, subdivision 2b(b).

H. Minnesota Rules, part 7045.0225, subpart 1 is amended by deleting the last two sentences.

I. The first paragraph of Minnesota Rules, part 7045.0230, subpart 1 is amended to read "Information required. An application must be on a form provided by the Department and must include the following information:"

J. Minnesota Rules, part 7045.0230, subpart 1a is deleted.

K. Minnesota Rules, part 7045.0240 is amended by the deletion of the second sentence in subpart 3.

L. Minnesota Rules, part 7045.0243 is amended by the deletion of subpart 1 and subpart 3, item C.

M. The first paragraph of Minnesota Rules, part 7045.0248, subpart 1 is amended to read as follows:

Applicability. A licensed generator must submit a license renewal application to the Department on forms provided by the Department. A generator must submit the application and report by December 15 of the year preceding the expiration of the generator license. The application must contain the following information for each hazardous waste produced, or to be produced, during that current calendar year:

N. Minnesota Rules, part 7045.0248, subpart 1, item B is deleted.

O. Minnesota Rules, part 7045.0250 is amended by the deletion of subparts 2, 3, and 4.

P. In Minnesota Rules, part 7045.0292, subparts 1, 5, 6, and 8, the phrase “without a permit” is amended to read “without a facility permit.” The word “permit” in these references remains unchanged.

Q. The first paragraph of Minnesota Rules, part 7045.0302, subpart 2 is amended to read as follows:

Notification. When shipping hazardous waste outside the state of Minnesota to a foreign country, the primary exporter must notify the Commissioner, the Department, and the EPA of an intended export before the waste is scheduled to leave the United States. The primary exporter must submit a complete notification sixty (60) days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a 12-month or lesser period.

R. The third paragraph of Minnesota Rules, part 7045.0302, subpart 2 is amended to read as follows:

The primary exporter must provide the commissioner, the Department and the EPA with written renotification of any changes to the notification, except for changes to the telephone number, decreases in the quantity indicated in item B, subitem (3), and changes in the means of transport in item B, subitem (5). The waste shall not be shipped until the primary exporter receives an EPA Acknowledgment of Consent reflecting the receiving country's consent to the changes.

S. Minnesota Rules, part 7045.0460, subpart 1, item A is amended to read as follows:

Procedures are in effect which will cause the waste to be removed safely before floodwaters can reach the facility to a location where the wastes will not be vulnerable to floodwaters. The location to which wastes are moved must be a facility which is either licensed by this Department, or permitted by the Environmental Protection Agency, or by a state with a hazardous waste management program authorized by the Environmental Protection Agency, or which has interim status.

T. The phrase “in chapter 7001” is deleted wherever it appears.

U. The phrase “under chapter 7046” is deleted wherever it appears.

2.03 Standards for Minimal Generators.

A. Management. Minimal generators must manage their waste in accordance with all applicable federal, state, and local rules and regulations, including this ordinance. A generator that fails to comply with these requirements may lose or be denied minimal generator status.

B. Generation Limits. Minimal generators whose hazardous waste generation does not conform to the limits defined in section 1.03 T, shall lose minimal generator status.

C. Waste Accumulation. Minimal generators that exceed fifty five (55) gallons of accumulated hazardous waste shall lose minimal generator status. The generation of used oil, waste contaminated with used oil, used oil filters, spent lead-acid batteries, universal waste, or special hazardous waste is not counted toward this accumulation limit.

D. Classification and Reclassification. A generator seeking classification as or re-classification to minimal generator status must demonstrate during an inspection by the Department, or by other means that the Department deems equivalent to a Department inspection, that the generator is capable of maintaining compliance with the standards set forth in section 2.03 A-C.

E. Notice. The department shall notify a generator regarding the denial or loss of minimal generator status or the attainment of minimal generator status.

2.04 Standards for the Management of Special Hazardous Waste.

A. Management. Special hazardous wastes that are managed in compliance with the management standards specified in this section are not subject to the hazardous waste management requirements in Minnesota Rules, parts 7045.0205 to 7045.0990 and parts 7045.1390 to 7045.1400, except for those provisions specified by reference in this ordinance. Special hazardous wastes that are not managed in compliance with the standards specified in this section must be managed in accordance with all applicable hazardous waste management requirements in Minnesota Rules, parts 7045.0205 to 7045.0990 and parts 7045.1390 to 7045.1400. The provisions of this section apply to all generators and facilities.

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

C. Storage. Storage of special hazardous waste must be in containers or stored in a manner that:

1. prevents damage to or breakage of special hazardous waste during normal handling conditions;
2. is compatible with the waste being stored in the container;
3. will not leak or break open during normal handling conditions;
4. protects handlers and all other persons from physical injury caused by contact with special hazardous waste; and
5. prevents releases of special hazardous waste, including components or residues of special hazardous waste.

D. Storage Areas.

1. Storage of special hazardous waste indoors or outdoors must be on a surface impermeable to the special hazardous waste.
2. Outdoor storage areas must prevent release to soil or water.
3. Storage areas for special hazardous wastes must have protection from damage, including vehicular accidents and vandalism.
4. Special hazardous waste containers must have adequate aisle space to allow unobstructed movement of personnel and equipment in an emergency.

E. Storage Limits.

1. Accumulation Time and Quantity Limits.

a) Generator: A generator may accumulate up to 10,000 pounds of special hazardous waste for no longer than one year from the date the special hazardous waste is generated. A generator of special hazardous waste may accumulate more than 10,000 pounds or for more than one year if such activity is solely for the purpose of accumulation of such quantities of special hazardous waste as necessary to facilitate proper recovery, treatment, or disposal. However, the generator bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of special hazardous waste as necessary to facilitate proper recovery, treatment, or disposal.

b) Tier 3 Facility: A Tier 3 facility may store up to 40,000 pounds of special hazardous waste for up to one year. Upon reaching 40,000 pounds or one year, whichever is reached first, all special hazardous waste must be shipped within ten days. Tier 3 facilities that exceed these time or quantity limits must apply for a Tier 2 facility license.

c) Tier 1 and Tier 2 Facilities: The Department will establish site specific accumulation time and quantity limits for Tier 1 and Tier 2 facilities. Tier 1 and Tier 2 facilities must not collect special hazardous waste in a manner that is considered speculative accumulation, as defined in Minnesota Rules, part 7045.0020.

2. Generators and facilities must be able to demonstrate the length of time that special hazardous waste has been accumulated from the date it became a waste. Generators and facilities may make this demonstration by:

a) Placing the special hazardous waste in a container and marking or labeling the container with the earliest date that any special hazardous waste in the container became a waste;

b) Marking or labeling each individual item of special hazardous waste (e.g., each electronic device or each electronic component) with the date it became a waste;

c) Maintaining an inventory system on-site that identifies the date each special hazardous waste became a waste;

d) Maintaining an inventory system on-site that identifies the earliest date that any special hazardous waste in a group of special hazardous waste items or a group of containers of special hazardous waste became a waste;

e) Placing the special hazardous waste in a specific accumulation area and identifying the earliest date that any special hazardous waste in the area became a waste; or

f) Any other method which clearly demonstrates the length of time that the special hazardous waste has been accumulated from the date it became a waste.

F. Labeling of containers. Generators and facilities shall label each waste container with, as applicable:

1. the words, "used" or "waste" followed by a brief description of the waste in the container; or
2. a brief description of the waste in the container followed by the words, "for recycling."

G. Response to releases or detection of inadequate container. Generators and facilities shall conduct the activities set out in (1) to (4) below upon detection of storage that no longer meets the standards in item C above or upon a release of a special hazardous waste, including components or residues of a special hazardous waste.

1. Immediately stop and contain any release of a special hazardous waste, including all components or residues of a special hazardous waste.
2. If a container storing a special hazardous waste begins to leak or does not otherwise meet the container standards in item C, transfer all waste remaining in the leaking or inadequate container to a container that meets the requirements of item C above.
3. Prior to returning to service any leaking or otherwise damaged container, repair the container so that it meets the container standards of item C above.
4. If a release may cause pollution of the environment, immediately notify the Minnesota Duty

Officer by calling (651) 649-5451 .

H. Treatment.

1. Generators. A generator is prohibited from conducting any treatment of special hazardous waste, except for activities associated with:

a) responding to a release as set out in item G above;

b) transferring a type of special hazardous waste from one storage container into another storage container containing the same type of special hazardous waste; or

c) shredding or cutting up circuit boards, hard drives or photographic and X-ray negatives and paper.

2. Tier 3 Facilities. Tier 3 facilities are prohibited from conducting any treatment of special hazardous waste except for the activities associated with:

a) responding to a release as set out in item G above; or

b) transferring a type of special hazardous waste from one storage container into another storage container containing the same type of special hazardous waste.

3. The Department will establish site specific licensing conditions governing treatment by Tier 1 and Tier 2 facilities.

I. Transportation. Any generator or facility shipping special hazardous waste must only ship that waste to a collector, a licensed processing/storage facility, a recycler, or a permitted hazardous waste facility. Shipments must be accompanied by a shipping paper, bill of lading, or uniform hazardous waste manifest. The shipping documents must include the name of shipper, the date of shipment, the amount of waste, and the destination facility's name, address, and phone number.

J. Record Keeping. Any generator or facility shipping special hazardous waste must keep records of all shipments and shall make the records immediately available during an inspection. Each copy shall be maintained on site for a period of three years from the date the shipment was initiated by the generator.

2.05 Standards for the Management of Universal Waste

A. Management. Generators and facilities must manage universal waste in accordance with the standards in Minnesota Rules, part 7045.1400 and this section. Universal wastes that are not managed in accordance with the standards in Minnesota Rules 7045.1400 and this section are subject to all applicable hazardous waste management requirements in Minnesota Rules, parts 7045.0205 to 7045.0990 and part 7045.1390.

B. Household Universal Waste. A person who collects universal waste generated by households or commingles universal waste generated by households with any universal waste, shall manage the collected universal waste or commingled universal waste under the requirements of this ordinance.

C. Applicability. The term handler adopted in Minnesota Rules, part 7045.1400, shall mean the following:

1. Generator: when the universal waste activity meets the definition of "generator" in this ordinance.
2. Facility: when the universal waste activity meets the definition of "facility" in this ordinance.

D. Mercury Lamps. A retail store that generates mercury lamps may accept mercury lamps from customers without obtaining a facility license if the retail store accumulates no more than 1,000 four-foot-equivalent lamps at any one time and obtains a generator license. A retail store must obtain a facility license if it does not obtain a generator license.

E. Record Keeping. Any person, generator, or facility shipping universal waste must keep records of all shipments and shall make the records immediately available during an inspection. Each record shall be maintained on site for a period of three years from

the date the shipment was initiated. The record may take the form of a log, invoice, uniform hazardous waste manifest, bill of lading, or other shipping document. The record for each shipment of universal waste must include the following information:

1. The name, address, and telephone number of the destination to whom the universal waste was sent;
2. The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats); and
3. The date the shipment of universal waste left the site.

F. Additional Standards for Mercury-Containing Equipment. Any person, generator, or facility who owns or uses mercury or mercury-containing equipment must store it in a securely closed container. The container must be structurally sound, compatible with the contents, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2.06 Standards for Appliance Generators and Processors.

A. Appliance Generators and Processors must manage their waste in accordance with all applicable federal, state, and local rules and regulations.

B. Appliance Processors shall ensure that all capacitors and all light ballasts that may contain PCBs are removed and managed as a hazardous waste.

C. Appliance Processors shall remove and reclaim, destroy, or properly dispose of chlorofluorocarbon (CFC) or hydrochlorofluorocarbon (HCFC) (commonly called by the trade name "Freon") refrigerants.

D. Appliance Processors shall remove and properly manage any hazardous solutions or vapors contained in gas air conditioners and/or gas refrigerators as hazardous waste.

E. Appliance Processors shall remove and properly manage switches, relays, temperature devices, lamps, and other components containing mercury.

F. After complying with 2.06 A through E, the appliance is scrap metal as defined by Minnesota Rules, part 7045.0020, subpart 79a and, if recycled, may be excluded from further regulation under this ordinance.

G. Appliance Processors shall be licensed as a hazardous waste facility.

H. Appliance Generators that generate no other hazardous wastes do not need a generator license unless the Department determines that the appliance generator is not managing its waste in accordance with all applicable federal, state and local rules and regulations. In that case, the Department may require that the appliance generator obtain a Very Small Quantity Generator license, subject to the license terms in Section 3.11, item F, for denial of minimal generator status.

I. Appliance Processors shall comply with the refrigerant technician certification requirements in Code of Federal Regulations, title 40, part 82 and shall provide proof of certification if requested by the Department.

J. Persons who take the final step in the disposal process of appliances (including but not limited to scrap recyclers) must obtain a signed statement from the persons from whom the appliance or shipment of appliances is received pursuant to Code of Federal Regulations, title 40, section 82.156. The signed statement must verify that all refrigerants have been removed from the appliances and must be made available to the Department upon request.

K. Record Keeping. Appliance generators and processors shall keep records for all shipments they make of appliances that contain hazardous components and hazardous components that have been removed from appliances. Appliance generators and processors shall maintain each record on site for a period of three (3) years from the date the shipment was initiated and shall keep the records easily available for inspection. The record may take the form of a log, invoice, uniform hazardous waste manifest, bill of lading, or other shipping document. The record for each shipment must include the following information:

1. The name, address, and telephone number of the destination to whom the appliances or hazardous components were shipped;
2. The quantity of each type of appliance or hazardous component shipped; and
3. The date shipped.

2.07 Standards for Demolition Sites and Wastes from Demolition Sites

A. Applicability. These standards apply to any site where demolition debris is being generated, removed, transferred, processed, treated, recycled, or stored prior to disposal.

B. Removal of Hazardous Building Components. A person, generator, or facility must remove all hazardous building components and other hazardous wastes, universal wastes, and special hazardous wastes prior to demolition. Only demolition debris may be sent for demolition disposal and the Agency must approve the disposal site.

C. Generator of Hazardous Building Components. Unless otherwise specified in state or federal legislation and rules such as those that pertain to asbestos removal, the building owner or its contractors may remove the hazardous building components and other hazardous wastes, universal wastes, and special hazardous wastes at a demolition site. When hazardous building components and other hazardous wastes, appliances, universal wastes, and special hazardous wastes are removed, the person or persons specified in the contract referenced in item D below as responsible for the proper management of hazardous building components and other hazardous wastes, universal wastes, and special hazardous wastes is deemed the generator. Otherwise, the building owner and/or manager is deemed the generator.

D. Management Responsibility. Parties in any contract for demolition must specify who has the responsibility for the proper management including the identification, management, removal, disposal, and recycling of hazardous building components and other hazardous wastes, universal wastes, and special hazardous wastes. The building owner and/or manager shall provide a copy of the contracts, if requested by the Department.

E. Licensing Requirements. No generator license or facility license is required in cases where the hazardous building components and other hazardous wastes, universal wastes, and special hazardous wastes are managed in conformance with the dictates of this ordinance. Any person that ships the hazardous building components or other hazardous wastes, universal wastes, and special hazardous wastes must ship directly from the demolition site to an authorized treatment, disposal, consolidation, collection, storage, or recycling facility.

F. Record Keeping. The building owner and/or manager shall keep copies of hazardous building component and other hazardous waste, universal waste, and special hazardous waste management records including evaluation documentation meeting the requirements of Minnesota Rules, part 7045.0214, uniform hazardous waste manifests, shipping papers, invoices, receipts, or bills of lading for at least three (3) years. The building owner and/or manager shall make records immediately available for inspection if requested by the Department.

G. Processing Requirements. Processing, treatment, or disposal of hazardous building components and other hazardous wastes, universal wastes, and special hazardous wastes at the demolition site is not allowed without approval of the Department.

2.08 Standards for Discharged Wastes

A. Sewered Wastes or Waste Discharged to Waters of the State. Generators utilizing any sewer system or waters of the state for the disposal of hazardous wastes, or the disposal of residuals of hazardous waste after treatment shall comply with all federal, state and local laws, including the requirements of this ordinance. They shall maintain a copy of any permits or reports required by the Metropolitan Council Environmental Services (MCES) or other Publicly Owned Treatment Works (POTW), or as a condition of a National Pollutant Discharge Elimination System (NPDES), or State Disposal System (SDS) permit concerning the character, concentration and quantity of the hazardous waste or residuals of hazardous waste after treatment. They shall maintain these records on site and make them easily available for inspection by the Department for a period of three (3) years from the report date.

B. Prohibited Discharge. Any disposal of hazardous waste or industrial waste into Class V Injection Wells, as defined by Code of Federal Regulations, title 40, section 144.6, including septic tanks and dry wells, is prohibited.

3.00 Licensing

3.01 License Required.

Unless otherwise provided by this ordinance, no person shall, within the County, make or allow property under that person's control to be used for any activity which generates wastes regulated under this ordinance except at an individual generation site for which a hazardous waste generator license has been granted by the Department. Unless otherwise provided by this ordinance, no person shall, within the County, store, deposit, keep, accumulate, process, treat, reclaim, recycle, dispose of, or otherwise handle, process, or cause to be transported, wastes regulated under this ordinance except at a site or facility for which a facility license has been granted by the Department.

The Department may allow a person that does not possess a facility license to accept used oil, waste contaminated with used oil, universal waste, or special hazardous waste if the facility receiving the waste possesses a generator license and:(1) takes these wastes only from generators owned or operated by the owner or operator of the receiving site, (2) is receiving used oil pursuant to Minnesota Statute, section 325E.11, (3) is operating in compliance with Minnesota Rules, part 7045.0310, or (4) the Department determines that the volume of the wastes received or number of generators shipping waste to the receiving site do not present a hazard requiring management standards over and above what normally would be applied to that generator license.

3.02 Non-exclusive Licensing.

Obtaining any license required by this ordinance does not exclude the necessity of obtaining other appropriate licenses or permits except as expressly provided in this ordinance. Compliance with the provisions of this ordinance shall not relieve any person of the need to comply with any and all other applicable rules, regulations, and laws.

3.03 Fees.

A. The County Board shall, by resolution, establish fees, including fees for the initial license and renewal of licenses for generators and for the initial application, initial license, and renewal of licenses for facilities.

B. The County Board may, by resolution, establish such other fees as may be necessary for the administration of this ordinance.

C. Fees for new licenses are due thirty (30) days after the invoice date. Fees for renewal of licenses are due thirty (30) days prior to the expiration of the current license. Hazardous waste generators whose actual production of hazardous waste (volume and/or types) exceeds that set forth in their license renewal application, and said excess production places them in a higher base fee category, shall pay an additional fee. The additional fee must be paid within thirty (30) days of the invoice date, or before the renewal of their license for the coming year, whichever comes first. As used herein, fees may include license fees, Agency statewide program fees, application fees, and such other fees as may be prescribed by the County Board.

D. Fees for license renewal are based on the past year's rate of generation and the highest generator size exhibited during the year. If the license is for new waste

generation, the fee is based on an estimated rate of generation which is acceptable to the Department.

E. Minimal generators are exempt from fees.

3.04 License Term.

Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this ordinance is non-transferable and valid for a period of not more than one year, except that initial licenses may be issued for a period of up to eighteen (18) months, unless earlier suspended or revoked.

The license year for hazardous waste generators runs from May 1 through April 30. The license year for hazardous waste facilities runs from July 1 through June 30, unless otherwise designated.

3.05 License Application.

A. Applications. Applicants shall submit applications for license or license renewal to the Department on forms provided by the Department. Applicants shall provide such information as may be needed for the administration of this ordinance.

B. Generators. Generators shall submit to the Department a license application. The license application shall include, at a minimum, the information specified in Minnesota Rules, parts 7045.0230 or 7045.0248 as applicable. Applications for a generator license received more than seventy-five (75) days after first producing a hazardous waste, or applications for license renewal received after December 15, are late and subject to the penalty provisions in Section 6.06. Applications for license modification are late and subject to the penalty provisions in Section 6.06, if received later than provided in Minnesota Rules, part 7045.0243, subpart 3, item G. The date of receipt is the postmark date if mailed or the Department date of receipt if hand delivered or submitted electronically.

C. Facilities. Tier 1 and Tier 2 facilities shall submit to the Department a license application. Where a permit is required, applicants for a Tier 1 license shall also submit, on request, all of the documents and supporting information required by the Agency in its permitting process. Tier 3 facilities need only submit to the Department a Tier 3 notification form ninety (90) days before commencing operations.

D. Facilities Interim Operating Approval. Unless interim operating approval has been granted under section 3.10, item E, applicants for a facility license shall not commence any construction or operation until the initial license application has been approved by the County, nor shall they commence any operation until an initial license is issued. The Department will not issue a facility license until the facility construction has been completed in compliance with this ordinance and the approved plans, and has been approved by the Department.

3.06 Incomplete or Non-Conforming Application.

A. Generator. If an application for a generator license or license renewal is not complete or otherwise does not conform with the requirements in this ordinance, the Department shall advise the applicant within sixty (60) days of application receipt, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify, or otherwise alter the application. The applicant shall comply with such request within the time specified by the Department.

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

3.07 Renewal.

A. Generator. An applicant must submit generator applications for license renewal to the Department no later than December 15. Applications for license renewal must be accompanied by a statement of any change in information submitted in the last approved license or in the license renewal application by indicating such changes on the application and must be signed by a person responsible for hazardous waste management for the generator. If there are no changes, the license renewal application shall so state. If the Department does not act on a generator license renewal application that was complete and was submitted on time, the current license shall continue in force until action is taken.

B. Facility. An applicant must submit facility applications for license renewal to the Department at least ninety (90) days prior to the expiration of the current license. Applications for license renewal must be accompanied by a statement noting any change in information submitted in the last approved license or in the license renewal application and must be signed by the responsible person listed on the license renewal application. If there are no changes, the license renewal application shall so state. The Department must review the facility license renewal application and determine whether or not to grant approval. If the Department does not act on a facility license renewal application that is complete and was submitted on time, the current license shall continue in force until action is taken.

3.08 Denial.

A. Generator. Failure by the Department to act on an initial generator license application within sixty (60) days from the date of receipt of a completed application shall constitute grounds for the applicant to request a hearing. Section 4.10 of this ordinance shall govern the request for a hearing.

B. Facility. Except as provided in section 3.10, item E, failure by the Department to act on an initial facility license application within one hundred twenty (120) days from the date of receipt of a completed application, shall constitute grounds for the applicant to request a hearing. Section 4.10 of this ordinance shall govern the request for a hearing.

C. Denial for Cause. The Department may deny a license when there is evidence of non-compliance with this ordinance. The Department may deny a license in cases where a local unit of government has informed the Department that the applicant's site is not zoned for a specific type of hazardous waste activity.

3.09 Waste Management.

A. On-site Treatment. For licensing purposes, the Department may consider on-site treatment by the generator of on-site generated hazardous waste as part of the generator's licensure and may exempt such on-site treatment from facility licensing requirements. Such exemption shall be limited to the following types of treatment: the specific treatment activities allowed in Minnesota Rules, parts 7045.0450, subpart 3, item K; 7045.0652; and 7045.0855, subpart 3; and/or recovery of reusable solvents by distillation. The treatment must be described in the generator license application and approved by the Department. The Department may require generators who conduct on-site treatment as identified above to comply with the requirements of Minnesota Rules, parts 7045.0558; 7045.0562, subparts. 1 and 2; and 7045.0566 through 7045.0576 or may impose such license conditions as may be deemed necessary to monitor the treatment operation and ensure public health and safety.

B. Use of Household Hazardous Waste Collection Site. Delivery of waste regulated under this ordinance to a household hazardous waste collection site is prohibited unless the site is authorized by the Agency to accept such hazardous waste and the operator granted permission to accept the waste knowing it was not household hazardous waste.

3.10 Additional Licensing Requirements for Facilities

Facilities are divided into three tiers for licensing, depending on the type of waste handled, waste handling activity, and specific threshold criteria. The Department shall impose license conditions based on tier and other factors as deemed necessary to monitor the operation, ensure public health and safety, and to protect the environment. The Department will consider Tier 3 facilities in possession of a license once the Tier 3 facility license application is approved by the Department. The Department will issue a license to Tier 1 and Tier 2 facilities only after they have fulfilled all licensing conditions. The facility license must be posted in a public area at the licensed site.

Facilities regulated under this ordinance include, but are not limited to the waste types, activities, and licensing thresholds listed in the following table:

Tier 1

Waste Type	Activity	Licensing Threshold
Waste regulated under Minnesota Rules, chapter 7045	State permitted Hazardous Waste Facilities or other Collection, Consolidation, Storage, Treatment, Disposal, or Recycling facilities except those facilities listed specifically in Tier 2 or Tier 3	Any amount

Tier 2

Waste Type	Activity	Licensing Threshold
Appliances	Recycling, processing, and disposal	Any amount
Batteries other than lead-acid	Collection, consolidation, storage	Closure costs more than \$10,000
Electronics	Collection, consolidation, storage	Accumulation of 20 tons (roughly one semi-trailer) or more for longer than 10 days
Electronics	Processing, recycling	Any amount
Lamps	Collection, consolidation, storage	Any amount
Recyclable fuel	Collection, consolidate, storage, treatment or recycling	Any amount
Pesticides	Collection, consolidation, storage	Any amount
Precious metal bearing hazardous waste	Collection, consolidation, storage, treatment or recycling	Any amount

Waste Type	Activity	Licensing Threshold
Used oil, used oil filter, oil contaminated material	Collection, consolidation, storage, treatment or recycling	Any amount
Very Small Quantity Generator Hazardous Waste Collection Programs	Collection Programs regulated under Minnesota Rules, part 7045.0320	Any amount
Mercury-containing equipment	Collection, consolidation, storage	Any amount
Hazardous Waste Transfer Facilities, as defined in Minnesota Rules, part 7045.0020	Consolidate for 10 days or fewer	Any amount

Tier 3

Waste Type	Activity	Licensing Threshold
Electronics	Collection, consolidation, storage	Any amount accumulated for no longer than 10 days
Electronics	Collection, consolidation, storage	Accumulation of less than 20 tons for longer than 10 days but no longer than 1 year
Batteries lead-acid	Collection, consolidation, storage	Greater than 11,000 pounds on site
Batteries other than lead-acid	Collection, consolidation, storage	Closure costs no more than \$10,000
Household hazardous waste	Collection, consolidation, storage (only at sites with no generator license)	Any amount

A. Financial Assurance. Unless otherwise provided by the County Board or the Department, an applicant must furnish to the Department a bond, letter of credit, or

financial test meeting the requirements of this section before the Department will issue a hazardous waste facility license.

Bonds or letters of credit shall name the County as the obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The Department shall set the amount of the bond, letter of credit, or financial test according to the estimated cost, submitted by the applicant and approved by the Department, for a third party contractor, unrelated to the applicant or to Hennepin County, to complete all of the following:

1. dispose of the maximum inventory of hazardous wastes that will be on site at any one time;
2. decontaminate the facility and all equipment in the facility, or dispose of any equipment that cannot be decontaminated;
3. perform remedial actions to remove, mitigate, restore, or decontaminate the facility and other properties that are affected by pollution from the facility;
4. perform any other activities necessary to ensure that the facility does not pose a threat to human health or the environment; and
5. provide an additional thirty (30) percent above estimated costs to cover unanticipated costs and administrative costs that the County might incur in exercising its authority.

The Department may allow the applicant to satisfy the requirements of this section by providing a financial test. The terms of the financial test will be set on a case by case basis by the Department using Minnesota Rules, part 7045.0504, subpart. 7 as a guide.

If the applicant fails to obey all of the requirements and do all of the acts required by this ordinance, any order or notice issued by the Department, or any conditions of the license in the operation of the site or facility, the Department may require, as a condition of the bond, letter of credit, or financial test, that the applicant and the sureties on its bond, letter of credit, or financial test pay for any and all expenses required to remedy the conditions resulting from those failures.

Failure means any condition involving waste or constituents of waste regulated under this ordinance ("waste"), that poses a threat to human health or the environment. This includes but is not limited to waste storage deficiencies, releases of any waste, abandonment or neglect of waste or of a contaminated site, inadequate monitoring and supervision of waste management activities or of a contaminated site, inadequate preparedness and prevention as dictated by Minnesota Rules, part 7045.0566, any evidence of surface or subsurface contamination of soil or water resources that has occurred or is imminent, or any condition that poses an imminent release.

The applicant and its sureties shall indemnify and hold the County harmless from all losses, costs, and charges that the County may incur because of any default of the applicant under the terms of this ordinance and the applicant's license. In the event the County is required to expend monies, labor, or material to identify the extent of non-compliance and environmental impact or to restore the site or facility to the condition or requirements as provided by this ordinance, the applicant and the sureties shall reimburse the County for any and all expenses.

Monies paid under this section will be used to make the Department or its assigns whole for any loss, cost, claim, or expense incurred in connection with correcting, mitigating, or restoring any failures as described in this section. The Department may elect to use the monies to reimburse other parties that incur expenses that are a result of the applicant's failure to satisfy its responsibilities, though the Department shall always have first claim against the funds. The Department will have the sole responsibility for determining who is eligible for reimbursement and the order of priority in paying claims should the funds available be insufficient to cover all claims. The Department is under no obligation to reimburse other parties who make claims against the funds and may elect to make partial reimbursement in cases where monies are insufficient to cover all claims.

B. Insurance. Unless otherwise provided by the County Board or the Department, an applicant shall furnish to the Department satisfactory evidence of compliance with Minnesota Rules, parts 7045.0518 and 7045.0620 prior to the Department issuing any license to a facility that requires an agency permit or is operating under interim status pursuant to Minnesota Rules, parts 7045.0552 through 7045.0648.

Unless otherwise provided by the County Board or the Department, the Department may issue a license to a facility not required by the Agency to meet the liability requirements of Minnesota Rules, parts 7045.0518 or 7045.0620, contingent upon the applicant furnishing the Department with a certificate of insurance showing that the applicant maintains the following coverage:

1. A commercial general liability insurance policy covering all premises and operations with limits of not less than \$1,500,000 for personal injuries arising from one occurrence, \$1,500,000 for damages arising from death and/or total bodily injuries arising from one occurrence, and \$1,500,000 for property damage arising from one occurrence, or a combined single limit thereof, with a \$2,000,000 annual aggregate.
2. An automobile liability insurance policy, if applicable, with limits of not less than \$1,500,000 per accident for death or bodily injury and/or damages to any one person, \$1,500,000 for total bodily injuries and/or damages arising from any one accident, and with limits of not less than \$1,500,000 per accident for property damage.
3. Workers compensation coverage at the statutory limits (or written confirmation that the applicant is a qualified self-insured entity or is otherwise exempt under Minnesota Statutes, section 176.041).

The Department may substitute a financial test for liability coverage for the certificate of insurance if the financial test has been approved by the Department.

Under interim operating approval, the Department shall specify the required insurance.

A facility that is required to be insured under this section must notify the Department thirty (30) days prior to the effective date of a cancellation or any change to the insurance coverage.

C. Exceptions to Financial Assurance and Insurance Requirements. Except as provided under section 4.06, the Department shall not require hazardous waste facilities to

submit a bond, letter of credit, or financial test, pursuant to section 3.10 A, and proof of adequate insurance pursuant to section 3.10 B, if the applicant can demonstrate to the Department that financial assurance is not required by the Agency, and the closure cost estimate approved by the Department is ten thousand dollars (\$10,000.00) or less.

D. Change in Facility Operation. No person may change the operation of a hazardous waste facility unless such change is first approved by the Department.

E. Interim Operating Approval. In order to operate a hazardous waste site or facility during the interim period prior to initial license approval by the Department, a person must obtain interim operating approval from the Department and comply with conditions set by the Department. During interim operation, that person must operate the hazardous waste site or facility in conformance with Agency Permit requirements for an Agency Permitted facility, or in conformance with Minnesota Rules, part 7045.0365 if operating as a transfer facility, or in conformance with Minnesota Rules, part 7045.0125 and/or 7045.0675 if operating as a recycling facility or in conformance with Minnesota Rules, part 7045.0865, 7045.0875, 7045.0885, 7045.0895 and/or 7045.0990 as applicable, for used oil management facilities.

The Department may impose conditions as deemed necessary to monitor the operation and ensure public health and safety and will require compliance with the insurance requirements specified in section 3.10 B. The requirements under interim operating approval shall remain in force until the Department acts to grant or deny the license. If the Department finds that the hazardous waste site or facility is not being operated in compliance with the requirements of interim operating approval such approval shall be terminated. Any person operating in full compliance with this paragraph is in compliance with section 3.01 until the Department acts to grant or deny the license. Any person who, on an interim basis, within compliance with this section, owns or operates a hazardous waste facility, shall apply for a hazardous waste facility license within one hundred twenty (120) days of commencement of operation. Nothing in this item is intended to allow facilities to operate without permits, licenses, or compliance agreements required by the Agency.

F. For facilities permitted by the Agency or having interim status, or otherwise required by the Agency to establish financial assurance for closure or corrective action, the license applicant, in lieu of financial assurance set forth in Section 3.10 A, shall submit to the Department for review, satisfactory evidence of compliance with the Agency's financial assurance requirements. The Department may require additional financial assurance for any facility activities that are not subject to Agency financial assurance requirements.

3.11 Minimal Generator Licensing Requirements.

A. Licensing. Minimal generators shall comply with the following licensing sections of this ordinance:

1. section 3.01 License Required,

2. section 3.02 License Not Exclusive,
3. section 3.05 A License Application,
4. section 3.06 A Incomplete or Non-Conforming Application,
5. section 3.08 Denial, and
6. section 3.09 Waste Management.

B. License Term. The license term for each minimal generator license granted pursuant to the provisions of this ordinance shall be non-transferable and shall be for a period of five (5) years beginning January 1 of years evenly divisible by five. The initial license for a minimal generator will be effective from the date of issue through December 31 of the year preceding the next year evenly divisible by five.

C. License Issuance. The Department will issue licenses for minimal generators once every five (5) years in years evenly divisible by five.

D. License Renewal. Minimal generators must submit a statement of any changes to their license information at the time of an inspection by the Department. This statement must be signed by a person responsible for hazardous waste management for the generator. If there are no changes, it shall so state.

E. License Modification. Minimal generators shall notify the Department within thirty (30) calendar days whenever any of the following occurs:

1. The business closes.
2. The business is sold or otherwise changes ownership.
3. The business moves to a new location.
4. The business produces other hazardous waste not included in their current license.
5. The business assumes a new name.
6. The generator's hazardous waste generation does not conform to the limits defined in section 1.03 T.

F. Loss of Minimal Generator Status. Any generator who loses or is denied minimal generator status pursuant to section 2.03 shall be subject to the full generator licensing standards of this ordinance. The generator will not be eligible to gain minimal generator status until the next license issuance year as defined in section 3.11C. If the next license issuance year will begin in less than two (2) calendar years from the date the generator is determined to have lost or been denied minimal generator status, the generator may not be eligible for minimal generator status until the following issuance year as defined by section 3.11 C.

Once minimal generator status has been lost or denied, the generator shall not gain minimal generator status except under the terms defined in section 2.03.

4.00 Administration & Enforcement

4.01 Duties of the Department.

4.01 Duties of the Department. The Department shall be responsible for the administration and enforcement of this ordinance. The Department's duties shall include, but not be limited to, the following:

A. Receive and review generator and facility license or license renewal applications, issue generator and facility licenses, and approve or disapprove interim operations of facilities.

B. Inspect hazardous waste facilities and generators as provided in this ordinance and investigate alleged violations of this ordinance.

C. Recommend that legal proceedings be initiated by the County to compel compliance with the provisions of this ordinance.

D. Advise, consult, and cooperate with other governmental agencies in the furtherance of this ordinance.

4.02 Right of Entry.

Whenever necessary to perform an inspection to enforce any of the provisions of this ordinance, or whenever the Department has reasonable cause to believe that hazardous waste exists in any building or upon any premises, the Department or its authorized agent may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Department by this ordinance, provided that if such building or premises is occupied, the authorized agent shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. Advanced notice is not required. If such entry is refused, or cannot be obtained, the Department shall have recourse to every remedy provided by law to secure entry including administrative search warrants. If the owner or other person having control of the premises has threatened an authorized agent of the Department that they will refuse to allow the Department entry for inspection in the future, then the Department shall have the authority to obtain an administrative search warrant in advance of an inspection at that premises, without first being denied entry.

4.03 Orders and Notices.

Whenever the Department or its authorized representatives shall find in any building or on any premises hazardous waste whether at a site or facility for which a license has been granted by the Department or where no such license has been issued, the Department shall issue such orders as may be necessary for the enforcement of this ordinance governing and safeguarding the health, welfare, and safety of the public.

4.04 Compliance with Orders and Notices.

Any owner, operator, occupant, or other person responsible for the condition or violation to which an order or notice pertains, shall comply with the order or notice issued or

served by the Department. Every order or notice shall set forth a time limit for compliance depending upon the nature of the hazardous waste and the danger created by the violation. In cases of extreme danger to the health, welfare, and safety of the public, immediate compliance is required. If the building or other premises is owned by one person and occupied by another, under lease or otherwise, and the order or notice requires immediate compliance for the health, welfare, and safety of the public, the owner shall comply with such order or notice. If the owner has a written agreement with the occupant which places compliance responsibilities on the occupant, the occupant shall comply.

4.05 Inspection.

To ensure compliance with the provisions of this ordinance, the Department may inspect and evaluate hazardous waste facilities, short term storage facilities, generators, or other sites where the Department has reason to believe hazardous wastes are or have been present. The Department shall provide the owner and/or operator with written notice of any deficiencies, recommendations for their correction, and the date by which the corrections shall be accomplished. The owner and/or operator shall allow the Department or its authorized agent access for the purposes of making such inspections as may be necessary to determine compliance with the requirements of this ordinance. At the Department's election, the owner and/or operator shall provide free of charge or shall allow the Department or its agent to collect samples of waste, soils, surface waters, ground waters, air, raw materials, sewage discharges, or other materials or residues present at or emanating from the site for testing. The owner and/or operator shall allow free access at all reasonable times to inspect and copy all business records related to an owner's and/or operator's generation, collection, processing, and transportation of waste. The owner and/or operator shall keep all records required to be kept under this ordinance at the licensed site and shall make the records readily available for review during the inspection. The owner and/or operator shall allow the Department to record and document its findings in any reasonable and appropriate manner including, but not limited to, notes, photographs, photocopies, readouts from analytical instruments, videotapes, audio recordings, and computer storage systems or other electronic media. When requested by the Department, the owner and/or operator shall provide photocopies of records.

4.06 Financial Assurance.

Whenever the Department has reasonable cause to believe that a person, generator or facility has mismanaged hazardous waste upon any premises, the Department may require that person, generator or facility to demonstrate to the satisfaction of the Department, the availability of adequate financial resources to ensure the hazardous waste is properly disposed of, treated or processed to protect human health and the environment.

If the Department has reasonable cause to believe that a person, generator, or facility may not have the financial resources to manage its hazardous waste at a site or that a site has become tax delinquent, the Department may order the site owner or operator to provide financial assurance in the form of a bond or letter of credit naming the County

as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties. The Department shall set the amount of the bond or letter of credit according to the estimated cost, submitted by the owner or operator and approved by the Department, for a third party contractor, unrelated to the owner or operator or to Hennepin County, to complete the following:

1. dispose of the hazardous wastes;
2. perform remedial actions to remove, mitigate, restore, or decontaminate the site and other properties that are affected by pollution from the site;
3. perform any other activities necessary to ensure that the site does not pose a threat to human health or the environment; and
4. provide an additional thirty (30) percent deposit to cover unanticipated costs and administrative costs that the County might incur.

Failure to submit a bond or letter of credit shall subject the site owner or operator to all the remedies available to the Department to ensure that the hazardous waste is managed properly, as set forth in this ordinance.

4.07 Revocation of License.

The Department may revoke any license issued by the Department for violation of any provision of this ordinance. Revocation shall not occur earlier than ten (10) calendar days, exclusive of the day of service, after written notice of revocation has been served on the licensee. Such written notice shall contain the effective date of revocation, the nature of the violation or violations constituting the basis for the revocation, the facts which support the conclusion that a violation or violations have occurred, and a statement that if the licensee desires a hearing he must, within ten (10) calendar days, exclusive of the day of service, file a written request with the Department. If the licensee fails to request a hearing, he shall forfeit any opportunity for a hearing. If a hearing is requested, the Department shall stay the revocation pending the outcome of the hearing.

4.08 Suspension of License.

Any license required under this ordinance may be suspended for not longer than sixty (60) days by the issuer for violation of any provision of this ordinance. Suspension shall not occur earlier than ten (10) calendar days, exclusive of the day of service, after written notice of suspension has been served on the licensee. Such written notice shall contain the effective date of suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred, and a statement that, if the licensee desires a hearing he must, within ten (10) calendar days, exclusive of the day of service, file a written request with the Department. If the licensee fails to request a hearing, he shall forfeit any opportunity to a hearing. If a hearing is requested, the Department shall stay the suspension pending outcome of the hearing.

4.09 Summary Suspension of License.

A. If the Department finds that the public health, safety, or welfare requires emergency action, the Department may order a summary suspension of a license upon notification of the County Attorney's Office and the County Board. The Department shall personally serve written notices of such summary suspensions on the licensee or shall serve by registered or certified mail to the licensee at the address designated in the license application.

B. The written notice in such cases shall state the effective date of the suspension, the nature of the violation or violations requiring emergency action, and a statement that, if the licensee desires a hearing he must, within ten (10) calendar days, exclusive of the day of service, file a written request with the Department. If the licensee fails to request a hearing, he shall forfeit any opportunity to a hearing. The Department shall review any suspension upon a written request of the licensee. The Department review shall be conducted pursuant to Section 4.10 of this ordinance.

C. Upon written notification from the licensee that all the violations for which the summary suspension was invoked have been corrected, the Department shall re-inspect the site, facility, or activity within a reasonable length of time, but in no case more than three (3) working days after receipt of the notice from the licensee. If the Department finds on such re-inspection that the violation or violations constituting the grounds for suspension have been corrected, the Department shall immediately terminate the suspension by written notice to the licensee and the County Board.

D. If a hearing is requested, the summary suspension shall not be stayed pending the outcome of the hearing.

4.10 Hearings.

A hearing on an application, renewal, suspension, or revocation of a license is governed by the following:

A. Hearing Officer. An impartial hearing officer shall conduct the hearing on behalf of the County Board. The Department shall prescribe the duties of the hearing officer or contract with the Office of Administrative Hearings. The Department shall ascertain the availability and timeliness of scheduling the hearing through the Office of Administrative Hearings. If it is determined that a prompt hearing is not readily available through the Office of Administrative Hearings, the Department may appoint an individual learned in the law to act as the hearing officer.

B. Prehearing and Hearing Notice. The Department shall schedule and provide notice of the date, time and place of the prehearing conference, and hearing. The prehearing conference shall be held at least three (3) weeks prior to the hearing. The hearing shall be held no later than forty-five (45) calendar days after receipt of the request for hearing or by mutual agreement of the parties, subject to scheduling by the Office of Administrative Hearings.

C. Procedure. The prehearing conference and hearing shall be conducted in the following manner:

1. The prehearing conference shall define the issues, schedule the exchange of witness lists and documentary evidence, seek agreement on the authenticity of documents and relevant testimonial evidence, determine whether intended evidence is cumulative and repetitive, and consider all other matters that will assist in a fair and expeditious hearing.
2. Each party shall exchange all relevant information and documentary evidence at least one (1) week prior to the hearing date. Such information shall include all evidence intended for introduction at the hearing and includes but is not limited to the following: exhibits, statements, reports, witness lists including a description of the facts and opinions to which each is expected to testify, photographs, slides, and demonstrative evidence. Evidence not exchanged in accordance with this provision will not be considered in the hearing unless good cause is shown to the hearing officer.
3. The hearing is public and must be tape recorded or, at the discretion of the hearing officer, recorded by a court reporter.
4. All witnesses shall testify under oath or affirmation.
5. Hearings shall be informal and the rules of evidence as applied in the courts shall not apply. Irrelevant, immaterial, and repetitious evidence shall be excluded.
6. The Department shall have the burden of proof through clear and convincing evidence.
7. The Department, licensee or applicant, and additional parties as determined by the hearing officer, shall present evidence in that order. Each party shall have the opportunity to cross-examine the witnesses of the other party. The hearing officer may examine witnesses.
8. Failure of an applicant or licensee to appear at the hearing shall result in a waiver of the right to a hearing.
9. The hearing officer shall issue a report containing written findings of fact and conclusions based upon the evidence presented at the hearing and shall submit the same to the County Board.
10. Each party adversely affected may submit written exceptions and present arguments to the County Board.
11. The County Board shall consider the report of the hearing officer at the next possible board meeting and may adopt or modify the report and take action, reject the report of the hearing officer, or remand for further hearing. The parties shall be notified of the action of the County Board within thirty (30) calendar days following its determination.
12. The Agency may review any decision to issue, deny, suspend, modify, impose conditions upon, or revoke a license. The Agency shall, after written notification, have fifteen (15) days to review, suspend, modify, or reverse the action of the County Board. After this period, the action of the County Board shall be final, subject to appeal to the District Court.
13. Appeal of a decision by the County Board shall be made to the District Court within thirty (30) calendar days following the review by the Agency. Minnesota Statute, section 14.69 shall govern the scope of review by District Court. Filing an appeal will not stay enforcement of the County Board decision.

5.00 Termination of Operation and Abandonment

5.01 Termination of Operation.

Any person who, for any reason, terminates operations at a site, must remove all hazardous waste and materials contaminated with hazardous waste prior to termination of operations. Termination of operations may include the sale of an operation to a new entity, the simple shutdown of a business or site which is then not operating, the relinquishing of lease or rental rights to a property, or a change in operation eliminating all generation of hazardous waste. The person must remove the waste from the site in a timely manner as determined by the Department and accomplished in full compliance with this ordinance and Minnesota Rules, chapter 7045.

The person must retain copies of records demonstrating compliance with this section, including reports, contracts, evaluation documentation meeting the requirements of Minnesota Rules, part 7045.0214, uniform hazardous waste manifests, shipping papers, invoices, receipts, or bills of lading, for at least three (3) years and shall make the records available for inspection if requested by the Department.

Materials remaining on the site of a terminated operation are waste materials. A person who continues to store hazardous wastes on the site of a terminated operation shall do so in compliance with the hazardous waste storage facility rules in Minnesota Rules, chapters 7001, 7045, and this ordinance.

5.02 Abandonment.

Any person who owns property on which hazardous waste or materials contaminated with hazardous waste has been abandoned, must remove all waste and contaminated materials. The person must remove the waste and contaminated materials in full compliance with this ordinance and in a timely manner as determined by the Department. Continued storage of the waste on the abandonment site is prohibited.

6.00 Violations and Penalties

6.01 Misdemeanor.

Any person who willfully or negligently fails to comply with the provisions of this ordinance is guilty of a misdemeanor. A separate offense is committed on each day that a violation occurs or continues.

6.02 Aiding and Abetting.

As set forth in Minnesota Statute, section 609.05, a person is criminally liable for a crime committed by another if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime. A person liable for such crime is also liable for any other crime committed in pursuance of the intended crime if reasonably foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended. A person who intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a crime and thereafter abandons that purpose and makes a reasonable effort to prevent the commission of the crime prior to its commission is not liable if the crime is thereafter committed.

A person liable under this section may be charged with and convicted of the crime although the person who directly committed it has not been convicted, or has been convicted of some other degree of the crime or of some other crime based on the same act, or if the person is a juvenile who has not been found delinquent for the act. For purposes of this section, a crime also includes an act committed by a juvenile that would be a crime if committed by an adult.

6.03 Injunctive Relief.

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

6.04 Civil Action or Cost as Special Tax.

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

6.05 Citation Authority.

The Department may issue citations pursuant to Ordinance Number 1 County Licenses, Procedures-Criminal Penalty, section V.

6.06 Penalty Provisions.

A. Existing Generators License Renewal. The Department may issue a citation, for failure to submit an application for license renewal, to Generators who fail to submit applications for license renewal by December 15 and continue to operate. The Department may issue a citation, for operating without a hazardous waste generator license, to Generators who fail to remit all applicable fees by April 30 prior to the license year.

B. New Generators License Issuance. The Department may issue a citation, for operating without a hazardous waste generator license, to Generators who fail to submit applications for a generator license within seventy-five (75) days of first producing a hazardous waste and who continue to operate. The Department may issue a citation, for operating without a hazardous waste generator license, to Generators who fail to remit all applicable fees within thirty (30) days after the invoice date.

C. Applications for License Modification. The Department may issue a citation, for failure to submit a modification to license, to Generators who submit applications for license modification later than allowed in Minnesota Rules, part 7045.0243, subpart 3, item G.

6.07 Embargo.

The Department may embargo and forbid the movement, removal, transport, disposal, treatment, sale, or use of any material which is or is suspected to be a hazardous waste

or material contaminated with hazardous waste and which is being mismanaged or which the Department has reason to suspect is being or will be managed in violation of this ordinance. The Department shall place a tag to indicate the embargo on the suspect material. No person shall remove the tag or remove, transport, dispose, treat, or use such embargoed material except as authorized by the Department. Such action by the Department shall not be considered to impute ownership or management responsibility upon the County.

6.08 Enforcement Cost Recovery.

The Department may recover all enforcement costs incurred by the Department pursuant to any civil, administrative, or criminal enforcement action. The Department may recover these costs through any Federal or State enforcement action, through restitution in a criminal enforcement action pursuant to settlement of the action, through a voluntary settlement agreement with the subject of an administrative enforcement action, or by any other means allowed under this ordinance.

7.00 Modification of Requirements

7.01 Waivers or Modifications

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

7.02 Agency Approval.

The County Board will not grant any modification or waiver if it would result in noncompliance with Minnesota Rules, chapter 7045 unless the Agency has approved or granted such modification or waiver.

7.03 Closure and Post-Closure.

For facilities permitted or granted interim status by the agency, the Department shall grant amendments to the facility closure and post-closure plans and extensions to the closure and post-closure period only where the amendments or extensions have been approved by the Agency.

8.00 Effective Date

8.01

This ordinance is effective immediately upon passage by the County Board.

8.02

This ordinance shall not be construed to hold the Department or the County of Hennepin or its officers or employees responsible for any damage to persons or

property by reason of the inspection or re-inspection authorized; or by reason of the approval or disapproval of equipment or licensing; nor for any action in connection with the inspection or control of hazardous waste or related business records or in connection with any other official duties.

9.00 Severability

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

A. Validity of Provisions. If any Court of competent jurisdiction determines that any provision of this ordinance is invalid, such determination shall not affect any of the provisions of this ordinance not specifically included in said judgment.

B. Application to Site or Facility. If any Court of competent jurisdiction determines that the application of any provision of this ordinance to a particular structure, site, facility, or operation is invalid, such determination shall not affect the application of the provision to any other structure, site, facility, or operation not specifically included in the Court's ruling, judgment, or action.

10.00 Accumulated Provisions

The provisions of this ordinance are cumulative to all other current and future laws, ordinances, and regulations covering any subject matter in this ordinance.

Passed by Board of County Commissioners of Hennepin County this 2nd day of October, 2012.

Ordinance 10

SOLID WASTE SURCHARGE

Adopted by the Hennepin County Board of Commissioners December 18, 1984

Amended March 14, 1989

In accordance with Laws of Minnesota 1988, Chapter 685, Section 19 and MN Statutes Section 375.51

Summary

Effective June 1, 1989, this Ordinance will place a surcharge of \$2.00 per cubic yard on mixed municipal solid waste accepted and disposed of at a mixed municipal solid waste facility. The Ordinance also sets a fixed surcharge fee for cars, pickups and trailers. These fees will be \$2.00 for cars and \$6.00 for pickups and trailers.

The Department of Public Works is the responsible agency within Hennepin County.

Ordinance Number Ten

An ordinance establishing rules, regulations, and standards to collect a solid waste surcharge in Hennepin County, Minnesota for: A fee on operators of facilities for mixed municipal solid waste; the amount of the surcharge fee; a full and partial exemption from the surcharge fee; fee payment and reporting requirements; and penalties for failure to comply with provisions of this ordinance.

1.00 DEFINITIONS.

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

- A. "Department" shall mean the Hennepin County Department of Public Works.
- B. "Facility for Mixed Municipal Solid Waste" shall mean a waste facility licensed by the Department of Public Works that is designed or operated for the purpose of disposing of waste on or in the land, and includes sanitary landfill facilities.
- C. "Operator" shall mean any entity, individual, partnership, corporation, or organization of a private or public nature, licensed to establish, operate or maintain a facility for mixed municipal solid waste.

2.00 FEE ON OPERATORS OF FACILITIES FOR MIXED MUNICIPAL SOLID WASTE.

There is imposed a fee on operators of facilities for mixed municipal solid waste accepted and disposed at a facility for mixed municipal solid waste located within the county.

3.00 AMOUNT OF FEE.

The fee shall be two dollars (\$2.00) per cubic yard of mixed municipal solid waste accepted and disposed at a facility for mixed municipal solid waste. A facility that weighs the waste accepted and disposed must pay a fee of two dollars (\$2.00) per cubic yard based on equivalent cubic yards of waste computed as follows: 600 pounds of waste is equivalent to one cubic yard.

3.01

If an operator has a flat disposal fee policy for certain vehicles or loads, the county fee assessed is two dollars (\$2.00) for automobiles and six dollars (\$6.00) for pickup trucks, trailers, and other vehicles containing three cubic yards or less.

3.02

Prior to January 1, 1988, an operator of a facility that is located in the metropolitan area for the disposal of mixed municipal solid waste, shall deduct from the disposal charge for non-hazardous solid waste from metal casting facilities, the fee imposed under Laws of Minnesota 1984, Chapter 644, Sections 46, 47, and 73.

4.00 PARTIAL EXEMPTION FROM FEE.

Waste residue from energy and resource recovery facilities at which mixed municipal solid waste is processed for the purpose of extracting, reducing, converting to energy or otherwise separating and preparing mixed municipal solid waste for reuse shall be exempt from one-half the amount of the fee imposed, if there is at least an eighty-five (85%) volume reduction in the mixed municipal solid waste processed. To qualify for exemption under this clause, waste residue must be brought to a facility for mixed municipal solid waste separately. Before any fee is reduced, the verification procedures of Section 73, Subdivision 1, Paragraph (C) of Laws 1984, Ch. 644, must be followed and submitted to the Department.

5.00 RETURNS, FEE PAYMENT AND REPORTING REQUIREMENTS.

A. Time for Payment of Fee to Department. The fee imposed by Section 1 shall be due and payable by the operator of the facility for mixed municipal solid waste to the Department monthly on or before the 20th day of the month immediately following the month in which the mixed municipal solid waste was received at the facility.

B. Returns. Any operator subjected to the fee imposed by Section 1 shall file a return prescribed by the Department. The return must be signed by the operator or person authorized by the Department on or before the 20th day of each month immediately following the month in which the mixed municipal solid waste was received and must be accompanied by payment of the fee imposed.

C. Extensions. The Department may extend the time for filing returns and remittance of fees for not more than sixty (60) days. The Department may require a tentative return at the time fixed for filing the regularly required return and payment of the fee therewith on the basis of such tentative return.

D. Reporting Requirements. The monthly return required to be filed shall show:

- (aa) amount of cubic yards of mixed municipal solid waste accepted and disposed at the facility;
- (bb) for a facility that weighs waste, the total weight of mixed municipal solid waste accepted and disposed at the facility converted to equivalent cubic yards of mixed municipal solid waste; and
- (cc) amount of fee due on the return computed by multiplying total cubic yards of mixed municipal solid waste accepted and disposed as reported for Sec. 4D (aa) by the prevailing fee rate.

E. Failure to File Return. If any operator required to file any return shall fail to do so within the time prescribed by Section 4B or shall make, willfully or otherwise, an incorrect, false or fraudulent return, such operator, upon written notice and demand, shall immediately file such return or corrected return and at that time pay any fee due on the basis thereof. If such operator shall fail to file such return or corrected return, the Department shall make for him a return, or corrected from its knowledge, and from such information as the Department can obtain through testimony or otherwise, and assess a fee on the basis thereof, which fee (less any payments theretofore made on account of the fee for the fee period covered by such return) shall be immediately paid upon written notice and demand. Any such return or assessment made by the Department shall be prima facie correct and valid and such operator shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto.

F. Records. Every operator of a facility for mixed municipal solid waste shall keep adequate and complete records showing total cubic yards of mixed municipal solid waste accepted and disposed at the facility for mixed municipal solid waste each day or, if such waste is weighed, the total weight of such mixed municipal solid waste for each day.

G. Examination of Records. The Department shall have the right to examine records and accounts of the operator required to file return.

6.00 ADMINISTRATION AND ENFORCEMENT.

The Department shall be responsible for the administration and enforcement of this ordinance.

7.00 VIOLATIONS AND PENALTIES.

The provisions of Ordinance Number Two, Solid Waste Disposal Ordinance for Hennepin County, Section XII, Subsection 2 (Equitable Relief), Subsection 6 (Suspension of License), Subsection 7 (Revocation of License) and Subsection 8 (Hearings), are hereby adopted by reference and made a part of this ordinance.

8.00 SEVERABILITY.

A. If any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular facility or operation, judgment shall not affect the application of said provision to any other facility or operation not specifically included in said judgment.

This ordinance was current when published on this web site. To be certain that it has not been amended, contact Hennepin County Environmental Services.

Ordinance 13

SOLID WASTE SOURCE SEPARATION

Adopted by the Hennepin County Board of Commissioners October 30, 1986

[Section I](#): Definitions

[Section II](#): General Provision

[Section III](#): Reporting Requirements

[Section IV](#): Municipal Failure to Meet Standards

[Section V](#): Source Separation Provisions

[Section VI](#): Separability

[Section VII](#): Provisions are Accumulative

An ordinance regulating the separation of recyclable materials from mixed municipal solid waste by generators, before collection of such materials within Hennepin County; defining the geographic area and the types of materials subject to designation; establishing procedures and principles to be followed by the various municipalities located in Hennepin County in order to reduce the volume of solid waste generated in the County as specified herein; in order to promote the health, welfare and safety of the public pursuant to Laws of Minnesota 1969, Chapter 847, and Minn Stat. Section 473.801, et. seq.

WHEREAS, the Metropolitan Council, by state statute, has established a source-separation goal of a least sixteen (16%) percent for Hennepin County; and

WHEREAS, in accordance with Minnesota Statutes, Hennepin County is required to establish source-separation goals for each city in Hennepin County; and

WHEREAS, said sixteen (16%) percent source-separation goal is hereby established for each city in Hennepin County; and

WHEREAS, the County desires to provide financial incentives for cities to establish source-separate programs to meet their city's source-separation goals and contribute toward meeting County source-separation goals; and

WHEREAS, the County desires to establish a further inducement to cities to develop source-separation programs which meet source-separation goals by adopting a County source-separation ordinance requiring the separation of mixed municipal waste by generators, before collection, of materials which can be readily separated for use of re-use; and

WHEREAS, the County desires to support local source-separation programs by establishing a facility or facilities to receive, store, process and/or prepare for sale reuse, or otherwise dispose of recyclable materials.

The County Board of Hennepin County, Minnesota, does ordain:

SECTION I: 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.

Subsection 1&

"Aluminum Recyclables" shall be deemed to include all disposable containers fabricated primarily of aluminum and commonly used for soda, beer, or other beverages.

Subsection 2

"Can Recyclables" shall be deemed to include all disposable containers fabricated primarily of metal or tin.

Subsection 3

"Cities" mean statutory and home rule charter cities and towns authorized to plan under sections 462.351 to 462.364.

Subsection 4

"Collection" means the aggregation of waste from the place at which it is generated and includes all activities up to the time when the waste is delivered to a "waste facility".

Subsection 5

"Collector/(s)" means any person/(s) who owns, operates or leases vehicles for the purpose of collection and transportation of any type of mixed municipal solid waste, and/or recyclables.

Subsection 6

"Compostable Material" means organic materials consisting of grass clippings, leaves and other forms of organic yard waste.

Subsection 7

"County Board" is defined as the Hennepin County Board of Commissioners and their authorized representatives.

Subsection 8

"Department" means the Hennepin County Department of Environment and Energy.

Subsection 9

"Facility" means any resource recovery facility or related Transfer Station or similar facility to which waste is required to be delivered.

Subsection 10

"Garbage" means animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Subsection 11

"Generation" means the act or process of producing waste (as defined in Minn. Stat. Sec. 115A.03, Subd.11).

Subsection 12

"Generator" means any person who generates waste (as defined in Minn. Stat. Sec. 115A.03, Subd. 12).

Subsection 13

"Glass Recyclables" shall be deemed to include jars, bottles and containers which are transparent or translucent and primarily used for packaging and bottling of various matter.

Subsection 14

"Hauler" means a collector or transporter of recyclable materials.

Subsection 15

"Metropolitan Council" means the council established in Minn Stat. Sec. 473.

Subsection 16

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

Subsection 17

"Municipality" means any incorporated city within the boundaries of Hennepin County, Minnesota.

Subsection 18

"Paper Recyclables" shall be deemed to include paper of the type commonly referred to as newsprint. Expressly excluded, however, are all magazines or similar periodicals.

Subsection 19

"Person" means any human being, any municipality or other public agency, any public or private corporation, any partnership, any firm, association, or other organization any receiver, trustee, assignee, agent or other legal representative of any of the foregoing or any other legal entity.

Subsection 20

"Political Subdivision" means any municipal corporation, governmental subdivision of the state, local government unit, or special district.

Subsection 21

"Recyclables Materials" means all items of refuse designated by the Hennepin County Department of Environment and Energy to be part of an authorized recycling program and which are intended for transformation, processing and remanufacturing or reuse.

Subsection 22

"Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes.

Subsection 23

"Source Separation" means the separation of recyclable materials from mixed municipal solid waste at the source of generation.

Subsection 24

"Solid Waste" has the meaning given it in Minn. Stat. Section 116.06, Subdivision 10.

Subsection 25

"Recyclable Materials Processing Facility" means a facility established and used for the receiving, storage, preparing and/or processing of recyclable materials for sale or reuse.

Subsection 26

"Waste Tire" means a pneumatic tire or solid tire for motor vehicles as defined in Minn. Stat. 169.01. and included in the Solid Waste Management Plan pursuant to Minn. Stat. 115A.46.

SECTION II: GENERAL PROVISIONS

Subsection 1

It shall be the responsibility of each municipality to adopt an ordinance or ordinances relating to the separation of recyclables within the boundaries or the municipality, the purpose of said ordinance being to reduce the amount of solid waste generated within the municipality by at least 16% during calendar year 1990 which is an amount established by the Metropolitan Council and adopted by the Hennepin County Board as set forth in Hennepin County Solid Waste Master Plan.

Subsection 2

The implementation and enforcement of said ordinance shall be the responsibility of each respective municipality. If a municipality should fail to implement a program by January 1, 1988, or implement a program which fails to meet the 16% waste reduction percentage during calendar year 1990, as set forth in Subsection 1, the provision

appearing in Section V of this ordinance shall come into effect. This ordinance shall not prohibit a municipality or municipalities from entering into agreements relating to any facet of source separation of recyclables.

SECTION III: REPORTING REQUIREMENTS

Subsection 1 Each municipality shall report all information relating to waste generation, collection and disposal within its boundaries to the Hennepin County Department of Environment and Energy. Such information shall include but not be limited to; data on tonnage generated in the municipality, data on recyclable materials generated and collected within the municipality, and such additional information as is requested by the Department of Environment and Energy. Such information shall be shall be provided on an annual basis by or on March 1st of each year, or as otherwise directed by the Department of Environment and Energy.

SECTION IV: MUNICIPAL FAILURE TO MEET STANDARDS ESTABLISHED IN SECTION II

If any municipality fails to establish or implement a source-separation ordinance as provided in SECTION II, or fails to meet the percentage level of waste reduction as established by the County Board, the County Board may implement a source-separation program which includes source separation provisions as provided in section V, within the boundaries of said municipality. If such a program is implemented it shall be enforced upon all persons residing in said municipality. This ordinance shall be applicable to all municipalities, unincorporated areas, and political subdivisions within the geographical boundaries of Hennepin County Minnesota.

SECTION V: SOURCE SEPARATION PROVISIONS

The County Board may implement any of the provisions contained in this section within the boundaries of a municipality, if said municipality fails to meet the requirements established in section II of this ordinance.

A. PRE-COLLECTION AND COLLECTION

Subsection 1

Pre-collection. All persons who are owners, lessees, and occupants of any building, commercial or residential, within Hennepin County, which generates mixed municipal

solid waste, shall separate from all solid waste the designated recyclable material before disposal, removal or collection:

- a. Paper recyclables, which shall be bundled separately and/or secured in such a manner as to prevent them from being blown or scattered, and shall be maintained in a dry condition free of any other substance and shall not be placed in plastic bags.
- b. Aluminum recyclables shall be clean of all contents and such recyclables shall not be placed in plastic bags.
- c. Glass recyclables shall be clean of all contents. Caps, lids and all metal shall be removed prior to collection and such recyclables shall not be placed in plastic bags.
- d. Can recyclables shall be clean of all contents. Can recyclables shall not be placed in plastic bags. All aluminum, glass and can recyclables shall be placed into containers and not mixed with other forms of solid waste or mixed municipal solid waste in a manner consistent with the rules, regulations and procedures adopted by the County Board.

Subsection 2

Container Requirements: Containers shall be provided by all persons who are owners, lessees, or occupants of any building, commercial or residential, and shall be:

- a. maintained in a clean and sanitary condition in accordance with all pertinent health statutes, ordinances, rules and regulations;
- b. located in such manner so as to prevent them from being overturned or obstructing pedestrian or motor vehicle traffic or being in violation of any statute, ordinance, rule or regulation; and
- c. adequate and substantial enough to contain the recyclables therein.

Such further specifications relating to containers may be adopted by the County Board.

Subsection 3 Collection:

The collection, removal and disposal of recyclables shall be supervised by the County Board, which shall have the power to establish the time, method and routes of service. Special times for large item pick-up may also be established. Collection provisions shall include but not be limited to the following:

- a. Notice of dates and times of collection will be published or otherwise made available to persons affected herein.
- b. The Department may establish drop-off or collection sites where any person may deposit recyclables at such times and locations as determined.

c. It shall be unlawful for any person other than employees of the Department, or authorized persons, collectors or haulers to distribute, collect, remove or dispose of recyclable materials after said materials have been placed or deposited for collection.

d. Nothing in this Ordinance shall abridge the right of any person to give or sell their recyclable materials to any recycling program lawfully operated for profit, non-profit or charitable purposes.

e. Nothing in this Ordinance shall abridge the right of any authorized recycling program to lawfully operate within Hennepin County, subject to such other licenses or other regulations as may be required by law.

f. It shall be unlawful for a person to collect, remove or dispose of mixed municipal solid waste which consists of recyclables combined with other forms of mixed municipal solid waste.

B. VIOLATION AND PENALTY

Subsection 1

Misdemeanor. Any person who fails to comply with the provisions of this ordinance may be charged with a violation not exceeding a misdemeanor and upon conviction shall be punished as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Subsection 2

Remedies Cumulative. No remedy set forth in this Ordinance for violation of this Ordinance is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Ordinance or now or hereafter existing at law or in equity or by statute. 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.

Subsection 3

Injunctive Relief. In the event of a violation or a threat of violation of this Ordinance, the County may institute appropriate actions or proceedings including application for injunctive relief, action to compel performance or other appropriate action to prevent, restrain, correct or abate such violations or threatened violations.

Subsection 4 Costs and Special Assessments.

a. If a Hauler or any Person within said County collects or disposes of recyclables in violation of this Ordinance, the County may take the necessary steps to correct such violations and the costs thereof may be recovered in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property owned by such hauler or person.

b. If any municipality, unincorporated area, or political subdivision within the geographical boundaries of Hennepin County fails to meet the requirements established in Section II of this ordinance, the County Board, to the extent that it has assumed the responsibilities that the local unit has failed to assume pursuant to Section II, may seek reimbursement in any court of competent jurisdiction, for all costs, expenses and expenditures which the County has incurred incident to the adoption, implementation, administration and enforcement of a source-separation ordinance within the boundaries of a local unit.

C. ENFORCEMENT

Subsection 1 Warnings.

The Department or any of its duly authorized representatives and collectors and haulers of recyclables, may issue a warning notice to any person observed not in compliance with any provision of this Ordinance.

- a. The warning notice shall be on such form(s) as provided by the Department.
- b. Forms shall be provided to collectors and haulers who may issue such warning notices by placing or attaching them to waste containers or on the premises where the violation occurs.
- c. A copy of any warning notice as issued by a collector or hauler shall be forthwith sent to the Department.

Subsection 2 Collection Refusal.

A collector or hauler may, upon issuance of a warning notice for noncompliance, not accept for collection the noncomplying waste materials.

Subsection 3 Costs for Compliance.

A collector or hauler may, upon issuance of a warning for noncompliance, undertake to render any noncomplying recyclables placed for collection to be in compliance and a reasonable fee for undertaking shall be allowed and reported to the Department. The Department may certify the fee as costs to the County Auditor as a special tax to be assessed against the real property of the person in noncompliance.

Subsection 4 Citations.

The Department or any of its duly authorized representatives shall have the power to issue citations for violations of this Ordinance, but this shall not permit such representatives to physically arrest or take into custody any violator except on warrant duly issued.

a) Form of Citations: Citations shall contain at least the following:

1. The name and address of the person charged with the violation or the owner or person in charge of the premises at which the violation occurs.

2. The date and place of the violation.
3. A short description of the violation followed by the section of this Ordinance violated.
4. 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 person's arrest.
5. The name of the person issuing the citation.
6. Such other information as the Court may specify.

b) Issuance of Citations: Whenever any representative of the Department discovers any violation of this Ordinance, he may issue a citation to the person alleged to have committed the violation and such citation shall be in the form specified in paragraph A) of this subsection. Such citation shall be made out in quadruplicate (4). One copy thereof shall be issued to the person alleged to have committed the violation; one copy shall be filed with the Department; two copies thereof shall be filled with the County Ordinance Violation Bureau [hereinafter referred to as Bureau].

c) Issuance: The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent, expressly or impliedly authorized to accept such issuance.

d) Appearance: After the issuance of the citation and within such time as shall be fixed by court rule, the person charged with the violation shall report to the Violations Bureau.

e) Complaint: If the person charged with the violation does not appear at the Bureau within the time specified by court rule, the Bureau shall send him a notice directing him to respond to the citation within seven days of the date of notice and if such person fails to respond, the Bureau shall cause a complaint to be signed and a warrant to be issued for the arrest of such person to compel his appearance in court.

SECTION VI: SEPARABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this ordinance are separable in accordance with the following:

Subsection 1 If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

SECTION VII: PROVISIONS ARE ACCUMULATIVE

The provisions of this Ordinance are accumulative to all other laws ordinances and regulations heretofore passed, or which may be passed hereafter, covering any subject matter in this Ordinance.

This ordinance was current when published on this web site. To be certain that it has not been amended, contact the Hennepin County Environmental Services Division, at the email address shown on the right.

Ordinance 15

SOLID WASTE MANAGEMENT FEE

Adopted by the Hennepin County Board of Commissioners November 30, 1993

Amended on June 6, 1995

[Section 1 - Definitions](#)

[Section 2 - General Provisions](#)

[Section 3 - Solid Waste Management Fee - Collection and Remittance Policies](#)

[Section 4 - Violations and Penalties](#)

[Section 5 - Severability](#)

[Section 6 - Provisions are cumulative](#)

[Section 7 - Repeal and Enactment](#)

[Section 8 - Effective Date](#)

Purpose

The purpose of this ordinance is to establish authority for a Hennepin County Solid Waste Management Fee to fund environmental programs which protect the health and welfare of Hennepin County citizens pursuant to State mandates governing waste management programs. The Ordinance includes: procedures for establishing a Solid Waste Management Fee for the entire County of Hennepin; the fee payment method; reporting requirements; and penalties for noncompliance with provisions of this Ordinance. This Ordinance is adopted pursuant to Minnesota Statutes, Section 473.811, Subd. 3(a) and Subd. 5, and Section 400.08. The Hennepin County Board of Commissioners does ordain:

SECTION 1 DEFINITIONS

For the purpose of this Ordinance, the terms defined in this section shall have the meanings given them, unless the context clearly indicates otherwise.

Subsection 1

"County" is Hennepin County, Minnesota.

Subsection 2

"County Board" is the Hennepin County Board of Commissioners.

Subsection 3

"Department" is the Hennepin County Department of Public Works, Environmental Management Division.

Subsection 4

"Generate" is the act or process of producing waste.

Subsection 5

"Generator" is any Person who generates Mixed Municipal Solid Waste in Hennepin County and pays for Mixed Municipal Solid Waste collection or disposal services, or any Person who pays for Mixed Municipal Solid Waste collection or disposal services on behalf of a Person who generates Mixed Municipal Solid Waste in Hennepin County, and includes residential generators and nonresidential generators.

Subsection 5a

"Residential Generator" is a Generator who pays for mixed municipal solid waste collection or disposal services for a residential building including but not limited to a single family home, a duplex, a tri-plex, a four-plex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or a residential building on perma-lease.

Subsection 5b

"Nonresidential Generator" is a Generator who does not qualify as a Residential Generator.

Subsection 6

"Hauler" is a person engaged in the business of collecting, transporting or disposing of Mixed Municipal Solid Waste generated in Hennepin County.

Subsection 7

"Mixed Municipal Solid Waste" is garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural waste, tires, lead acid batteries, used oil, and other materials collected, processed and disposed of as separate waste streams.

Subsection 8

"Ordinance" is Hennepin County Ordinance 15 - Solid Waste Management Fee Ordinance.

Subsection 9

"Person" includes, but is not limited to: an individual, business, Hauler, Self-Hauler, public or private corporation, partnership, joint venture, association, trust, unincorporated association, government or agency or political subdivision thereof, landfill operator, generator, any other legal entity, and any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing.

Subsection 10

"Self-Hauler" is a Person who transports for disposal its own Mixed Municipal Solid Waste.

Subsection 11

"Operating License" shall mean the license required of all Persons, except individual residents hauling their own household waste, in order to collect or transport Mixed Municipal Solid Waste that is generated within Hennepin County.

Subsection 12

"Solid Waste Management Fee" is the charge established by the County Board, payable by Residential and/or Nonresidential Generators to the County for Solid Waste Management Services.

Subsection 13

"Solid Waste Management Services" includes all activities provided by the County or by Persons under contract with the County which support the preferred waste management responsibilities, described in Minnesota Statutes 115A.01 et seq, 473 and 400.08 including, but not limited to waste reduction and reuse; waste recycling; composting of yard waste and food waste; resource recovery through Mixed Municipal Solid Waste composting or incineration; land disposal; and management of problem materials, and household hazardous waste.

SECTION 2 GENERAL PROVISIONS

Subsection 1 Administration:

This Ordinance shall be administered by the Department.

Subsection 2 Compliance:

No Person shall collect, transport or dispose of Mixed Municipal Solid Waste generated in Hennepin County except in full compliance with this Ordinance. This shall not prevent the transportation of Mixed Municipal Solid Waste through Hennepin County by a Hauler.

Subsection 3 Solid Waste Management Fee:

A Solid Waste Management Fee shall be imposed for Solid Waste Management Services provided by Hennepin County. Generators (owners, lessees, or occupants of property in Hennepin County, or any or all of them) shall pay the Solid Waste Management Fee imposed in the manner set forth herein in amounts as established by the County Board.

Subsection 4 Procedures for Establishing the Amount of Solid Waste Management Fee:

The County Board shall establish the amount of the Solid Waste Management Fee by resolution, following a public hearing, and shall state the effective date for the enactment of the Solid Waste Management Fee.

Subsection 5 Procedures for Adjusting the Amount of Solid Waste Management Fee:

The County Board may adjust the amount of the Solid Waste Management Fee by resolution, following a public hearing, and shall state the effective date for the enactment of the adjusted Solid Waste Management Fee. There will be a sixty (60) day period prior to the effective date of such adjustment.

SECTION 3 SOLID WASTE MANAGEMENT FEE - COLLECTION AND REMITTANCE POLICIES

Subsection 1 Collection:

A. As a condition of its Operating License, each Hauler shall bill and collect the Solid Waste Management Fee from Hennepin County Residential and Nonresidential Generators for whom they haul Mixed Municipal Solid Waste.

B. Each Hauler shall make reasonable efforts to collect the Solid Waste Management Fee.

Subsection 2 Remittance:

A. The Solid Waste Management Fee collected by Haulers must be remitted to the County. Failure to remit the Solid Waste Management Fee collected may result in the revocation of the Hauler's Operating license.

B. Self-Haulers shall pay the Solid Waste Management Fee imposed directly to the County. Failure to pay the Solid Waste Management Fee may result in the revocation of an Operating License issued to any Self-Hauler required to be licensed under Hennepin County Ordinance 17.

C. If a Generator makes partial payment to a Hauler, the Hauler shall then apply payment to the Solid Waste Management Fee proportionally.

D. Each Hauler or Self-Hauler shall remit the Solid Waste Management Fee by the 20th day of the month following the month in which the Solid Waste Management Fee was collected by a Hauler or incurred by a Self-Hauler.

Subsection 3 Statements:

Consistent with the Hauler's normal billing practices, each Hauler shall separately state and clearly label the Solid Waste Management Fee on each invoice or statement issued

to their Residential and Nonresidential Generators for payment of waste collection and disposal services.

Subsection 4 Reports:

Each Hauler or Self-Hauler shall complete a Solid Waste Management Fee report in accordance with instructions and on forms provided by the Department. The Solid Waste Management Fee report, accompanied by any required Solid Waste Management Fees, must be submitted by the 20th day of the month following the month in which the Solid Waste Management Fee was collected by a Hauler or incurred by a Self-Hauler. The Solid Waste Management Fee report may include, but not be limited to, total gross billings and receipts for all collection and disposal services performed within Hennepin County, the number of Residential and Nonresidential Generators within Hennepin County, the number of tons collected within Hennepin County and disposed of within and outside of Hennepin County, and such other information as requested by the Department.

Subsection 5 Examination of Records

The Department or its duly authorized agent shall have the right to examine records, including access to computer records, maintained by a Hauler or Self-Hauler. The term "record" shall include, but is not limited to, all accounts of a Hauler. The Department shall be allowed access at all reasonable times to inspect and copy at reasonable cost all business records related to a Hauler's or Self-Hauler's collection, transportation, or and disposal of Mixed Municipal Solid Waste to the extent necessary to ensure that all fees required to be collected or paid have been remitted to the County. Such records shall be maintained by the Hauler or Self-Hauler for no less than six (6) years.

Subsection 6 Late Payment:

A late payment penalty in the amount of 1.5% per month shall be imposed in the following circumstances:

- A. Upon Solid Waste Management Fees collected from the Generator but not remitted by the Hauler to the County on or before the 20th day of the month following the collection; or
- B. Upon the Solid Waste Management Fee incurred by a Self-Hauler but not remitted by the Self-Hauler to the County on or before the 20th day of the month following the month in which it was incurred. If a Hauler fails to bill and collect the Solid Waste Management Fee from a Generator, the Hauler shall pay the Generator's Solid Waste Management Fee plus a 1.5% per month late payment penalty. The late payment penalty shall be calculated from the date the Solid Waste Management Fee should have been billed.

Subsection 7 Unpaid Fee:

On or before October 15 each year, the County Board may certify to the County Auditor all unpaid outstanding Solid Waste Management Fees, and a description of the lands against which the Solid Waste Management Fees arose. It shall be the duty of the

County Auditor, upon order of the County Board, to extend the assessments, with interest not to exceed the interest rate provided for in Section 279.03, Subd. 1, upon the tax rolls of the County, for the taxes of the year in which the assessment is filed. For each year ending October 15, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the State. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State.

Subsection 8 Collection Actions:

Exercise of any remedy under this subsection does not preclude exercise of other remedies.

A. If a Generator fails to pay the Solid Waste Management Fee to a Hauler in a timely manner, the County may use any available legal remedies to collect the overdue, unpaid Solid Waste Management Fees from the Generator.

B. If a Hauler has collected Solid Waste Management Fees and failed to remit them to the County in a timely manner, the County may use any available legal remedies to collect the Solid Waste Management Fees from the Hauler.

C. If a Self-Hauler fails to pay the Solid Waste Management Fee to the County in a timely manner, the County may use any available legal remedies to collect the Solid Waste Management Fee from the Self-Hauler.

SECTION 4 VIOLATIONS AND PENALTIES

Subsection 1 Misdemeanor:

Any Person who hauls Mixed Municipal Solid Waste and willfully or negligently fails to bill, fails to collect, or fails to pay or remit to the County the Solid Waste Management Fee is guilty of a misdemeanor. For the purposes of this subsection, a Person who hauls Mixed Municipal Solid Waste for a Generator who subsequently fails to pay its bill has not acted negligently. This subsection shall not preclude prosecution for any other misdemeanors, gross misdemeanor, or felony under State Minnesota law committed by such Person while hauling Mixed Municipal Solid Waste.

Subsection 2 Injunctive Relief:

The County may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance or other appropriate actions to prevent, restrain, correct or abate any violation or threatened violation of this Ordinance.

Subsection 3 Venue and Prosecution:

The Hennepin County Attorney's Office shall prosecute violations of any provision of this Ordinance. Such prosecutions shall be venued in Hennepin County.

Subsection 4 Costs and Special Assessments:

The County may recover costs, including staff and other related costs, incurred to enforce compliance with the provisions of this Ordinance. At the discretion of the County Board, the costs may be certified to the County Director of Property Tax and Public Records as a special tax against the real property owned by such Person.

Subsection 5 Citations:

The Department, its duly authorized representative, or any licensed peace officer shall have the power to issue citations for violations of this Ordinance, but this shall not permit the Department or its representatives to physically arrest or take into custody any violators.

Subsection 6 Departmental Order:

The Department may issue such Orders as may be necessary for the enforcement of this Ordinance. Each Order shall state the violation and the action and time schedule required for compliance.

SECTION 5 SEVERABILITY

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

A. Validity of Provisions: If any court of competent jurisdiction shall rule that any provision of this Ordinance is invalid, other provisions not specifically included in said judgment shall not be affected.

B. Application to Site or Facility: If any court of competent jurisdiction shall rule that the application of any provision of this Ordinance is invalid to a particular Generator, structure, site, facility, operation, Hauler or Self-Hauler such judgment shall not affect the application of said provision to any other structure, site, facility or operation not specifically included in the judgment.

SECTION 6 PROVISIONS ARE CUMULATIVE

The provisions in this Ordinance are cumulative and are additional limitations upon all other laws and ordinances covering any subject matter in this Ordinance.

SECTION 7 REPEAL AND ENACTMENT

The enactment of this Amendment repeals and replaces in its entirety Ordinance Number Fifteen, adopted on November 30, 1993. All licenses issued and not subsequently revoked or suspended pursuant to that Ordinance shall remain valid until June 30, 1995.

SECTION 8 EFFECTIVE DATE

This Amended Ordinance 15 shall be effective July 1, 1995.

Passed by the Hennepin County Board of County Commissioners this 6th day of June, 1995.

This ordinance was current when published on this web site. To be certain that it has not been amended, contact the Hennepin County Environmental Services Division, at the email address shown on the right.

Ordinance 17

METROPOLITAN MIXED MUNICIPAL SOLID WASTE HAULER LICENSING

DEPARTMENT OF PUBLIC WORKS ENVIRONMENT AND ENERGY DEPARTMENT

Adopted by the Hennepin County Board of Commissioners June 6, 1995

[SECTION 1 AUTHORITY, PURPOSE, AND TITLE](#)

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The Hennepin County Board of Commissioners does ordain:

SECTION 1 AUTHORITY, PURPOSE, AND TITLE

1.01 Authority.

This Ordinance is adopted pursuant to Minn. Stat. Sections 115A.93, 375.51, 400.08, and 473.811.

1.02 Purpose.

The purpose of this Ordinance is to establish rules, regulations, and standards for the regional licensing of Mixed Municipal Solid Waste Haulers in the seven metropolitan counties.

1.03 Title.

This Ordinance may be referred to as the Metropolitan Mixed Municipal Solid Waste Hauler Licensing Ordinance.

SECTION 2 DEFINITIONS

2.01

"General" Unless specifically defined herein, terms used in this Ordinance shall have common usage meaning. For purposes of this Ordinance, the words "must" and "shall" are mandatory and not permissive. Terms which are defined in the Waste Management Act, Minn. Stat. Section 115A.01, et seq., shall have the same definition in this Ordinance.

2.02

"Base County" shall mean the metropolitan county in which a Hauler's office, records, and vehicles are primarily located. If differing parts of the Hauler's business are located in more than one metropolitan county, the Base County shall be the metropolitan county in which the majority of vehicles are kept as determined by the Department at the time of license application. The Base County for Haulers based in a county not participating in the Regional Hauler Licensing Program shall be an adjacent metropolitan county as determined by the Department.

2.03

"Base License" shall mean the license obtained by the Hauler from the Base County as a precondition to obtaining an Operating License from the County or other counties.

2.04

"Counties" shall mean Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties or, if one or more of said counties withdraws from the Regional Hauler Licensing Program, the remaining counties.

2.05

"County" shall mean Hennepin County.

2.06

"County Board" shall mean the Hennepin County Board of Commissioners.

2.07

"Department" shall mean the County agency assigned the responsibility to administer the Regional Hauler Licensing Program in the County, as set forth in Section 8.01.

2.08

"Hauler" shall mean any person, firm, corporation, association, partnership, or other entity, other than an individual resident hauling his or her household waste, who collects or transports Mixed Municipal Solid Waste that is generated in the Counties.

2.09

"Operating County" shall mean any of the Counties in which the Hauler collects or transports Mixed Municipal Solid Waste.

2.10

"Operating License" shall mean the license required in order to operate within each Operating County including the Base County in which the Hauler collects or transports Mixed Municipal Solid Waste and which may contain specific conditions imposed by the issuing County.

2.11

"Ordinance 12 & 15" Ordinance 12 shall mean Ordinance Number Twelve - Solid Waste Designation Ordinance for Hennepin County and "Ordinance 15" shall mean Ordinance Number 15 - Solid Waste Management Fee for Hennepin County.

2.12

"Regional Licensing Program" shall mean the cooperative Hauler licensing program established by joint powers agreement of February 1, 1995 by and among the Counties.

2.13

"Solid Waste Management Coordinating Board" or "SWMCB" shall mean the joint powers board established by agreement of the Counties for the coordination of solid waste management issues in the metropolitan area.

SECTION 3 LICENSING

3.01 Licensing Required.

No Hauler shall collect Mixed Municipal Solid Waste generated in Hennepin County unless the Hauler has a valid Base License and a valid Hennepin County Operating License. On the expiration date of the current license, any activity for which the license is required shall cease.

3.02 License Application for Base and Operating Licenses.

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

3.03 Incomplete or NonConforming Application.

If an application for a Base or Operating License is not complete or otherwise does not conform to the requirements set forth in this Ordinance, the Department shall notify the applicant, in writing, of the reasons for nonacceptance and may request that the applicant resubmit, modify, or otherwise alter the application. The notification required in this section shall be served upon the applicant by first class mail sent to the address provided on the application form.

3.04 License Fees.

The Hauler shall pay to the Base County all license fees for a Base License and all Operating Licenses issued pursuant to the Regional Licensing Program. Such license fees shall be established by the Solid Waste Management Coordinating Board. No license fee shall be prorated for a portion of a year and no license fee shall be refunded. A political subdivision, as defined in Minnesota Statute § 471.49, sub. 3, which hauls Mixed Municipal Solid Waste generated in its own facilities in vehicles which it owns and which are driven by its employees shall be exempt from this fee.

3.05 Late Fees.

Complete applications submitted after the due date specified in Section 3.07 shall be subject to the following additional fees: 1. One to seven days late twenty-five percent (25%) of the license fee 2. Eight to thirty days late fifty percent (50%) of the license fee 3. Thirty-one or more days late one hundred percent (100%) of the license fee.

3.06 No Bar to Enforcement Action.

Payment of the license fee together with payment of any late fee shall not bar other enforcement action by the County.

3.07 Application Due.

Hauler license renewal applications must be submitted to the Base County by April 30 each year. A Hauler license renewal application received after April 30 shall be subject to a late fee.

3.08 Failure to Act on License Application.

If the Base County does not act on a license renewal application, which is complete and submitted by June 30, the current Base License and Operating Licenses shall continue in force until the Base County takes action on the application. A reapplication for a license that has expired shall be deemed an initial application except that the application shall also be accompanied by the late fees imposed pursuant to Section 3.05. If the Department fails to act within 60 days of receipt of a properly completed initial application or a renewal application that is received after the due date, the applicant may request a hearing on the application. The request must be in writing. Upon receipt of a request for hearing, the Department shall set a time and place for the hearing. The hearing shall be conducted pursuant to the procedures set forth in Section 10.04 of this Ordinance.

3.09 Notice of Denial.

If the Department denies a license to an applicant, the applicant shall be notified of such denial in writing. The writing shall be served personally or by certified mail upon the applicant at the address provided in the application. The writing shall state the basis for the denial and shall provide notice to the applicant that if an appeal is desired, a written request for a hearing must be received by the Department within fifteen (15) calendar days following service of the denial, exclusive of the day of service. Upon receipt of a request for hearing, the Department shall set a time and place for the hearing. The hearing shall be conducted pursuant to the procedures set forth in Section 10.04 of this Ordinance.

3.10 License Transfer.

All Base Licenses and Operating Licenses are nontransferable.

3.11 License Year and Term.

The license year shall be July 1 through June 30.

3.12 License Issuance.

Base and Operating Licenses shall be issued by the Department consistent with this Ordinance.

SECTION 4 BASE LICENSE

4.01 Base License.

A Hauler which collects Mixed Municipal Solid Waste generated in the County shall obtain and maintain a Base License from the Base County. A Hauler which collects or transports Mixed Municipal Solid Waste generated in any of the Counties shall obtain and maintain a Base License from the County, if the County is the Hauler's Base County.

4.02 Vehicles Licensed.

All vehicles used by the Hauler for the collection or transportation of Mixed Municipal Solid Waste generated within the Counties shall be included in the Hauler's Base License application.

4.03 Decalomania.

Each vehicle used by a Hauler for the collection or transportation of Mixed Municipal Solid Waste generated with the Counties shall be identified by a license decal issued for that vehicle for the current license year. The Hauler must affix the decal in a conspicuous place on the left side of the cab of the vehicle for which it was issued as directed by the Department. The Hauler must maintain the license decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed. If a vehicle is put into service during the license year, the Hauler shall submit the required information for this vehicle to the Base County and

shall not use the vehicle to collect or transport Mixed Municipal Solid Waste within the Counties until a decal has been issued and affixed to the new vehicle.

4.04 Insurance.

The Hauler shall obtain and submit certificates of insurance issued by insurers duly licensed by the State of Minnesota providing the following coverage or a self-insurance plan certified by the Minnesota Commissioner of Commerce providing for equivalent coverages: A. general liability coverage in the amount of \$500,000 for bodily injury per occurrence, \$250,000 for property damage per occurrence, or \$500,000 combined single limit; and B. automobile liability coverage in the amounts of \$500,000 for property damage, \$250,000 for bodily injury per person and \$50,000 for bodily injury per accident, or \$500,000 combined single limit. C. Workers Compensation insurance in accordance with Minn. Stat. Section 176. Nothing in this provision shall prohibit a Hauler from providing insurance with limits higher than the limits provided herein. All such required policies shall name the Solid Waste Management Coordinating Board, Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties as additional insureds. All policies and certificates shall be endorsed to require that the insurer provide at least a sixty (60) day written notice to the County prior to the effective date of policy cancellation, nonrenewal, or material adverse change in coverage terms. The Hauler shall maintain insurance in compliance with this paragraph throughout the term of the Base License.

SECTION 5 OPERATING LICENSE

5.01 Operating License.

Any Hauler which collects Mixed Municipal Solid Waste in the County must obtain and maintain an Operating License from the County. A Hauler shall obtain and maintain a Base License from the Base County in order to be eligible for an Operating License. Suspension or revocation of a Hauler's Base License by the Base County shall result in the summary suspension of the Hauler's Operating License issued by the County. Revocation or suspension of the Base License shall constitute sufficient basis for summary suspension of the County Operating License in accordance with the procedures set forth in Section 10.02 of this Ordinance.

5.02 Vehicles Licensed/Vehicle Decals.

All vehicles used by the Hauler for the collection of Mixed Municipal Solid Waste within the County shall be included in the Hauler's Base License application to the Base County. The Hauler shall affix a decal as required by the Base County in a conspicuous place on the left side of the cab of the vehicle for which it was issued as directed by the Base County. The Hauler must maintain the license decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed.

5.03. Identification.

The business name and telephone number of the Hauler shall be printed or painted in legible characters on both sides of all vehicles or containers used by the Hauler to store, collect, or transport Mixed Municipal Solid Waste in the County. Such characters shall be at least four inches in height for all vehicles and containers. This provision shall not apply to containers owned and maintained by a solid waste generator.

5.04. Standards.

The issuance of an Operating License shall be subject to the provisions of County ordinances 12 and 15 and any other conditions set forth in this Ordinance or established by the County Board.

SECTION 6 CONDITIONS OF OPERATING LICENSE

In addition to conditions expressed elsewhere in this Ordinance, in Ordinance 12 or in Ordinance 15, as a condition of maintaining a valid Hennepin County Operating License, a Hauler must comply with the conditions set forth in this Section.

6.01 Reports.

The Department may request, on or before January 31 of each year and on such other dates as it deems necessary, that each Hauler with a County Base License submit a written report of its operations during the previous year covering matters relating to this Ordinance, and that each Hauler with a County Operating License submit a written report of its operations during the previous year covering matters relating to this Ordinance, Ordinance 12, and Ordinance 15 all as specified by the Department.

6.02 Compliance with Other Laws.

The obtaining of a license herein shall not be deemed to exclude the necessity of obtaining other licenses or permits as required by applicable State or federal laws or regulations or the ordinances of any other County or City. Haulers shall at all times operate in compliance with all applicable rules or requirements.

6.03 Cleanup Charges.

If in the sole judgment of the County, a Hauler is primarily responsible for all or a portion of waste littering roadways, the County may charge such Hauler the entire cost of the cleanup, removal and disposal of such waste.

6.04 Dispute Resolution.

In the event a dispute arising regarding the assessing of fees or charges that cannot be resolved with the Department, a Hauler and the Department may agree to submit the issue to a mutually agreed upon dispute resolution process or, should agreement on the process not be achieved, the dispute shall be submitted to the Office of Administrative hearings for resolution.

6.05 Examination of Records.

The Department or its duly authorized agent shall have the right to examine records, including computer records, maintained by a Hauler. The term "record" shall include, but is not limited to, all accounts of a Hauler. The Department shall be allowed access at all reasonable times to inspect and copy at reasonable cost all business records related to a Hauler's collection, transportation or disposal of Mixed Municipal Solid Waste to the extent necessary to ensure compliance with this Ordinance, and for Hauler's having Operating Licenses, for compliance with this Ordinance, Ordinance 12, and Ordinance 15. Such records shall be maintained by the Hauler for no less than six (6) years.

6.06 Indemnification of County.

Each Hauler shall take all reasonable precautions necessary to protect the public from injury and shall defend, indemnify and save the County harmless from any liability, claims, damages, costs, judgments, expenses and claims of damages that may arise by reason of any tort claim for bodily or personal injury, disease, death or damage to property resulting directly or indirectly from an act or omission of the Hauler, its agents, employees, or independent contractors, or anyone for whom any of them may be liable.

6.07 Transfer of Ownership.

No Operating License will be granted to any Hauler for any vehicle which has had a transfer of ownership unless and until all Solid Waste Management Fees imposed by Ordinance 15, and all Tipping Fees, Special Fees, and other charges due and owing to the County under previous ownership have been paid.

6.08 Business Operation Changes.

Prior to the effective date of such changes, every Hauler shall notify the Department in writing of any change in its ownership, in the location of its office(s), or in the number of vehicles which it operates.

SECTION 7 ENFORCEMENT

7.01 Misdemeanor.

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

7.02 Injunctive Relief.

In the event of a violation or threat of violation of this Ordinance, the County may institute appropriate actions or proceedings, including action to compel performance or other appropriate action requesting injunctive relief to prevent, restrain, correct or abate any violation or threatened violation of this Ordinance.

7.03 Civil Action or Cost as Special Tax.

If the Hauler fails to comply with the provisions of this Ordinance, the County may recover costs, including staff costs and reasonable attorneys' fees, incurred for corrective action in a civil action in any court of competent jurisdiction or, in the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against any real property in Hennepin County owned by such Hauler.

7.04 License Suspension or Revocation.

The Department may suspend or revoke any Hauler's Base License issued by the County for violation of any of the requirements set forth in Section 4 of this Ordinance or violation of any Base License conditions. The Department may suspend or revoke any Hauler's Operating License issued by the County for violation of any of the requirements in this Ordinance, of Ordinance 12, or of Ordinance 15.

7.05 Venue and Prosecution.

The Hennepin County Attorney's Office shall be authorized to prosecute violations of any provision of this Ordinance. All prosecutions or civil actions brought to enforce this Ordinance shall be venued in Hennepin County District Court.

7.06 Citations.

The Department, its duly authorized representative, or a licensed peace officer shall have the power to issue citations for violations of this Ordinance but this shall not permit the Department or its representatives physically to arrest or take into custody any violators.

7.07 Departmental Order.

The Department may issue such orders as may be necessary for the enforcement of this Ordinance. Each order shall state the violation and the action and time schedule required for compliance.

SECTION 8 GENERAL PROVISIONS

8.01 Administration.

The Department assigned the responsibility for the administration of this Ordinance shall be the Hennepin County Environmental Management Division.

8.02 Administrative Procedures.

Except to the extent superseded by this Ordinance, all provisions of Hennepin County Ordinance Number 1, County Licenses and Procedures, shall apply as though fully set forth herein.

8.03 Compliance.

No Hauler shall collect Mixed Municipal Solid Waste in the County, except in full compliance with the provisions of this Ordinance, Hennepin County Ordinance 12 and Hennepin County Ordinance 15.

8.04 Conditions.

Violations of any condition imposed by the County on a license or variance shall be deemed a violation of this Ordinance and subject to the enforcement provisions set forth in this Ordinance.

8.05 False Information.

Submission of false information shall be deemed a violation of this Ordinance and subject to the enforcement provisions set forth in this Ordinance.

8.06 Interpretation.

In their interpretation, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers or authority granted by Minnesota Statutes or Rules or other ordinances.

8.07 Abrogation and Greater Restrictions.

It is not intended by this Ordinance to repeal, abrogate, or impair any existing ordinance except as specifically stated herein. Where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

8.08 Operating Manual.

The Department shall establish administrative procedures for issuing an Operating License consistent with the terms of this Ordinance and shall publish them in the Operating Manual for Haulers authorized by Hennepin County Ordinance No. 12.

SECTION 9 SEVERABILITY

9.01 Intent.

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

9.01.A. Validity of Provisions.

If any court of competent jurisdiction shall rule that any provision of this Ordinance is invalid, other provisions not specifically included in said judgment shall not be affected.

SECTION 10 ADMINISTRATIVE PROCEDURES

10.01 Suspension or Revocation of License:

The Department may suspend or revoke any Hauler's Base License issued by the County for violation of any of the requirements set forth in Section 4 of this Ordinance or for violation of any Base License conditions. The Department may suspend or revoke any Hauler's Operating License issued by the County for violation of any of the requirements of this Ordinance, of Ordinance 12, or of Ordinance 15. Any suspensions shall be for a period up to sixty (60) days or until the violation is corrected. Written notice of a suspension or revocation shall be served personally or by registered or certified mail upon the Hauler at least fifteen (15) calendar days prior to the effective date of the suspension or revocation. The written notice shall contain the effective date of the suspension or revocation; the facts which support the conclusion that a violation or violations have occurred; a statement that if the Hauler desires to appeal, a written request for a hearing must be received by the Department within fifteen (15) calendar days following service of the notice, exclusive of the day of service; and that the request for hearing must state the grounds for appeal. If a hearing is requested, the suspension or revocation shall be stayed pending outcome of the hearing. Upon receipt of a request for hearing, the Department shall set a date, time and place for the hearing. The hearing shall be conducted pursuant to the procedures in this Ordinance.

10.02 Summary Suspension of License.

If the Department finds that the public health, safety, or welfare requires emergency action, summary suspension of a license may be ordered. Written notice of a summary suspension shall be by personal service upon the Hauler or by posting notice of the summary suspension of the license at a Hennepin County's solid waste facility. The Department shall also take reasonable steps to notify the Hauler by telephone prior to the summary suspension. The written notice shall state the effective date of the summary suspension; the violation requiring emergency action; the facts which support the conclusion that a violation has occurred; a statement that if the Hauler desires to appeal, a written request for hearing must be received by the Department within ten (10) calendar days following service of the notice, exclusive of the day of service; and that the request must state the grounds for appeal. Upon receipt of a request for hearing, the Department shall set a date, time and place for the hearing. The hearing shall be conducted pursuant to the procedures in this Ordinance. The summary suspension shall not be stayed pending an appeal.

10.03 Reinspection by Department:

Upon written notification from the Hauler that all violations for which a suspension or summary suspension was invoked have been corrected, the Department may reinspect the vehicle or activity. If upon reinspection the Department determines that all violations have been corrected, the Department may, in its discretion dismiss, modify or stay the suspension or summary suspension. Written notice shall be provided to the Hauler.

10.04 Hearings:

Hearings required pursuant to this Ordinance shall be conducted as follows:

A. Hearing Officer. The hearing shall be before an impartial hearing officer who shall conduct the hearing on behalf of the County Board. The Department shall prescribe the

duties of the hearing officer or contract with the Office of Administrative Hearings. The Department shall ascertain the availability and timeliness of scheduling the hearing through the Office of Administrative Hearings. If it is determined that a prompt hearing is not readily available through the Office of Administrative Hearings, the Department may appoint an individual learned in the law to act as the hearing officer.

B. Prehearing and Hearing Notice. The Department shall schedule and provide notice of the date, time and place of the prehearing conference and hearing. The prehearing conference shall be held at least three (3) weeks prior to the hearing. The hearing shall be held no later than forty-five (45) calendar days after receipt of the request for hearing or by mutual agreement of the parties, subject to scheduling by the Office of Administrative Hearings.

C. Procedure: The prehearing conference and hearing shall be conducted in the following manner:

1. The prehearing conference shall define the issues, schedule the exchange of witness lists and documentary evidence, seek agreement on the authenticity of documents and relevant testimonial evidence, determine whether intended evidence is cumulative and repetitive, and consider all other matters that will assist in a fair and expeditious hearing.
2. Each party shall exchange all relevant information and documentary evidence at least one (1) week prior to the hearing date. Such information shall include all evidence intended for introduction at the hearing and includes but is not limited to the following: exhibits; statements; reports; witness lists, including a description of the facts and opinions to which each is expected to testify; photographs; slides; demonstrative evidence. Evidence not exchanged in accordance with this provision will not be considered in the hearing unless good cause is shown to the hearing officer.
3. The hearing shall be public and shall be tape recorded or, at the discretion of the hearing officer, shall be recorded by a court reporter.
All witnesses shall testify under oath or affirmation.
4. Hearings shall be informal and the rules of evidence as applied in the courts shall not apply. Irrelevant, immaterial and repetitious evidence shall be excluded.
5. The Department shall have the burden of proof through clear and convincing evidence.
6. The Department, Hauler or license applicant, and additional parties as determined by the hearing officer, shall present evidence in that order. Each party shall have the opportunity to cross-examine the witnesses of the other party. The hearing officer may examine witnesses. Failure of a Hauler or license applicant to appear at the hearing shall result in a waiver of the right to a hearing.
7. The hearing officer shall issue a report containing written findings of fact and conclusions based upon the evidence presented at the hearing and shall submit the same to the County Board.
8. The County Board shall consider the report of the hearing officer at the next possible board meeting and may adopt or modify the report and take action, reject the report of the hearing officer, or remand for further hearing. The parties shall be notified of the action of the County Board within thirty (30) calendar days following its determination.
9. Appeal of a decision by the County Board shall be made to the Hennepin County District Court within thirty (30) calendar days following the County Board's action. The District Court shall

determine whether the record of the hearing contains evidence upon which the County Board could have reached its decision and whether the County Board abused its discretion in reaching its decision.

SECTION 11 PROVISIONS CUMULATIVE

The provisions in this Ordinance are cumulative and are additional limitations upon all other laws and ordinances covering any subject matter in this Ordinance.

SECTION 12 EFFECTIVE DATE AND DURATION

12.01 Effective Date.

This Ordinance shall be effective immediately upon passage by the County Board of Commissioners and publication as required by law and shall apply to the license year commencing July 1, 1995.

12.02 Termination or Cancellation of Regional Hauler Licensing Program.

Upon withdrawal by the County from the Regional Hauler Licensing Program or the Program's termination, any Hauler licenses in effect at that time, shall continue in force until the end of the current license year unless otherwise suspended or revoked.

Passed by the Board of County Commissioners of Hennepin County this 6th day of June, 1995.

This ordinance was current when published on this web site. To be certain that it has not been amended, contact the Hennepin County Environmental Services Division, at the email address shown on the right.

Ordinance 18

COUNTY COLLECTED SOLID WASTE FEE FOR SOLID WASTE MANAGEMENT SERVICES

Adopted by the Hennepin County Board of Commissioners October 17, 1995

PURPOSE

The purpose of this Ordinance is to establish authority for a Hennepin County Collected Solid Waste Fee for Solid Waste Management Services for the service area of the entire County to fund waste management programs that protect the health and welfare of Hennepin County citizens pursuant to State mandates governing waste management programs. The Ordinance includes: Establishing and imposing a County Collected Solid Waste Fee for Solid Waste Management Services and establishing the Fee payment method and collection procedures. This Ordinance is adopted pursuant to Minn. Stat. § § 375.51, 400.08 and 473.811.

The Hennepin County Board of Commissioners does ordain:

SECTION I DEFINITIONS

For the purposes of this Ordinance, the terms defined in this section shall have the meaning given them, unless the context clearly indicates otherwise.

Subsection 1.

"County" is the County of Hennepin, Minnesota.

Subsection 2.

"County Board" is the Hennepin County Board of Commissioners.

Subsection 3.

"Fee" is the County Collected Solid Waste Fee for Solid Waste Management Services authorized by Minn. Stat. § § 400.08 and 473.811, subd. 3 (a), and imposed by this Ordinance.

Subsection 4.

"Market Value" has the same meaning as in Minn. Stat. § 273.032.

Subsection 5.

"Person" includes, but is not limited to: an individual, business, public or private corporation, partnership, joint venture, association, trust, unincorporated association, government or agency or political subdivision thereof, and other legal entity, and any receiver, trustee, assignee, agent or other legal representative of any of the foregoing.

Subsection 6.

"Solid Waste Management Service" includes all activities provided by the County or by Person under contract with the County that support the preferred waste management responsibilities, described in Minnesota Statutes Chapters 115A and 473 and Section 400.08, including but not limited to waste reduction and reuse; waste recycling; composting of yard waste and food waste; resource recovery, transportation and transfer station costs, closure and postclosure care of solid waste facility, responses to releases from a solid waste facility or closed solid waste facility, and management of problem materials and household hazardous waste.

SECTION II GENERAL PROVISIONS

Subsection 1. Fee Imposed.

Pursuant to the authority of Minn. Stat. § § 375.51, 400.08 and 473.811, the County Board hereby imposes a Fee on all property subject to taxation under Minn. Stat. Chapters 272 and 273 located in the County. The Fee shall be imposed against the Market Value of the taxable property in the County.

Subsection 2. Procedures for Establishing the amount to be generated by the Fee.

Each year following a public hearing, the County Board shall establish by resolution the amount to be generated by the Fee.

Subsection 3. Fee.

The Fee shall appear on the property tax statement as a separate line item. The Fee shall be due and payable at the same time as the property tax payable in 1996 and every year thereafter.

Subsection 4 Unpaid County Collected Solid Waste Fee for Solid Waste Management Services.

If not paid, the Fee becomes delinquent and is subject to collection as delinquent real property tax with the same penalties and the same rate of interest as for delinquent property taxes under Minn. Stat. Chapter 279.

SECTION III SEVERABILITY

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

A. Validity of Provisions. If any court of competent jurisdiction shall rule that any provision of this Ordinance is invalid, other provisions not specifically included in said judgment shall not be affected.

B. Application to Particular Person or Property. If any court of competent jurisdiction shall rule that the application of any provision of this Ordinance is invalid to a particular person or property, such judgment shall not affect the application of said provision to any other person or property not specifically included in the judgment.

SECTION IV PROVISIONS ARE CUMULATIVE

The provisions of this Ordinance are cumulative and are additional limitations upon all other laws and ordinances covering any subject matter in this Ordinance.

SECTION VII EFFECTIVE DATE

This Ordinance shall be in full force and effect immediately upon passage by the County Board of Commissioners and publication as required by law.

This ordinance was current when published on this web site. To be certain that it has not been amended, contact the Hennepin County Environmental Services Department at the email address shown on the right.