

RESOLVED, that the Board of Ramsey County Commissioners hereby ordains:

SOLID WASTE ORDINANCE

SECTION 1.00 PURPOSE AND AUTHORITY

1.01 Purpose. It is the purpose and intent of this Ordinance to establish rules, regulations and standards in Ramsey County, Minnesota for:

- For the handling, collection, transportation, and storage of Solid Waste;
- For the treatment, Processing and/or Disposal of Solid Waste;
- To require the licensing of Solid Waste Haulers and Solid Waste Facilities;
- To establish design and construction requirements for Solid Waste Facilities;
- For control of special Solid Wastes;
- To establish and provide for an enforcement agency;
- To establish financial assurance requirements for Facilities and Sites Licensed pursuant to this Ordinance;
- To establish penalties for failure to comply with the provisions of this Ordinance;
- To establish fees for Licenses and permits granted pursuant to this Ordinance;
- To establish standards and procedures for issuing, denying, modifying, imposing conditions upon, suspending or revoking Licenses or permits;
- [To establish and implement Waste Designation](#); and
- To establish and administer the County's service charge for Solid Waste Management services.

This Ordinance shall be liberally construed so as to ensure the health, welfare and safety of the citizens of Ramsey Country and the general public and to protect the natural environment from Solid Waste contamination.

1.02 Authority. This Ordinance is adopted pursuant to Minnesota Statutes Chapters 115A, 145A, 375, 400, and 473 and the Ramsey County Home Rule Charter.

SECTION 2.00 ADMINISTRATION

2.01 Administrative Procedures. All of the provisions of the Ramsey County Administrative Ordinance shall apply as if fully set forth herein.

2.02 Administration. This Ordinance shall be administered by the Saint Paul - Ramsey County Department of Public Health (hereinafter "Department"). Its duties shall include, but not be limited to, the following:

- A. To review and consider all License applications submitted to conduct Solid Waste Management activities and for operation of Solid Waste facilities within the County;
- B. To inspect Solid Waste Management activities and facilities as herein provided and to investigate complaints of violations of this Ordinance;
- C. To recommend, when necessary, to the County Attorney's Office that legal proceedings be initiated against a certain Person, activity, Site or Facility to compel

SECTION 3.00 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.

- 3.01 Acceptable Household Quantities: means Solid Waste that is otherwise Unacceptable Waste, but which is contained in Garbage, Refuse, and municipal Solid Waste from normal household activities. For the purposes of this definition, “household” includes any residential dwelling unit or place of transient residence.
- 3.02 Acceptable Non-Household Waste: means Solid Waste that is otherwise Unacceptable Waste, but which is contained in Garbage, Refuse, and municipal Solid Waste generated from commercial, industrial, or community activities, where the quantity of such Unacceptable Waste contained in any load delivered to the Facility does not constitute a significant portion of such load. Provided, however, that no amount of Hazardous Waste that is regulated by law shall be Acceptable Waste.
- 3.03 Acceptable Waste: means Solid Waste that is acceptable at the Designated Facility. Acceptable Waste shall include Garbage, Refuse, and other municipal Solid Waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, and which is not otherwise defined herein as Unacceptable Waste. No amount of Hazardous Waste or Infectious Waste that is regulated by law is acceptable at the Designated Facility. Acceptable Waste shall also include Acceptable Household Quantities and Acceptable Non-Household Waste, as defined herein.
- 3.04 Bulking Agent: means the material added to a compost system to provide structural support and prevent the settlement and compaction of the decomposing waste.
- 3.05 Certificate of Rejection: means the written documentation provided by the Designated Facility to a collector stating that a load of waste has been rejected as unacceptable.
- 3.06 Cleanfill: means materials consisting of at least 90 percent natural soils and rock with the remaining 10 percent maximum composed of concrete, concrete block, brick, glass, or similar Inert Material which has been crushed to a diameter no greater than six (6) inches and approved in writing by the Department.
- 3.07 Closure: means actions to prevent or minimize the threat to public health and the environment posed by a closed 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.
- 3.08 Closure Document: means an order, stipulation agreement, or other document issued or negotiated by the Department that defines specific Closure and Post Closure Care requirements executed at the time a Solid Waste Facility is closed.

the remaining percentage comprising of natural soils. Asphalt and asphalt materials are not acceptable for Demolition Cleanfill.

- 3.23 Demolition Waste: means Solid Waste resulting from the Demolition or De-construction of buildings, roads, and other man-made structures, including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees and tree trimmings, rock, plastic building parts, and other Inert Materials which has been approved in writing by the Department. Demolition Waste does not include friable asbestos wastes or materials containing friable asbestos.
- 3.24 Demolition Waste Land Disposal Facility: means a Site used for the Disposal of Demolition Waste.
- 3.25 Department: means the Saint Paul - Ramsey County Department of Public Health.
- 3.26 Designated Facility: means the Ramsey/Washington Recycling & Energy Center located at 100 Red Rock Road in Newport, Minnesota to which Acceptable Waste is required to be delivered under Section 19.01 herein.
- 3.27 ~~3.26~~ Designation: means the requirement contained in Section 19.00 of this Ordinance that all or any portion of the Acceptable Waste that is generated within the County's boundaries or any service area thereof be delivered to the Designated Facility.
- 3.28 ~~3.27~~ Designation Area: means the Counties of Ramsey and Washington, Minnesota.
- 3.29 ~~3.28~~ Designation Plan: means that document entitled "Ramsey and Washington Counties Joint Waste Designation Plan" which detailed the Counties' proposal for the Designation of waste, and which was approved by the ~~Metropolitan Council on December 13, 1984,~~ Commissioner of the MPCA on November 22, 2016, pursuant to the statutory Designation procedures contained in Minn. Stat. § 115A.80 et seq.
- 3.30 ~~3.29~~ 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.
- 3.31 ~~3.30~~ Disposal Facility: means a Solid Waste Facility that is designed and operated for the purpose of disposing of Solid Waste on or in the land, together with any appurtenant facilities needed to process Solid Waste for Disposal or transfer to another Solid Waste Facility.
- 3.32 ~~3.31~~ Effective Designation Date: means January 1, 2018, the date from and after which waste must be delivered to the Designated Facility, ~~as specified in Section 19.09 of this Ordinance.~~ ~~3.32 Facility: means a Solid Waste Facility to which MMSW generated in the County is required to be delivered pursuant to Section 19 of this Ordinance.~~
- 3.33 Garbage: means discarded material resulting from the handling, Processing, storage, preparation, serving, and consumption of food.

- 3.34 Generation: means the act or process of producing waste.
- 3.35 Generator: means any Person who generates waste.
- 3.36 Hauler: means any Person, firm, corporation, association, partnership, or other entity, that collects or transports Mixed Municipal Solid Waste that is generated in the County. Hauler does not mean a Person hauling his or her own residential household waste.
- 3.37 ~~3.36~~ Hazardous Waste: means any Refuse, Sludge, or other waste material or combinations 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, as amended. Hazardous Waste shall include all materials designated as hazardous and regulated by State or Federal laws.
- 3.38 ~~3.37~~ Holidays: means those Holidays when the Designated Facility will be closed. Holidays will be Christmas Day, New Year's Day, Memorial Day, July 4th, Labor Day, and Thanksgiving. These Holidays may be changed by resolution of the ~~County~~R&E Board.
- 3.39 ~~3.38~~ Incineration: means the process by which Solid Wastes are burned for the purpose of volume and weight reduction in facilities designed for such use.
- 3.40 ~~3.39~~ Industrial Solid Waste: means all Solid Waste generated from an industrial or manufacturing process and Solid Waste generated from nonmanufacturing activities such as service and commercial establishments. Industrial Solid Waste does not include office materials, restaurant and food preparation waste, discarded machinery, Demolition Waste, or household Refuse.
- 3.41 ~~3.40~~ Industrial Solid Waste Land Disposal Facility: means a Site used to Dispose of Industrial Solid Waste in or on the land.
- 3.42 ~~3.41~~ Inert Material: means a material that displays either no chemical activity or chemical activity only under special or extreme conditions, to include the uncompostable material remaining in a compost system after decomposition.
- 3.43 ~~3.42~~ Infectious Waste: means laboratory waste, blood, regulated body fluids, sharps, and research animal waste that has not been decontaminated.
- 3.44 ~~3.43~~ Land Disposal Facility: means any tract or parcel of land, including any constructed Facility, at which Solid Waste is Disposed of in or on the land.

- 3.45 ~~3.44~~ Land Application/Bioremediation: means the placement of Solid Waste or Waste By-products on or incorporated into the soil, on the land's surface, or in a controlled pile or container. Composting is deemed to be a separate process from Land Application/Bioremediation.
- 3.46 ~~3.45~~ Land Application/Bioremediation Site: means any land used for the purpose of land application or bioremediation of waste or Waste By-products.
- 3.47 ~~3.46~~ Leachate: means liquid that has percolated through Solid Waste and has extracted, dissolved, or suspended materials from it.
- 3.48 ~~3.47~~ Leachate Management System: means the structures constructed and operated to contain, transport, and treat Leachate, including liners, collection pipes, detention systems, holding areas, and treatment facilities.
- 3.49 ~~3.48~~ License / Licensee: shall have the meanings as set forth in Sections 2.05 and 2.06 of the Ramsey County Administrative Ordinance.
- 3.50 ~~3.49~~ Market: means any Person/business that accepts and recycles Recyclable Materials.
- 3.51 ~~3.50~~ Marketed: means delivery of Recyclable Materials to and acceptance by a Market.
- 3.52 ~~3.51~~ Medical Waste: means Infectious Waste and waste originating from the diagnosis, care, or treatment of a Person or animal, or waste resulting from biological research, whether or not the waste has been decontaminated.
- 3.53 ~~3.52~~ Metropolitan Area: means the Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.
- 3.54 ~~3.53~~ Mixed Municipal Solid Waste (MMSW): means 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, Demolition Waste, mining waste, Sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and Disposed of as separate waste streams.
- 3.55 ~~3.54~~ Mixed Municipal Solid Waste Land Disposal Facility: means a Site used for the Disposal of MMSW in or on the land.
- 3.56 ~~3.55~~ MPCA: means the Minnesota Pollution Control Agency.
- 3.57 ~~3.56~~ 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 MPCA.
- 3.58 ~~3.57~~ 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.

- [3.59](#) ~~3.58~~ Operator: means the Person or Persons responsible for the operation of a Solid Waste Facility, Site, or activity.
- [3.60](#) ~~3.59~~ Owner or Solid Waste Facility Owner: means the Person or Persons who own a Solid Waste Facility, Site, or part of a Solid Waste Facility or Site.
- [3.61](#) ~~3.60~~ 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, except as applies to Section 23.00 of this Ordinance, does not include the MPCA.
- [3.62](#) ~~3.61~~ Post-closure/Post-closure Care: means actions taken for the care, maintenance, and monitoring of a Solid Waste Facility after Closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed Solid Waste Facility.
- [3.63](#) ~~3.62~~ Post-closure Care Plan: means the plan for Post-closure Care prepared in accordance with MPCA Rules Part 7035.2645.
- [3.64](#) ~~3.63~~ Problem Material: means a material that, when it is processed or Disposed of with MMSW contributes to one of the following results:
- 1) the release of a hazardous substance, or pollutant contaminant, as defined in Minn. Stat. Section 115B.02, subdivisions 8,13, and 15;
 - 2) pollution of water as defined in Minn. Stat. 115.01, subdivision 5;
 - 3) air pollution as defined in Minn. Stat. Section 116.06, subdivision 3; or
 - 4) a significant threat to the safe or efficient operation of a Solid Waste Processing Facility.
- [3.65](#) ~~3.64~~ 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.
- [3.66](#) ~~3.65~~ Processing Facility: means a Site used to process Solid Waste.
- [3.67](#) ~~3.66~~ Putrescible Material: means Solid Waste that is capable of becoming rotten and which may reach a foul state of decay or decomposition.
- [3.68](#) ~~3.67~~ Recyclable Materials: means materials that are separated from Mixed Municipal Solid Waste for the purpose of Recycling or Composting, including paper, glass, plastics, metals, automobile oil, ~~and~~ batteries, source-separated compostable materials, and sole source food waste streams that are managed through biodegradative processes. Refuse-Derived Fuel or other material that is destroyed by Incineration is not a Recyclable Material.
- [3.69](#) ~~3.68~~ Recycling: means the process of collecting and preparing Recyclable Materials and reusing the materials in their original form or using them in manufacturing processes that

do not cause the destruction of Recyclable Materials in a manner that precludes further use.

- [3.70](#) ~~3.69~~ Recycling Facility: means a Site used to collect, process, and repair Recyclable Materials and reuse them in their original form or use them in manufacturing processes.
- [3.71](#) ~~3.70~~ Refuse: means putrescible and nonputrescible Solid Wastes, including Garbage, Rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and Market and Industrial Solid Wastes, and including municipal treatment wastes which do not contain free moisture.
- [3.72](#) ~~3.71~~ Refuse-Derived Fuel: means the product resulting from techniques or processes used to prepare Solid Waste by shredding, sorting, or compacting for use as an energy source.
- [3.73](#) ~~3.72~~ Rejected Waste: means Unacceptable Waste that is rejected at the [Designated Facility](#) pursuant to Section 19.00 of this Ordinance.
- [3.74](#) ~~3.73~~ Resource Recovery: means the reclamation for sale, use, or reuse of materials, substances, energy, or other products contained within or derived from waste.
- [3.75](#) ~~3.74~~ Resource Recovery Facility: means a Solid Waste Facility established and used primarily for Resource Recovery, including related and appurtenant facilities such as transmission facilities and Transfer Stations primarily serving the Resource Recovery Facility.
- [3.76](#) ~~3.75~~ Rubbish: means nonputrescible Solid Wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
- [3.77](#) ~~3.76~~ Run-off: means any liquid that drains over land from any part of a Solid Waste Facility/Site.
- [3.78](#) ~~3.77~~ Run-on: means any liquid that drains over land onto any part of a Solid Waste Facility/Site.
- [3.79](#) Self-Hauler: means a [Person who transports its own Solid Waste for Processing or Disposal](#).
- [3.80](#) ~~3.78~~ Sewage Sludge: means the solids and associated liquids in municipal wastewater that are encountered and concentrated by a municipal wastewater treatment plant. Sewage Sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.
- [3.81](#) ~~3.79~~ Shoreland: means land located within the following distances from the ordinary high water elevation of public waters:

1. Land within 1,000 feet from the normal high watermark of a lake, pond, reservoir, impoundment, or flowage; and
2. 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.

[3.82](#) ~~3.80~~ Site: means a location that is designed, operated, and Licensed/permitted for the purpose of disposing of Solid Waste on or in the land, together with any appurtenant facilities needed for the proper operations of the Solid Waste Management activity, such as Land Application and Bioremediation.

[3.83](#) ~~3.81~~ Sludge: means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air contaminant treatment Facility, or any waste having similar characteristics and effects.

[3.84](#) ~~3.82~~ Sludge Waste: means inorganic waste in a semi-liquid state, excluding Hazardous Waste, but including waste from automobile wash racks and steam cleaning products, ceramic, pottery and glass wastes, muddied water from laundries, and similar non-toxic materials.

[3.85](#) ~~3.83~~ 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, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, 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 silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the federal Water Pollution Control Act, as amended; dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

[3.86](#) ~~3.84~~ Solid Waste Collection and Transportation: means the gathering of Solid Waste from public or private Sites and conveying the Solid Waste from one point to another, by means of a vehicle, rail car, water vessel, conveyer, or other means.

[3.87](#) ~~3.85~~ Solid Waste Collection and Transportation Vehicle: means a vehicle, regardless of capacity, size, number of axles, or other differentiating features, that is used for Solid Waste Collection and Transportation.

[3.88](#) ~~3.86~~ Solid Waste Facility: means all property, real or Personal, including easements and water and air rights, which is or may be used for the Processing or Disposal of Solid Waste. A License is required under the provisions of this Ordinance for all Solid Waste Facilities, except property used for the collection of the Solid Waste at the generation site and property used primarily for the manufacture of scrap metal or paper. A Solid Waste Facility includes but is not limited to Transfer Stations, Processing Facilities, and Disposal Sites and Facilities.

- [3.89](#) ~~3.87~~ Solid Waste Management: means activities that are intended to affect or control the Generation of Solid Waste and activities which provide for or control the collection, transportation, Processing, treatment, and Disposal of waste.
- [3.90](#) ~~3.88~~ Solid Waste Reduction: means an activity that prevents Generation of Solid Waste including reusing a product in its original form, increasing the life span of a product, reducing material used in production or packaging, or changing procurement, consumption, or waste Generation habits to result in smaller quantities of waste generated.
- [3.91](#) ~~3.89~~ Source Separation: means the separation of Recyclable Materials by the Generator prior to collection for Recycling.
- [3.92](#) ~~3.90~~ Tipping Fee: means the fees charged to collectors and citizens for waste delivered to the Facility.
- [3.93](#) ~~3.91~~ Transfer Station: 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.
- [3.94](#) ~~3.92~~ Unacceptable Waste: means Solid Waste that is not acceptable at the [Designated](#) Facility. Unacceptable Waste shall include waste which would [likely](#) pose a threat to health or safety, or which may cause damage to, or materially adversely affect the operation of the [Designated](#) Facility including but not limited to: explosives; Medical Waste; commercial, industrial, and community Hazardous Waste, as regulated by federal, state and local law; chemicals and radioactive materials; oil Sludges, asbestos in identifiable quantities; cesspool, domestic sewage or other Sewage Sludge; human or animal remains; street sweepings; ash; mining waste; Sludges; Demolition Waste; Construction Debris; waste in liquid state; hazardous Refuse of any kind, such as cleaning fluids, used crank case oils, cutting oils, paints, acids, caustics, poisons, drugs; and any other materials that the [Designated](#) Facility ~~Operator and the Counties shall agree, identifies;~~ or that [MPCA](#) or any other governmental ~~MPCA~~ or unit having appropriate jurisdiction shall determine, is harmful or of a toxic or dangerous nature.
- [3.95](#) ~~3.93~~ Waste By-products: means the liquids, gases, or other residues resulting from Solid Waste Disposal, Processing, or treatment activities.
- [3.96](#) ~~3.94~~ Waste Tire: means a pneumatic tire or solid tire for motor vehicles that has been discarded or that can no longer be used for its original intended purpose because of wear, damage, or defect.
- [3.97](#) ~~3.95~~ Waste Tire Collection Site: means a County Licensed and MPCA permitted Site or a Site exempted from License or permit, used for the storage of Waste Tires.
- [3.98](#) ~~3.96~~ Waste Tire Dump: means an unlicensed, unpermitted Site being maintained, operated, used, or allowed to be used for the collection, storage, keeping, or depositing of unprocessed Waste Tires.

3.99 ~~3.97~~ Waste Tire Processing Facility: means a Licensed Solid Waste Facility used for the shredding, slicing, producing, or manufacturing of usable materials, including fuel, from Waste Tires including incidental temporary storage activity. Processing does not include the retreading of Waste Tires.

SECTION 4.00 LICENSING OF SOLID WASTE FACILITIES AND SITES

4.01 License Required. No Person shall make nor allow any land or property under their control to be used for Solid Waste Management or Disposal purposes unless such land or property has been duly Licensed pursuant to the provisions of this Ordinance.

The procedures for License issuance, denial, variance, revocation, suspension, renewal, administration, and fees shall be governed by the Ramsey County Administrative Ordinance, to the extent that said procedures do not conflict with provisions of this Ordinance.

4.02 License on Premises. A Solid Waste Facility or Site shall post the License, required by Section 4.01 of this Ordinance, in a public area of the business. Additionally all other required Licenses, to include but not limited to, City Licenses, MPCA permits/permits-by-rule, National Pollutant Discharge Elimination System (NPDES) permits, shall be posted in a public area of the business. If there is not a public location at the Facility or Site available to post said Licenses and/or permits, they shall be maintained on-site and presented for viewing on request.

4.03 Licensing Not Exclusive. Obtaining a Solid Waste Facility, Site, or Hauler License 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.

4.04 Other Solid Waste Facility or Site: Any Solid Waste Facility or Site to be used for any method of Solid Waste Management not otherwise provided for in this Ordinance must be Licensed by the Department before operation may commence. The License application shall include a set of complete plans, specifications, design data, ultimate land use plan, and proposed operating procedures prepared by a professional engineer registered in the State of Minnesota.

4.05 Fees.

A. The County Board shall, by resolution, establish fees, including fees for the initial License, initial application and plan review, and renewal of Licenses.

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

C. Fees for new Licenses are due thirty (30) days after the billing date, unless a specific due date other than the thirty (30) days has been established on the invoice.

SECTION 19.00 DESIGNATION OF SOLID WASTE.

19.01 Delivery Requirements: ~~To the extent authorized by law~~Beginning on the Effective Designation Date, all Acceptable Waste generated within the County must be delivered to the Designated Facility and may not be delivered to any other Solid Waste Facility except as provided in ~~19.03~~Sections 19.04, 19.07, 19.10, and 19.0419.11, herein. The County may from time to time designate additional Solid Waste ~~facilities~~Facilities. This provision is binding on all Persons, including without limitation, political subdivisions, Solid Waste Land Disposal ~~Facility Operators, Solid Waste~~Facilities, Generators, ~~and Solid Waste collectors~~Haulers, and Self-Haulers in the County.

19.02 Definitions: For the purpose of this Section, the terms used herein shall have the following meaning unless the context clearly indicates otherwise.

A. R&E Board: means the Ramsey/Washington Recycling & Energy Board, a joint powers board comprised of Ramsey and Washington Counties.

19.03 Delivery to Transfer Stations Permitted: Haulers that enter into a waste delivery agreement with the R&E Board may comply with Designation by delivering Acceptable Waste to a Transfer Station that has entered into a transload agreement with the R&E Board, provided such an agreement allows delivery to such a Transfer Station.

19.04 Waste Delivered Pursuant to a Waste Delivery Agreement: Waste subject to Designation, but that is delivered to the Designated Facility pursuant to waste delivery

agreements between Haulers or authorized Self-Haulers and the R&E Board, is excepted

from the requirement of Section 19.01 for the term of such agreements.

19.05 ~~19.02~~-Acceptance ~~Requirements~~Requirement: The Designated Facility must accept all Acceptable Waste delivered to the Designated Facility, unless the County has declared an interruption of Designation as provided in ~~19.09 herein~~19.07 herein. Notwithstanding the foregoing, all deliveries to the Designated Facility shall be in accordance with the terms and conditions of this ordinance and in compliance with delivery instructions and procedures set forth by the R&E Board.

19.06 ~~19.03~~-Delivery of Unacceptable Waste:

A. Rejection of Unacceptable Waste. No Person may deposit Unacceptable Waste at the Designated Facility. The Designated Facility Operator may reject any load for which there is a reasonable basis to believe the load contains Unacceptable Waste by refusing to ~~allow Disposal of the load at the Facility~~accept any load for which there is a reasonable basis to believe the load contains Unacceptable Waste. At the time of such rejection, the Designated Facility Operator shall provide the ~~vehicle~~Operator of the Solid Waste Collection and Transportation Vehicle with a Certificate of Rejection

stating the reason or reasons therefore. ~~The Facility Operator shall transmit a copy of the Certificate of Rejection to the Department in a timely manner.B.~~

B. Mixing of Waste Prohibited. No Person shall mix Acceptable Waste with Unacceptable Waste.

C. Disposal of Rejected Waste. Rejected Waste must be Disposed of in accordance with all applicable federal, state, and local laws and regulations. A Certificate of Rejection must be presented to the Operator of any ~~alternative~~alternate Solid Waste Facility used for Rejected Waste. No Solid Waste Facility may permit any Solid Waste subject to Designation to be deposited at such Solid Waste Facility unless the Person, Hauler, or ~~collector~~Self-Hauler seeking deposit presents a Certificate of Rejection from the Designated Facility. Any Person, Hauler, or ~~collector~~Self-Hauler who deposits Unacceptable Waste at the Designated Facility must recover all such Unacceptable Waste immediately upon demand of the Designated Facility Operator. Such Unacceptable Waste shall be considered Rejected Waste, and must be Disposed of in accordance with this ~~section~~Ordinance and all applicable federal, state, and local laws and regulations.

~~19.04 Receiving Hours: Acceptable Waste must be delivered to the Facility between 6:00 a.m. and 6:00 p.m. Monday through Saturday, excluding Holidays, or at such other times as the County may determine. The Facility Operator will not be required to allow delivery of Acceptable Waste at any times other than those specified herein.~~

19.07 Interruption of Designation Requirement: The Director of the Department or the Director's designee may choose to interrupt the Designation requirement of Section 19.01. If the Director of the Department or the Director's designee interrupts the Designation requirement of Section 19.01, no Person may deliver any Solid Waste to the Designated Facility until such time as the Designation requirement has been reinstated. During such interruption, any Solid Waste that would otherwise be subject to Designation may be delivered to an alternate, permitted Solid Waste Facility. This provision does not relieve any Person of any obligation to comply with all other applicable federal, state or local laws or ordinances. The Department will provide reasonable notice of any interruption and subsequent reinstatement of the Designation requirement to Haulers, municipalities, Self-Haulers, and Solid Waste Disposal Facility Operators in the County.

19.08 Recordkeeping; Inspection: All Self-Haulers, Haulers, and Owners or Operators of Solid Waste Facilities must comply with the provisions of Minn. Stat. § 115A.882, as amended.

19.09 ~~19.05~~ Tipping Fees:

A. Payment. All Persons must pay a Tipping Fee to the ~~Facility Operator~~R&E Board for Solid Waste accepted at the Designated Facility.

B. Establishment of Fees.

1. ~~1.~~ Procedure. The ~~County R&E Board of Commissioners shall~~ is delegated the authority to establish or amend the Tipping Fee by resolution. ~~The Any~~ resolution establishing or amending the Tipping Fee shall state the effective date of the Tipping Fee, which shall be at least 90 days after the date of the resolution.
 - ~~2.~~ All Persons subject to Designation shall be notified of an amendment to the Tipping Fee at least 90 days prior to the effective date of the amended Tipping Fee.
2. Principles. The ~~County R&E Board~~ shall set the Tipping Fee and any amendments thereto at a reasonable amount, taking into account any of the following factors:
 - ~~a. a.~~ the cost to the ~~County R&E Board~~ of Solid Waste Management services including those ~~provided by~~ included in the R&E Board's Designated Facility; ~~budget and enterprise funds;~~
 - ~~b. b.~~ the cost ~~to~~ and savings ~~by the collector to~~ Haulers and Self-Haulers of delivering Solid Waste to the Designated Facility;
 - ~~c. c.~~ the Tipping Fees charged at ~~the other~~ Solid Waste land Disposal facilities in the ~~Metropolitan Area~~ area;
 - ~~d. d.~~ any economic incentive the County ~~or R&E Board~~ may provide;
 - ~~e. e.~~ the County of origin of waste processed or transferred by the Designated Facility; and
 - ~~f. f.~~ any other factors which the ~~County R&E Board~~ may determine to have an impact on the reasonableness of the Tipping Fee at the Designated Facility.

19.10 ~~19.06~~ Exemptions: ~~The following Acceptable Waste shall be exempt from~~ Designation does not apply to the following:

- ~~A. Recycled Materials.~~ Materials that are separated from Mixed Municipal Solid Waste by the Generator and recovered for reuse in their original form or for use in manufacturing processes. For the purpose of this ~~section~~ Section "manufacturing process" does not include the treatment of waste after collection for the purpose of Composting.
- ~~B. Recyclable Materials that are Commingled for Recycling, and which~~ are actually recycled ~~are exempt from Designation. The residual materials that remain after the Processing of Commingled Recyclable Materials are exempt from Designation and~~ residuals from Recycling if there is at least an 85 percent volume reduction in the ~~material~~ Solid Waste processed at the Recycling Facility and the residuals are managed as separate waste streams. ~~Mixed Municipal Solid Waste that remains after the Processing of Commingled Recyclable Materials is subject to Designation if there is not at least an 85 percent volume reduction in the material processed at the~~

~~Recycling Facility or the Mixed Municipal Solid Waste material is not managed as separate waste stream, and shall be delivered to the Facility. A Person may request a variance from the Designation requirement for the Mixed Municipal Solid Waste subject to Designation, as described herein, resulting from the Processing of Commingled Recyclable Materials. The process for consideration of such a request shall be pursuant to 16.01 Variances of this Ordinance. The Department shall grant a variance if it finds that:~~

- ~~1. The Mixed Municipal Solid Waste resulting from the Processing of Commingle Recyclable Materials will be processed at a Resource Recovery Facility;~~
- ~~2. The Person requesting the variance has not been found in violation of the Designation provision in the six months prior to filing for a variance; and~~
- ~~3. The Person requesting the variance agrees to report and actually reports to the Department the quantities of materials, by categories to be specified by the Department, that are recycled from the Processing of the Commingled Recyclable Materials and the quantity of Mixed Municipal Solid Waste that are processed at a Resource Recovery Facility. Materials that have been separated for Recycling that cannot be Marketed, as determined by the Person that owns the materials, are no longer considered Recyclable Materials and are subject to the Designation requirement if they become Mixed Municipal Solid Waste.~~

~~B. Statutory Exemption for Existing Resource Recovery Facilities. Acceptable Waste processed at another Resource Recovery Facility, provided that:~~

- ~~1. Such Facility was in operation at the time of approval by the Metropolitan Council of the Counties' Designation Plan, on December 13, 1984;~~
- ~~2. Such Acceptable Waste shall be exempt only at the Processing capacity of such other Facility in operation at the time of approval of the Designation Plan.~~
- ~~3. The Owner of the Resource Recovery Facility shall provide documentation to the Department within 30 days following a written request to do so by the Department, substantiating the following: the existence of the Resource Recovery Facility at the time of Designation Plan approval; the amount and type of Acceptable Waste materials processed at the Resource Recovery Facility at that time; that the Resource Recovery Facility remains in operation; and such other information as the Department may require.~~

~~C. Materials Delivered Under Contracts. Acceptable Waste otherwise subject to Designation for which negotiated contractual arrangements exist that will require and affect the delivery of such Solid Waste to the Facility for the term of the contract; provided that this exception shall apply only during the term of such contract and only while the collector is not in default there under. that are processed at a Resource~~

Recovery Facility at the capacity in operation at the time that the Designation Plan was approved;

~~D. Public Health and Safety Exemptions. Acceptable Waste, which the Department determines on a case by case basis, should be exempt for reasons of public health and safety, under such conditions as the Department may specify. The Department shall make its determination based upon written application and following receipt of an application fee. At its option, the Department may convene an informal hearing with the applicant to consider the application. The Department will act upon the request with 30 days of receipt of the application. Failure of the Department to act upon the request within 30 days shall constitute a denial of the application, without prejudice to the applicant to reapply.~~

~~D.E. Material Separated at Transfer Stations: Materials that are separated at a Transfer Station that is permitted by the MPCA and Licensed by the Department and that has a License and is located within the ~~boundaries of Ramsey County~~ for the ~~purpose~~purposes of Recycling the materials if: (4a) the Transfer Station was in operation on January 1, 1991; or (2b) the materials were not being separated for Recycling at the Designated Facility at the time the Transfer Station began separation of the materials. ~~For the purpose of this section, “manufacturing processes” does not include the treatment of waste after collection for the purpose of Composting. The exemptions in this section apply only to those materials separated from Mixed Municipal Solid Waste that are managed in a manner appropriate to the characteristics of the waste stream and where a management practice is used which as been identified by Minnesota Statutes Section 115A.02 paragraph (b) as preferred over the primary management method of the Facility. The residual materials left after separation of the Recyclable Materials shall be delivered to the Facility. This exemption shall only apply if the materials that are separated at the Transfer Station are actually recycled.~~~~

~~19.07 Petition for Exclusion: Any Person proposing to own or operate a Solid Waste Processing Facility using Solid Waste materials subject to these Designation provisions, may petition the County for exclusion of the materials from the Designation provisions. In order to qualify for the exclusion of materials under this section, the petitioner shall submit with the petition a written description of the proposed Solid Waste Processing Facility, its intended location, its Solid Waste supply sources, purchasers of its products, its design capacity, and other information that the County may reasonably require. The petitioners shall pay a petition review fee to the Department. The County, after appropriate notice and hearing, shall issue a written decision with findings of fact and conclusions on all material issues. The County shall grant the petition if it determines that:~~

- ~~A. the materials will be processed at another Resource Recovery Facility, and~~
- ~~B. the exclusion can be implemented without impairing the financial viability of the Facility or impairing the contractual obligations or preventing the performance of contracts by the Facility Owner or Operator, the County, or users of the Facility. Any~~

~~Person aggrieved by the decision of the County may appeal to the Metropolitan Council. The review is confined to the record. The decision of the Metropolitan Council must be based on the standards stated in this section. If the Metropolitan Council approves the petition, the Designation provisions must be amended in conformance with the decision of the Metropolitan Council. The petition may be amended during the proceedings by agreement between the petitioner and the County.~~

19.11 ~~19.08~~ Exclusion of Materials Separated at Certain Facilities:

A. Designation does not apply to materials excluded pursuant to Minn. Stat. § 115A.84, subd. 4.

~~B.A. The County shall exclude, subject~~ Subject to approval by the ~~Metropolitan Council, materials that the Department~~Commissioner of the MPCA, Recyclable Materials that the County determines will be separated for Recycling at a Transfer Station or other Solid Waste Facility located outside of ~~Ramsey~~the County if:

1. The residual materials left after separation of the Recyclable Materials are delivered to ~~a Solid Waste~~the Designated Facility ~~designated by the County~~; and
2. Each ~~collector~~Hauler and Self-Hauler who would otherwise be subject to ~~the~~ Designation ~~provision~~ and who delivers waste to the Transfer Station or other Solid Waste Facility has not been found in violation of the Designation provision in the six months prior to filing for an exclusion; and
3. The ~~materials~~Recyclable Materials separated at the Transfer Station or other Solid Waste Facility are delivered to a recycler and are actually ~~recycled~~Recycled; and
4. The Owner or Operator of the Transfer Station or other Solid Waste Facility agrees to report and actually reports to the ~~Department~~R&E Board the quantities of ~~materials~~Recyclable Materials, by categories to be specified by the ~~Department~~R&E Board, that are ~~recycled~~Recycled by the Transfer Station or other Solid Waste Facility that otherwise would have been subject to the Designation provision.
5. ~~B.~~ In order to qualify for an exclusion under this ~~section~~Subsection, the Owner of a Transfer Station or other Solid Waste Facility shall file with the ~~Department~~County a written description of the Transfer Station or other Solid Waste Facility, its operation, location, and ~~Solid Waste~~waste supply sources, the quantity of ~~Solid Waste~~waste delivered to the Transfer Station or other Solid Waste Facility by the Owner of the Transfer Station or other Solid Waste Facility, the ~~Market~~market for the ~~materials~~Recyclable Materials separated for Recycling, where the Recyclable Materials are delivered for Recycling, and other information the ~~Department~~County may reasonably require, as well as a filing review fee. Information received by the Department is nonpublic data as defined in ~~Minnesota Statutes Section 13.02 subdivision~~Minn. Stat. § 13.02, subd. 9. Within 10 business days following receipt of the filing the Department, in

consultation with the R&E Board, shall determine whether the application is complete, and indicate to the applicant in writing the information needed to make the application complete if the application is incomplete. In the event the application is incomplete, the applicant must resubmit a complete application in order to be considered. At its option, the Department may convene an informal hearing with the applicant to gather additional information and to consider the application. The Department shall act upon the request with 60 days of receipt of the completed application. Notice of the Department's decision shall be made in writing, and shall be delivered by certified mail to the applicant. An applicant may contest the Department's decision through the procedures set forth in Section 7 of the Ramsey County Administrative Ordinance. If the exclusion is approved, the applicant is responsible for conveying the exclusion request, application, and associated materials to the Commissioner of the MPCA, and the department shall be included on such correspondence.

- C. The exclusion shall not be effective until the County has received written notice from the ~~Metropolitan Council~~Commissioner of the MPCA that it has approved the exclusion, and the ~~Department~~County has issued written notice to proceed with the exclusion.

~~19.09~~ Interruption of Designation Requirement:

- D. The County may revoke an exclusion granted under this Subsection 19.11.B if any of the conditions of this Subsection are not being met, or if Recyclable Materials are being recycled and the residuals from Recycling do not have at least an 85 percent volume in the Solid Waste processed at a Recycling Facility or Residuals are not being managed as separate waste streams.

19.12 Petition for Exclusion:

- A. ~~The Director of the Department or the Director's Designee may interrupt the Designation requirement of Subsection 1 herein for a period up to 72 hours if the Facility is inoperative. Any interruption greater than 72 hours shall require approval of the County Board.~~Any Person proposing to own or operate a Processing Facility using Solid Waste materials subject to Designation, may petition the County for exclusion of the materials from Designation. In order to qualify for the exclusion of materials under this Section, the petitioner shall submit with the petition a written description of the proposed Processing Facility, its intended location, its Solid Waste supply sources, purchasers of its products, its design capacity, and other information that the County may reasonably require. The petitioners shall pay a petition review fee to the County.
- B. ~~If the County Board or Department interrupts the Designation requirement of 19.01 herein, no Person may deliver any Solid Waste to the Facility until such time as the Designation requirement has been reinstated. This provision does not relieve any Person of any obligation to comply with all other applicable federal, state or local laws or Ordinances. The County Board or Department will provide reasonable notice~~

~~of any suspension and subsequent reinstatement of the Designation requirement to collectors, municipalities, and Solid Waste Land Disposal Facility Operators in the County.~~ The County, after appropriate notice and hearing, shall issue a written decision with findings of fact and conclusions on all material issues. The County shall grant the petition if it determines that:

1. the materials will be processed at another Resource Recovery Facility, and
2. the exclusion can be implemented without impairing the financial viability of the Designated Facility or impairing the contractual obligations or preventing the performance of contracts by the R&E Board or users of the Designated Facility.

C. Any Person aggrieved by the decision of the County may appeal to the Commissioner of the MPCA. The review is confined to the record. The decision of the Commissioner of the MPCA must be based on the standards stated in this Section.

D. If the Commissioner of the MPCA approves the petition, the Designation provisions must be amended in conformance with the decision of the Commissioner of the MPCA. The petition may be amended during the proceedings by agreement between the petitioner and the County.

SECTION 20.00 PROHIBITION ON SOLID WASTE DISPOSAL.

20.01 Prohibition: No Person shall collect and deliver to be placed, allow to be placed, or place processed or unprocessed Solid Waste that has been generated in the County in a portion of a Land Disposal Facility if said Facility does not comply with the minimum requirements for design, construction, and operation of a new Land Disposal Facility for the type of Solid Waste being Disposed as set forth in MPCA Rules.

SECTION 21.00 VIOLATIONS AND PENALTIES.

21.01 Misdemeanor. Any Person who violates this Ordinance, or who shall permit such a violation to exist on the premises under their control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the Department, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished, as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

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

21.03 Recovery of Abatement Costs. If a Person fails to comply with the provisions of this Ordinance, the County may recover cost incurred for corrective action by any means allowable by law. In the discretion of the County Board, the costs may be certified to the

subsection. Other words and phrases used in this section have the meaning ascribed to them in Section I of this Ordinance.

- A. Charge: is the service charge established under 23.01.
- B. Nonresidential Rate: is the rate of the Charge imposed on any Person who pays for Waste Management Services for Mixed Municipal Solid Waste generated from any source in Ramsey County other than a Residential Building.
- C. Operating License: is the License required by Section 4.00 of this Ordinance.
- D. Residential Building: is 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 any other residential building as determined by the County.
- E. Residential Rate: is the rate of the Charge imposed on a Person who pays for Waste Management Services for Mixed Municipal Solid Waste generated from a Residential Building.

~~F. Self Hauler: is a Person who transports for Disposal its own waste.~~

~~E. G.~~ Waste Management Services: means collection, transportation, Processing, or Disposal of Mixed Municipal Solid Waste generated in Ramsey County, including but not limited to regularly scheduled service, on-call service, one-time service, rental and other use of equipment such as waste containers, compactors, compactor boxes, and the like, and any other service that involves or facilitates collection, transportation, Processing, or Disposal of waste materials as Mixed Municipal Solid Waste. It does not include the sale of equipment used for the collection, transportation, Processing, or Disposal of Mixed Municipal Solid Waste. It does not include collection, transportation, or management of Recyclable Materials, yard waste, food waste, source separated compostable materials, Problem Materials, or other waste materials when these materials are segregated by the Generator for the purpose of Recycling or Composting and are delivered to a Recycling Facility or Compost Facility, or the sale, rental, or other use of equipment necessary to facilitate collection or transportation of these materials.

23.03 Billing and Collection:

- A. The County Board shall determine the manner in which the rates and Charges shall be billed and collected.
- B. Each Hauler shall bill the Charge to and collect the Charge from all Persons to whom they provide Waste Management Services, according to the rates and provisions established under 23.08 and 23.09. In the event a municipality contracts or otherwise arranges for Waste Management Services on behalf of Generators residing in a Residential Building, elects to bill the Charge to and collect the Charge from Persons who are billed for such services, and subsequently remits all Charges collected to the

FURTHER RESOLVED, That the foregoing Solid Waste Ordinance supersedes the original Solid Waste Ordinance passed by the County Board on September 4, 1970 (Resolution #9-281) and amendments passed by the County Board on May 1, 1972, December 18, 1972, February 25, 1974, May 29, 1979 (Resolution #79-603), May 14, 1984 (Resolution #84-374), June 3, 1985 (Resolution #85-333), September 9, 1985 (Resolution #85-569), March 17, 1986 (Resolution #86-157), February 11, 1992 (Resolution #92-142), August 11, 1992 (Resolution #92-476), February 15, 1994 (Resolution #94-078), November 1, 1994 (Resolution #94-497), March 28, 1995 (Resolution #95-149), November 14, 1995 (Resolution #95-494), November 5, 1996 (Resolution #96-479), November 4, 1997 (Resolution #97-484), November 3, 1998 (Resolution #98-448), November 2, 1999 (Resolution #99-433), November 7, 2000 (Resolution #2000-383), November 3, 2001 (Resolution #2001-373), December 3, 2002 (Resolution #2002-433) ,~~and~~ November 4, 2003 (Resolution #2003-371), and October 20, 2009 (Resolution #2009-361).

Adopted by the Board of Ramsey County Commissioners this ~~20th~~____ day of ~~October-2009,~~ 2017, by Resolution #~~2009-361-2017-~~_____.

~~89766340.1-0039401-00008-89766340.5~~