



Olmsted County

CHAPTER 3500 – SOLID WASTE MANAGEMENT ORDINANCE

Ordinance No. 23-____

The Olmsted County Board of Commissioners does ordain as follows:

CHAPTER 3500 – SOLID WASTE MANAGEMENT ORDINANCE

Effective October 1, 2023

Section 3501. Declaration Of Intent	1
Section 3502. Definitions	2
3502.01 “Acceptable Waste”	2
3502.02 “Agricultural Site”	2
3502.03 “Anaerobic Digestion”	2
3502.04 “Bulky Items”	2
3502.05 “Collection” or “Collect”	2
3502.06 “Collection Container”	2
3502.07 “Collection Service Standard”	2
3502.08 “Commercial Hauler”	3
3502.09 “Commercial Site”	3
3502.10 “Compost”	3
3502.11 “Compost, Backyard Site”	3
3502.12 “Compost Facility”	3
3502.13 “Compost, Commercial Small Facility”	3
3502.14 “Compost State of Minnesota Permitted Facility”	3
3502.15 “Composting”	4
3502.16 “Construction Debris”	4
3502.17 “County”	4
3502.18 “County’s Agent”	4
3502.19 “County Board”	4
3502.20 “Curbside Collection”	4
3502.21 “Customer”	4
3502.22 “Demolition Debris”	4
3502.23 “Designated Points of Delivery”	4
3502.24 “Designated Waste”	5
3502.25 “Designation Plan”	5
3502.26 “Electronic Waste” or “e-waste”	5
3502.27 “Facility”	6
3502.28 “Facilities”	6
3502.29 “Fire Marshal”	6
3502.30 “Generator”	6
3502.31 “Gross Receipts”	6
3502.32 “Hauler Services”	6

3502.33	“Hazardous Waste”	6
3502.34	“Industrial Solid Waste”	7
3502.35	“Industrial Waste”	7
3502.36	“Infectious Waste”	7
3502.37	“Licensee” or “Licensed Hauler”	7
3502.38	“Mixed Municipal Solid Waste”	7
3502.39	“Open Area”	7
3502.40	“Permitted Site”	7
3502.41	“Person”	8
3502.42	“Problem Material”	8
3502.43	“Public Health Nuisance”	8
3502.44	“Putrescible Materials”	8
3502.45	“Recyclable Materials”	8
3502.46	“Recycling”	8
3502.47	“Recycling Center”	8
3502.48	“Registered Hauler”	8
3502.49	“Registered Hauler Services”	9
3502.50	“Residential Site”	9
3502.51	“Self-Hauler”	9
3502.52	“Separate Waste Stream”	9
3502.53	“Solid Waste”	9
3502.54	“Solid Waste Management Facility”	10
3502.55	“Solid Waste Management Service Charge” or “Service Charge”	10
3502.56	“Solid Waste Ordinance”	10
3502.57	“Source Separated Organic Materials”	10
3502.58	“Source Separated Recyclable Materials”	11
3502.59	“Special Wastes”	11
3502.60	“State”	11
3502.61	“Tipping Fee”	11
3502.62	“Transfer Station”	11
3502.63	“Unacceptable Waste”	11
3502.64	“Yard Waste”	12
3502.65	“Yard Waste Composting”	12
3502.66	“Yard Waste Compost Site”	12
Section 3503. Waste Abatement		12
3503.01	Purpose	12
3503.02	Separation of Yard Waste, Recyclable Materials and Source Separated Organic Materials from the Mixed Municipal Solid Waste Stream	12
Subs. 1.	Yard Waste Management	12
Subs. 2.	General Recycling Requirements	13
Subs. 3.	Residential Recycling	13
Subs. 4.	Commercial Recycling	13
Subs. 5.	Ownership of Recyclable Materials	13
Subs. 6.	Ownership of Yard Waste	14
Section 3504. Hauler Licensing and Registration		14
3504.01	Purpose	14
3504.02	License Required	14
Subs. 1.	Class A License	14
Subs. 2.	Class B License	17
Subs. 3.	Class C License	17

Subs. 4. Class D License	18
Subs. 5. License Requirements for All License Types	18
Subs. 6. License Transfer or Termination.....	19
3504.03 License Requirements and Application Process.....	19
Subs. 1. License Requirements	19
Subs. 2. Application	20
3504.04 Licensed Hauler Subcontracting Requirements During	
Emergency Event	21
Subs. 1. Peacetime Emergency.....	21
Subs. 2. Licensed Hauler Subcontracting.....	21
3504.05 Registration Required.....	22
Subs. 1. Registration Is Required for Persons.....	22
Subs. 2. Registration Requirement and Application Process	22
3504.06 Persons Ineligible for License or Registration	23
Subs. 1. The County Board may choose not to license or renew the license of:	23
.....	23
Subs. 2. For Purposes of This Section, an "Applicant" Includes:	24
3504.07 Investigation of Complaints by a Registered Hauler or Licensee	24
3504.08 Registration and License Period and Transfers	24
Subs. 1. Registration and License Period.....	24
Subs. 2. Registration and License Renewal	24
Subs. 3. Non-Transferable	24
Subs. 4. Dissolution or Change of Ownership of Licensee.....	25
3504.09 License and Registration Fees	25
Subs. 1. Establishment	25
Subs. 2. Payment.....	25
3504.10 Licenses, Registration and Permit Suspension or Revocation ...	25
Subs. 1. Revocation or Suspension.....	25
3504.11 Procedure for License, Registration and Permit Suspension and	
Revocation	26
Section 3505. Storage, Collection and Transportation.....	26
3505.01 Purpose.....	26
3505.02 Storage.....	27
Subs. 1. Residential Sites	27
Subs. 2. Commercial Sites.....	27
Subs. 3. Agricultural Sites.....	27
Subs. 4. Construction and Demolition Sites.....	28
Subs. 5. Solid Waste Storage Containers.....	28
Subs. 6. Mixed Municipal Solid Waste Storage in Vehicles.....	29
3505.03 Collection.....	29
Subs. 1. Collection Requirements.....	29
Subs. 2. Additional Class A Licensee Recycling Collection Requirements	29
Subs. 3. Collection Frequency	29
Subs. 4. City of Rochester Sectioning	30
Subs. 5. Title to Non-Hazardous Mixed Municipal Solid Waste.....	31
Subs. 6. Title to Source Separated Organic Materials.....	31
Subs. 7. Vehicle and Container Construction	31
Subs. 8. Maintenance of Vehicles and Roll-Off Containers.....	31
3505.04 Transportation.....	31
Subs. 1. Spilled Solid Waste.....	32
Subs. 2. Notification of Spilled Waste	32
Subs. 3. Hot Loads.....	32
Subs. 4. Delivery Conditions	32
Subs. 5. Delivery Conditions for Source Separated Organic Materials	33

Subs. 6. Waste Tracking.....	33
Section 3506. Processing and Disposal of Source Separated Organic Materials	34
3506.01 Purpose.....	34
3506.02 Local Zoning Authority Over Compost, Backyard Sites and Compost, Commercial Small Facilities	34
Subs. 1. Volume of a Compost, Backyard Site	34
Subs. 2. Compensation Not Permitted.....	35
Subs. 3. Acceptable Materials at Compost, Backyard Site.....	35
Subs. 4. Prohibited Materials at Compost, Backyard Sites	35
Subs. 5. Composting Structure for a Compost, Backyard Site	35
Subs. 6. Maintenance	35
3506.03 Compost, Commercial Small Facility.....	35
Subs. 1. Volume of a Compost, Commercial Small Facility.....	35
Subs. 2. Permit Required for Compost, Commercial Small Facility.....	36
Subs. 3. Acceptable and Restricted Materials Allowed at Small Commercial Compost Facilities.....	36
Subs. 4. Prohibited Materials at Compost, Commercial Small Facilities	37
Subs. 5. Permitted Zoning Classifications and Location Site Design Requirements for Compost, Commercial Small Facilities.....	37
Subs. 6. Maintenance of Compost, Commercial Small Facilities	37
Subs. 7. Permit Renewal.....	38
3506.04 Procedure for Permit Non-Compliance.....	38
3506.05 Compost State of Minnesota Permitted Facility	38
3506.06 Feeding Source Separated Organic Material to Animals.....	38
Section 3507. Processing and Disposal of All Other Solid Waste Materials.....	39
3507.01 Purpose.....	39
3507.02 Recyclable Materials	39
3507.03 Mixed Municipal Solid Waste	39
3507.04 Industrial Waste	39
3507.05 Unacceptable Waste, Problem Materials and Special Waste	39
3507.06 Delivery of Unacceptable Waste.....	40
3507.07 Prohibitions	40
Subs 1. Solid Waste Burning	40
Subs. 2. Non-Permitted Solid Waste Sites	41
Subs. 3. Unauthorized Container Use	41
Subs. 4. Hazardous Waste	41
Section 3508. The Mayo Foundation.....	41
Section 3509. Solid Waste Management Fees and Service Charges.....	42
3509.01 County Facility Fees	42
3509.02 County Solid Waste Management Service Charge	42
3509.03 Establishment of Service Charge	42
3509.04 Procedures for Adjusting the Amount of Solid Waste Management Service Charge	43
3509.05 Service Charge Collection.....	43
Subs. 1. Commercial Hauler Billing	43
Subs. 2. Collection	43
Subs. 3. County Billing	44
3509.06 Remittance.....	44
Subs. 1. Remittance to the County	44
Subs. 2. Remittance Deadline	44
Subs. 3 Proceeds of Service Charge are State Funds	45
3509.07 Service Charge Itemized on Statements.....	45

Subs. 1. County Environmental Service Charge	45
Subs. 2. Notice and Timing	45
3509.08 Service Charge Reports.....	45
3509.09 Recalculation of Service Charge	45
3509.10 Examination of Records	46
3509.11 Late Payment.....	46
3509.12 Unpaid Service Charges.....	47
Subs. 1. Taxable Properties.....	47
Subs. 2. Tax-Exempt Properties	47
Subs. 3. Civil Action.	47
Section 3510. Violations, Penalties and Enforcement.....	47
3510.01 Enforcement	47
Subs. 1. Violations.	47
Subs. 2. Authority to Pursue Enforcement.....	48
Subs. 3. Criminal Violations.....	48
Subs. 4. Civil Administrative Violations.....	48
Subs. 5. Civil Violations Enforced in Court.	49
Subs. 6. Abatement of Public Health Nuisances Pursuant to Minnesota Statutes Chapter 145A.	49
Subs. 7. Unauthorized Deposit of Solid Waste Violations Under Minnesota Statutes Section 375.18.....	50
Subs. 8. Consequences for Non-payment of Fees.	50
Section 3511. Additional Requirements	50
Section 3512. General Terms.....	50
3512.01 Severability	50
3512.02 Provisions Are Cumulative.....	50
3512.03 No Consent	50
3512.04 Non-Liability	50
3512.05 Reporting	51
3512.06 Effective Date	51
ADDENDUM A	52
ADDENDUM B	57
ADDENDUM C	58
ADDENDUM D	59
ADDENDUM E.....	60

Olmsted County

Solid Waste Management Ordinance

(Effective as amended on October 1, 2023)

Section 3501. Declaration Of Intent

It is the intent of Olmsted County to benefit, protect and ensure the public health, safety, and welfare of its residents through sound management of Solid Waste generated in and existing within the County. Minnesota Statutes and Rules grant the County the authority to provide for, establish, conduct, and regulate Solid Waste management programs and services that protect the water, air, and land resources of the County, thereby promoting the public health, safety, and welfare of its residents. It is the County's intent to remove and abate actual or potential threats to public health such as Public Health Nuisances, sources of filth or causes of sickness found on any property.

Olmsted County has adopted a Solid Waste Management Plan (hereafter "Plan") pursuant to Minnesota Statutes and seeks to implement this Plan in a manner fully consistent with the Solid Waste management hierarchy prescribed by the state and incorporated into the Plan. The following Solid Waste management practices constitute the state hierarchy, in order of preference: waste reduction and reuse, waste recycling, organic recycling, incineration/waste to energy, landfill with gas recovery and landfill disposal. The County wishes to ensure the full and public participation of its residents in the implementation of the Plan with its goals of landfill abatement, coordination of waste management, and energy recovery.

The County wishes to improve its management of Mixed Municipal Solid Waste by providing for Collection, transportation, processing, and disposal services. One aspect of Olmsted County's management role shall be to provide information and education to obtain compliance with this Ordinance. The County shall relieve Generators of title to their non-hazardous Mixed Municipal Solid Waste accepted by the County at its Solid Waste Management Facilities. Through this action, Olmsted County will offer its citizens an opportunity to reduce or otherwise manage the risk of potential long-term financial and environmental liability associated with the non-hazardous Mixed Municipal Solid Waste which they produce.

Authority for this Ordinance is based in part on Minnesota Statutes (Chapters 115A, 116, 145A, 375, 400, 561, and 609) and Rules (Parts 7001, 7011 and 7035), as amended from time to time.

Section 3502. Definitions

When used in this Ordinance, the following terms shall have the meanings given to them:

3502.01 “Acceptable Waste”

means Solid Waste that meets the requirements of the Facilities as determined by the County and consistent with County Solid Waste Ordinances.

3502.02 “Agricultural Site”

means land zoned and operated for agricultural purposes but excludes the Residential Site on said premises.

3502.03 “Anaerobic Digestion”

means the process during which microorganisms break down organic material in the absence of oxygen in an enclosed vessel to produce energy and beneficial soil or agricultural supplements.

3502.04 “Bulky Items”

means large items like mattresses, major appliances and furniture that cannot fit into standard residential-sized Curbside Collection Containers.

3502.05 “Collection” or “Collect”

means the pickup and transport of Solid Waste from the place at which it is generated and includes all activities up to the time the Solid Waste is delivered to a Solid Waste Management Facility.

3502.06 “Collection Container”

means the receptacle that is provided, designated, and serviced by the Commercial Hauler for the Collection of any Solid Waste including but not limited to bags, barrels, carts, dumpsters, roll-off containers, or compactors.

3502.07 “Collection Service Standard”

means, for Class A Licensed Haulers, Collection of at least one hundred (100) tons of Mixed Municipal Solid Waste in Olmsted County from January 1 through October 31 in the prior calendar year, and for Class C Licensed Haulers, Collection of at least Ten (10) tons of Mixed Municipal Solid Waste in Olmsted County from January 1 through October 31 in the prior calendar year.

3502.08 “Commercial Hauler”

means any Person who owns, operates, or leases vehicles and contracts with a Generator to collect and transport Solid Waste. It includes both “Licensed Haulers” and “Registered Haulers” as defined below but does not include Class D Licensed Haulers and Self-Haulers.

3502.09 “Commercial Site”

means any business, commercial, industrial, institutional, or governmental establishment. These include home-operated businesses, industries, commercial and institutional enterprises, churches, nursing homes, nonprofit associations, schools, and the like that are not Residential Sites.

3502.10 “Compost”

means the product resulting from the controlled biological decomposition of organic material that has been sanitized through the generation of heat during the composting process and stabilized to the point that it is beneficial to plant growth and can be used as a soil amendment without further processing.

3502.11 “Compost, Backyard Site”

means a site used to Compost vegetative food scraps, garden wastes, weeds, lawn cuttings, leaves and prunings by an owner occupant, or lessee of a property. These sites do not exceed 5 feet x 5 feet square and a maximum height of 5 feet tall (or 4.6 Cubic Yards). Any finished Compost produced shall be used on site and not transported off site or offered for sale. These sites must also adhere to the requirements of the local zoning authority.

3502.12 “Compost Facility”

means a site that accepts Source Separated Organic Materials or Yard 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.

3502.13 “Compost, Commercial Small Facility”

means a Facility that accepts Source Separated Organic Materials not generated on site for processing into Compost. A Compost, Commercial Small Facility must have less than 120 cubic yards of material on site at any time and must also adhere to the requirements of the local zoning authority.

3502.14 “Compost State of Minnesota Permitted Facility”

means a Facility that includes Anaerobic Digester Systems, Compost Facilities and Source Separated Organic Material- Sites permitted by the State of Minnesota. These Facilities or

sites shall adhere to the requirements of Minnesota law and the requirements of the local zoning authority.

3502.15 “Composting”

means the controlled biological decomposition of organic material that has been sanitized through the generation of heat during the composting process and stabilized to the point that it is beneficial to plant growth and can be used as a soil amendment without further processing.

3502.16 “Construction Debris”

means Solid Waste resulting from construction, remodeling, repair, or erection of buildings, roads, and other artificial structures.

3502.17 “County”

means Olmsted County, a political subdivision of the State of Minnesota.

3502.18 “County’s Agent”

means the director of the department of Olmsted County Environmental Resources or assigned designee operating under the authority of the County Board of Commissioners.

3502.19 “County Board”

means the elected officials’ comprising the Olmsted County Board of Commissioners.

3502.20 “Curbside Collection”

means a Mixed Municipal Solid Waste, Yard Waste, Source Separated Organic Materials and Recyclable Materials Collection system whereby the Generators set waste containers at the curb adjacent to a roadway or, where this is not practical, in locations easily accessible for Collection by a Commercial Hauler.

3502.21 “Customer”

means a Person who contracts with a Licensed Hauler to provide Hauler Services.

3502.22 “Demolition Debris”

means Solid Waste resulting from the demolition of buildings, roads, and other artificial structures.

3502.23 “Designated Points of Delivery”

are as follows, or as set by resolution of the Olmsted County Board:

- i. Olmsted Waste to Energy Facility
301 Energy Parkway NE
Rochester, Minnesota
- ii. Olmsted County Kalmar Landfill
7401 19th Street NW
Rochester, Minnesota
- iii. Olmsted County Recycling Center Plus
305 Energy Parkway NE
Rochester, Minnesota

3502.24 “Designated Waste”

means all Acceptable Waste generated within the geographic boundaries of Olmsted County which is not exempt or excepted from designation in County Solid Waste Ordinances or Minnesota Statutes Section 115A.83, Subd.2 or any other equivalent state or federal law. Designated Waste includes the following wastes: Mixed Municipal Solid Waste (MMSW); and,

1. Other Solid Waste that prior to final processing or disposal:
 - a. Is not managed as a Separate Waste Stream – (if a Separate Waste Stream is co-mingled with other Separate Waste Streams or MMSW, the combined waste becomes Designated Waste);
 - b. Is managed as a Separate Waste Stream that is ranked lower on the list of waste management practices in Minnesota Statutes Section 115A.02 paragraph (b), than the primary waste management practice that would be used on the waste at the designated Facility. For example, a corrugated cardboard source separated waste stream that goes to a recycling Facility would not be Designated Waste; however, that same material going to a landfill would be Designated Waste.

3502.25 “Designation Plan”

means that document entitled “Olmsted County Designation Plan” as adopted by the Olmsted County Board of Commissioners which details the County’s proposal for the designation of waste, and which was approved by the Minnesota Pollution Control Agency on June 16, 2011, pursuant to the statutory designation procedures contained in Minnesota Statutes Section 115A.80 to 115A.893 and the further authority of Minnesota Statute 115A.94. “Electronic Waste” or “e-waste.”

3502.26 “Electronic Waste” or “e-waste”

means all types of old, end-of-life or discarded electrical and electronic equipment, such as but not limited to consumer electronics such as cathode-ray tubes (CRTs), computers and computer monitors, covered electronic devices, peripherals, portable batteries, cell phones,

televisions, and video display devices as defined in Minnesota Statutes Section 115A.1310.

3502.27 “Facility”

means the Olmsted Waste to Energy Facility (OWEF), structures, machinery, equipment, improvements, and ancillary Facilities for the receiving and processing of Solid Waste, constructed and operated in Olmsted County, Minnesota.

3502.28 “Facilities”

means the Facility, the Olmsted County Kalmar Landfill, and ancillary Facilities owned and/or operated by the County and located within the County for the receiving and processing of Solid Waste.

3502.29 “Fire Marshal”

means the Minnesota State Fire Marshal or the Chief of the Fire Department in a Municipality that has adopted the Uniform Fire Code of the State of Minnesota.

3502.30 “Generator”

means any Person who generates waste.

3502.31 “Gross Receipts”

are defined as all pre-tax charges, including but not limited to, fuel surcharges and container rental fees, placed on the invoice, bill, statement, or any other means employed by the Commercial Hauler to collect revenue from the Customer for Hauler Services. Excluded from Gross Receipts are charges directly related to the Collection, transportation, and delivery of Recyclable Materials for recycling or Source Separated Organic Materials billed to Commercial Sites. Also excluded from Gross Receipts are charges billed for Collection, transportation, and delivery of Construction Debris, Demolition Debris, and Infectious Waste.

3502.32 “Hauler Services”

means Solid Waste Collection, transportation and delivery or disposal services, including the provision of containers, all as provided by Commercial Haulers and Self-Haulers.

3502.33 “Hazardous Waste”

shall have the meaning as defined in Minnesota Statutes, section 116.06, subd. 11, and/or administrative rules now or hereafter promulgated by the Minnesota Pollution Control Agency or a successor to its functions, as the same may be amended or supplemented from time to time.

3502.34 “Industrial Solid Waste”

means “Industrial Waste” as defined herein.

3502.35 “Industrial Waste”

means Solid Waste resulting from an industrial, manufacturing, service, or commercial activity that is managed as a Separate Waste Stream. Industrial Waste includes materials defined in the Olmsted County Industrial Solid Waste Management Plan.

3502.36 “Infectious Waste”

means laboratory waste, blood, regulated body fluids, sharps, and research animal waste that have not been decontaminated; and pathological waste including human tissues and detached body parts.

3502.37 “Licensee” or “Licensed Hauler”

means Class A, Class B, Class C and Class D haulers licensed by Olmsted County for the Collection and transportation of Solid Waste generated in the County. See section 3504 and Addendum B - Olmsted County Solid Waste Licensing and Registration Matrix for specific requirements for these licenses.

3502.38 “Mixed Municipal Solid Waste”

- A. means garbage, refuse, and other Solid Waste from residential, commercial, industrial and community activities that the Generator aggregates for Collection, except as provided in paragraph (b).
- B. Mixed Municipal Solid Waste (MMSW) does not include auto hulks, street sweepings, ash, Construction Debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters and other materials collected, processed, and disposed of as a Separate Waste Stream.

3502.39 “Open Area”

means any lands excluding enclosed structures.

3502.40 “Permitted Site”

means a Solid Waste storage, transfer, processing, or disposal Facility which has obtained a required permit from a local, state, or other governmental regulatory authority in order to operate.

3502.41 “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.

3502.42 “Problem Material”

means a material that, when processed or disposed of with MMSW, contributes to one of the following results: 1) the release of a hazardous substance, or pollutant or contaminant; 2) pollution of water; 3) air pollution; or 4) a significant threat to the safe or efficient operation of a Solid Waste Management Facility.

3502.43 “Public Health Nuisance”

means any activity or failure to act that adversely affects the public health.

3502.44 “Putrescible Materials”

means waste that rapidly decomposes, which may give rise to objectionable odors or capable of attracting or providing a food source for birds and potential disease vectors such as rodents.

3502.45 “Recyclable Materials”

means materials that are separated from MMSW for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries as defined by Olmsted County Board resolution and posted on the Olmsted County website. Refuse- derived fuel or other material that is destroyed by incineration is not a Recyclable Material.

3502.46 “Recycling”

means the process by which materials otherwise landfilled, composted, or incinerated are reused or used in the manufacture of new products.

3502.47 “Recycling Center”

means a Facility for receiving, processing, or marketing of Recyclable Materials.

3502.48 “Registered Hauler”

means a Person who provides “Registered Hauler Services.” See Addendum B - Olmsted County Solid Waste Licensing and Registration Matrix for additional information.

3502.49 “Registered Hauler Services”

means those services provided by:

- A. Persons who haul their own Solid Waste from Commercial Sites (but excluding Persons who haul their own waste from Agricultural Sites);
- B. Persons that provide Collection and transportation services for Construction Debris, and Demolition Debris in return for compensation, but does not include MMSW, Industrial Solid Waste, or Source Separated Organic Materials;
- C. Persons that provide Collection and transportation services for Recyclable Materials from a Commercial Site, but this does not include transportation of Recyclable Materials which have been prepared for sale as a commodity. Persons that provide Collection and transportation services for Special Wastes are excluded.

3502.50 “Residential Site”

means any dwelling unit including: (a) detached single-family residences, and (b) buildings or sites containing multiple residences including apartment buildings, condominiums, common interest communities, manufactured home parks, or townhomes.

3502.51 “Self-Hauler”

means a Generator who does not contract with a Class A, Class B or Class C Licensed Hauler, but instead collects and transports its own Solid Waste. A Self-Hauler shall not provide Collection and transportation services to someone else for compensation.

3502.52 “Separate Waste Stream”

means materials that are collected, stored, transported, and processed or disposed with materials of similar physical and chemical characteristics.

Separate Waste Streams include, but are not limited to:

- Industrial Waste
- Infectious Waste
- Recyclable Materials
- Special Wastes

3502.53 “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.

3502.54 “Solid Waste Management Facility”

means any Facility, public or private, permitted for the storage, Collection, transportation, processing, or reuse, conversion, or disposal of Solid Waste. Facilities that receive Source- Separated Organic Materials that has been transported by a Class B Hauler will be considered a Solid Waste Management Facility.

3502.55 “Solid Waste Management Service Charge” or “Service Charge”

means a Solid Waste management Service Charge imposed by the County as defined in Minnesota Statutes, section 400.08.

3502.56 “Solid Waste Ordinance”

means the Olmsted County Solid Waste Management Ordinance(s), adopted by the County Board, and as amended or supplemented from time to time.

3502.57 “Source Separated Organic Materials”

means materials that:

- A. are separated at the source by waste Generators for the purpose of preparing them for use as Compost or food to animals;
- B. are collected separately from MMSW and are governed by the licensing provisions of this Ordinance.
- C. are comprised of food wastes, coffee grounds, eggshells, garden wastes, weeds, lawn cuttings, leaves and prunings, and straw, or any other materials as defined by Olmsted County Board resolution and posted on the Olmsted County website.
- D. are delivered to a Permitted Site to undergo controlled microbial degradation to yield a humus-like product meeting the Minnesota Pollution Control Agency's class I or class II, or equivalent, Compost standards and where process residues do not exceed fifteen (15) percent by weight of the total material delivered to the Facility; and
- E. may be delivered to a permitted transfer station, MMSW processing Facility, or recycling Facility only for the purposes of composting or transfer to a composting Facility, unless the Minnesota Pollution Control Agency determines

- that no other Person is willing to accept the materials; or
- F. are delivered to a location for use in feeding livestock and where the residues do not exceed fifteen (15) percent by weight of the total material delivered; and
 - G. may be delivered to a transfer station, MMSW processing Facility, or recycling Facility only for the purposes of transfer to a location for feeding livestock or for processing into animal feed.

3502.58 “Source Separated Recyclable Materials”

means Recyclable Materials, including commingled Recyclable Materials, that are separated by the Generator.

3502.59 “Special Wastes”

means non-hazardous Solid Wastes that have been prohibited from disposal with MMSW or have had other specific management requirements prescribed by statute. They include, but may not be limited to tires, lead acid batteries, major appliances, used oil, Yard Waste and tree and brush waste.

3502.60 “State”

means the State of Minnesota.

3502.61 “Tipping Fee”

as used in the Solid Waste Designation Plan, is the “County Facility Fees” as described in section 3509.01.

3502.62 “Transfer Station”

means an intermediate waste Facility in which waste collected from any source is temporarily deposited to await transportation to another waste Facility.

3502.63 “Unacceptable Waste”

means those Solid Wastes which cannot be accepted for processing or disposal as defined at each of the Facilities pursuant to local, state, and federal laws or permits.

3502.64 “Yard Waste”

means garden wastes, leaves, and lawn cuttings, but does not include tree and brush waste.

3502.65 “Yard Waste Composting”

means the controlled aerobic, microbial degradation of organic waste to yield a humus-like product.

3502.66 “Yard Waste Compost Site”

means the location and equipment used to process garden wastes, leaves, and lawn cuttings into mature Compost.

Section 3503. Waste Abatement

3503.01 Purpose

The purpose of this section is to support Minnesota Statutes related to the source-separation of distinct Solid Waste streams from MMSW to abate the need for land disposal of Solid Waste. This includes, but is not limited to, promoting the segregation of Yard Waste and Source Separated Organic Materials to create a beneficial Compost product, and providing for the recovery and the reuse of Recyclable Materials to conserve natural resources and to meet the state-mandated recycling goal. This section shall also require the delivery of Recyclable Materials to a Recycling Center and Yard Waste and Source-Separated Organic Materials to a permitted Compost site when on site composting is not practiced.

3503.02 Separation of Yard Waste, Recyclable Materials and Source Separated Organic Materials from the Mixed Municipal Solid Waste Stream

Yard Waste and Recyclable Materials, as defined in this Ordinance, shall be excluded from MMSW.

When aggregated by a Generator for Collection by a Commercial Hauler, Yard Waste, Recyclable Materials, and Source Separated Organic Materials shall be placed in storage containers that are easily distinguishable from MMSW storage containers. Once said materials have been source separated, they shall not be recombined with MMSW for any reason.

Subs. 1. Yard Waste Management

To avoid disposal with MMSW, Generators must ensure that Yard Waste is managed in one of three ways:

- A. by mulching it and returning it to the lawn,
- B. by composting it on site (i.e., at a “backyard” Compost site), or
- C. by source separating it and transporting it to a Permitted Site, either by self-hauling or by contract with a Commercial Hauler for the purpose of composting or Anaerobic Digestion.

Subs. 2. General Recycling Requirements

Recyclable Materials defined in this Ordinance represent the minimum responsibility of Generators. It does not limit the source-separation of additional Recyclable Materials for which an outlet is provided by Recycling Centers and Commercial Haulers. Generators are encouraged to recycle additional items to achieve and surpass the recycling goal set forth by state law. Olmsted County requires volume or weight-based pricing for MMSW Collection in this Ordinance to promote recycling. Commercial Haulers may not impose a greater charge on residents or businesses that recycle than on residents or businesses that do not recycle.

Subs. 3. Residential Recycling

Generators at Residential Sites must provide for the segregation and delivery of Recyclable Materials to a Recycling Center, either by Self-Hauling or by contract with a Class A Licensed Hauler. Where owners or managers of multi-unit residential buildings provide for Collection of MMSW, owners or managers must also provide for collection of Recyclable Materials at central Collection locations for Recyclable Materials generated on its premises. This excludes Recyclable Materials that are not accepted through Curbside Collection. However, for Source Separated Organic Materials, these must be Self-Hauled or hauled by contract with a Class A or B Licensed Hauler.

Subs. 4. Commercial Recycling

Commercial site owners or managers must provide central locations for Recyclable Materials generated on its premises and provide for the segregation, Collection, and delivery of Recyclable Materials to a Recycling Center, either by Self-Hauling or by contract with a Commercial Hauler. However, for Source Separated Organic Materials, these must be Self-Hauled or hauled by contract with a Class A or B Licensed Hauler.

Subs. 5. Ownership of Recyclable Materials

All Recyclable Materials aggregated and offered for Collection shall remain the property and responsibility of the Generator until said materials are collected by a Commercial Hauler. The Recyclable Materials become the property of the Commercial Hauler until delivered to a Recycling Center. If Self-Hauled, it remains the property of the Generator until delivered to a Recycling Center. Once delivered to a Recycling Center, the Recyclable Materials become the property of the Recycling Center owner. It shall be unlawful and an offense for any Person, other than the Generator or the contracted Commercial Hauler, to take said materials aggregated for Collection for their own use.

Subs. 6. Ownership of Yard Waste

Yard Waste aggregated and offered for Collection shall remain the property and responsibility of the Generator until said materials are collected by a Commercial Hauler. The Yard Waste becomes the property of the Commercial Hauler until delivered to a Permitted Site. If Self-Hauled, it remains the property of the Generator until delivered to a Permitted Site. Once delivered to the Permitted Site, it becomes the property of the Permitted Site owner.

Section 3504. Hauler Licensing and Registration

3504.01 Purpose

In order to protect the environment and the health, safety, and welfare of the residents, businesses and institutions in the County, these license and registration requirements shall apply to any Person engaged in the business of Collection, and transportation of Solid Waste.

A Person must obtain the appropriate license or registration from the County prior to initiating services and must maintain a license or registration at all times while providing said services.

3504.02 License Required

In Olmsted County, there are four classes of Solid Waste Hauler Licenses: Class A, Class B, Class C, and Class D. See Addendum B - Olmsted County Solid Waste Licensing & Registration Matrix for additional requirements that pertain to each license type.

Subs. 1. Class A License

A Class A License is required in Olmsted County for Commercial Haulers to provide Hauler Services for MMSW, Industrial Waste, Recyclable Materials, Source Separated Organic Materials, Construction Debris, Demolition Debris, or Infectious Waste. The County limits the number of Class A Licenses as described below.

A. Limited Number of Class A Licenses

In order to protect the environment and the health, safety, and welfare of the residents and businesses and institutions, the County limits the number of Class A Licenses to twelve (12). Class A Licensees shall satisfy the licensing requirements herein, as determined in the sole discretion of the County Board. The County will only accept Class A License applications between October 1 and December 1 for the following year's licenses. If an unlicensed hauler purchases a Licensed Hauler, a new license application must be submitted prior to the transfer.

If there are less than six (6) currently Licensed Haulers, the County may designate a special licensing application period to fill vacant licenses.

In the event the County receives more than twelve (12) license applications before the annual licensing deadline, the County will use the following Point System for Evaluating License Applications outlined below.

B. Point System for Evaluating Class A License Applications

		Points
Current Olmsted County Class A License		50
Holds sole contract for municipality for Residential Curbside Collection		10
Provide Residential Curbside (subscription-based trash & recycling services) in areas:		
	Rochester – NW	5
	Rochester – NE	5
	Rochester - SE	5
	Rochester - SW	5
	Greater Olmsted – NW section	5
	Greater Olmsted – NE section	5
	Greater Olmsted – SW section	5
	Greater Olmsted – SE section	5
Ability to provide service based on proof of owned or leased packer truck		10

Provide Commercial (subscription-based trash & recycling) Services in Rochester (includes roll-off services)		10
Provide Commercial (subscription-based trash & recycling) Services in greater Olmsted (includes roll-off services)		10
Provide Roll-off services – on-demand customers		10
Deductions		
Current Olmsted County Licensees:	<p>Effective 2024 Licensing Period, Class A Haulers will need to either transport a minimum of 100 tons of MMSW to Olmsted County Solid Waste Management Facilities or exhibit substantial progress toward meeting the tonnage requirement between January and October of the preceding year.</p> <p>Examples of substantial progress include but are not limited to the following:</p> <ul style="list-style-type: none"> • Increased Collection Routes: A Hauler might expand their Collection routes during the specified period to gradually accumulate more MMSW. • Increased Customer Base: Expanding their Customer base could result in more waste being hauled and delivered to the Facilities. • Commercial Service: Securing contracts with clients or municipalities that commit to providing a certain volume of MMSW over time. 	-50

All Applicants:	Reduction for more than one documented Olmsted County or Minnesota State Agency completed enforcement action pursuant to violation of an environmental protection law or Ordinance within the last 3 years as of the date of application.	-25
-----------------	---	-----

Subs. 2. Class B License

A Class B License is required in Olmsted County for Commercial Haulers to provide Collection and transportation of Source Separated Organic Materials only. The County does not limit the number of Class B Licenses.

Subs. 3. Class C License

A Class C License is required in Olmsted County for Commercial Haulers to provide Hauler Services utilizing roll-off trucks hauling roll-off containers ("open top"), roll-off trailers and compactor boxes for MMSW, Industrial Waste, Recyclable Materials, Source Separated Organic Materials, Construction Debris, Demolition Debris, and Infectious Waste.

A. Limited Number of Class C Licenses.

In order to protect the environment, and the health, safety, and welfare of the residents and businesses and institutions in the County, the number of Class C Licenses is limited to eight (8), Class C Licensees shall satisfy the licensing requirements herein, as determined in the sole discretion of the County Board. In the event the County receives more than eight (8) applicants for Class C License Licenses in any year, the County will use the following point system to rank the applications outlined below. The County will only accept Class C License applications between October 1 and December 1 for the following year's licenses.

In the event of a tie in the number of points for the 8th license, priority will be given to currently Licensed Haulers over unlicensed haulers. If a tie remains, priority will be given based on the largest number of 1) Types of waste collected; 2) Customers served and; 3) Geographic areas served and if no determination can be made, the decision will be made by a coin toss.

B. Point System for Evaluating Class C License Applications

Additions		Points
Current Olmsted County Class C License		50

Provide Commercial Roll-off (subscription-based MMSW, Industrial Waste, recycling, etc.) Services in Rochester		10
Provide Commercial Roll-off (subscription-based trash & recycling) Services greater Olmsted County		10
Proof of ability to provide service based on equipment owned or leased		20
Provide Roll-off services – on-demand customers		10
Deductions		
Current Olmsted County Licensees:	Effective January 1, 2024, reduction for not meeting the Class C Collection Service Standard of 10 tons of MMSW delivered to Olmsted County Solid Waste Management Facilities January through October of previous year.	-50
All Applicants:	Reduction for more than one documented Olmsted County or Minnesota State Agency completed enforcement action pursuant to violation of an environmental protection law or Ordinance within the last three (3) years as of the date of application.	-25

Subs. 4. Class D License

A Class D License is required in Olmsted County for Persons providing Collection and transportation of Bulky Items and Solid Waste as an adjunct secondary service to a primary service of providing labor or general site cleanup services. The County does not limit the number of Class D Licenses.

No Person shall hold a Class D Class and a Class C License simultaneously. A Class D License holder who also wishes to do business under a Class C License must create a separate business entity to hold the Class C License.

Subs. 5. License Requirements for All License Types

No Person shall collect MMSW, Industrial Waste, Source Separated Organic Materials or Bulky Items, belonging to another Person in Olmsted County without an appropriate

Solid Waste License from the County. However, nothing set forth in this section shall prevent a Person, as a Self-Hauler, from hauling MMSW, Source Separated Organic Materials, Recyclable Materials, Construction Debris or Demolition Debris generated from a residential, business or Commercial Site owned or occupied by the Self-Hauler, providing the Person follows the requirements set forth in this Ordinance.

- A. Once a license has been issued by the County each Licensee must maintain appropriate insurance coverage as required by law and utilize vehicles that meet Minnesota Department of Public Safety standards.
- B. Each Licensee must allow the County to place identification number stickers on each Collection vehicle, container, and trailer.
- C. If any of the information provided in the license application changes during the term of the license, the Environmental Resources Department must be notified as soon as the change occurs.

Subs. 6. License Transfer or Termination

A Licensee shall provide written notice to the County thirty (30) days prior to terminating Collection and transportation services. Such notice shall indicate whether the Licensee is transferring its hauling business to another Licensee or a new, yet to be licensed, Commercial Hauler. Upon receipt of such notice, the County shall terminate the license of the terminating Licensee and such license will be available for the Commercial Hauler that proposes acquisition of the terminating Licensee if such acquiring Commercial Hauler demonstrates to the satisfaction of the County Board that it meets the licensing requirements herein. If the terminating Licensee is terminating its business and not transferring it to another Commercial Hauler, the license becomes available for another Person to apply for during the next licensing period.

If an unlicensed Person buys an existing Class A or Class C Licensed Hauler, the license would be available to the unlicensed applicant upon approval by the County.

In the event the County revokes the license of an existing Licensee, the license becomes available for another Person to apply for during the next licensing period.

The current base licensing fee will be assessed to the purchasing company if an existing Class A Licensed Hauler is purchased by another company.

3504.03 License Requirements and Application Process

Subs. 1. License Requirements

To receive a License or apply for renewal of a License, a Person must:

- A. must be eligible for a license,

- B. file an application for a license and pay applicable fees to the County Environmental Resources Department,
- C. be approved by the County or its agent if license criteria are met,
- D. be prepared to provide services under the license class they are applying for, and
- E. if licensed in a previous year, applicant must provide sufficient evidence of providing the required services within their licensing class as determined by the County Environmental Resources Department. Failure to do so would be grounds for the County's refusal to issue a license renewal.

Once license applications are received and scoring shows that the applicant does not receive sufficient points to be awarded the license type applied for, the Environmental Resources Department reserves the right to transfer an application to a different type of license that the applicant is best qualified for and adjust applicable licensing fees accordingly.

Subs. 2. Application

The County or its agent, in its sole discretion, may issue or renew a license upon submission of an application. Preference will be given to existing Licensees that remain eligible pursuant to the licensing requirements of this Ordinance.

The initial application and subsequent applications for a license shall contain the following information:

- A. The name, address, phone number, and email address of the applicant and business owner(s);
- B. A description of each vehicle to be used for Collection, including the vehicle identification and license numbers, vehicle make and model, and capacity of the body. In the case of roll-off containers, compactor boxes, trailers or other transport containers, the type, capacity, and identification number of each container must be included;
- C. The location and address describing the place where the applicant is storing its equipment/vehicle(s);
- D. The type(s) of eligible Solid Waste to be Collected and transported;
- E. A map of the applicant's proposed service area and description of the days each part of the service area by municipality and/or township that will be served;

- F. Other information which the County may reasonably require from time to time including, but not limited to, the applicant's declaration and signature, and appropriate fees for the license; and
- G. Proof of insurance coverage shall be provided for the entire license period for the types of insurance and in the amounts set by resolution of the County Board, using a certificate of insurance, to be provided as part of the license application.

3504.04 Licensed Hauler Subcontracting Requirements During Emergency Event

Subs. 1. Peacetime Emergency

If a peacetime emergency (as defined in Minnesota Statutes Section 12.31) has been declared by the Olmsted County Board of Commissioners, a Licensed Hauler may subcontract all or some portion of the Hauler Services to another Person. Prior to commencement of subcontracting operations, the Licensed Hauler must provide sufficient documentation to the County that it will be temporarily unable to carry out its legal obligations without assistance from a duly qualified subcontractor.

Authority for temporary subcontracting will end when the County Board declares that the peacetime emergency ends.

Subs. 2. Licensed Hauler Subcontracting

If subcontracting is approved by the County or the County's Agent, the Licensed Hauler shall be legally responsible for all the activities of the subcontractor. If the subcontractor is failing to meet the Licensed Hauler's legal obligations, the County's Agent shall be authorized to prohibit the subcontractor from providing services and notify the Hauler to take corrective action. The following additional requirements will also apply.

Any Person who provides any part of the Hauler Services by contract with a Licensed Hauler shall provide the County with:

- A. A copy of the agreement between the Licensed Hauler and the subcontractor;
- B. Proof of insurance between the Licensed Hauler and the subcontractor which meets the County's insurance requirements as set by the County, and names the County as an additional insured;
- C. Billing and Collection of fees owed by the Generator shall be performed by the Licensed Hauler, not the subcontractor, as part of the Licensed Hauler accounting records for Haulers Services;
- D. The records generated by the subcontractor shall be made available to the County upon request;

- E. Subcontractors are required to submit certification that all Acceptable Waste collected and delivered during the peacetime emergency, was delivered to Olmsted County;
- F. Must meet all federal, state, and local regulations pertaining to trucks and equipment used by the subcontractor in providing Hauler Services, and subcontractor trucks shall prominently display the name of the Licensed Hauler; and
- G. If changes occur in the agreement between the Licensed Hauler and the subcontractor, or if the agreement is terminated, the Licensed Hauler shall notify the County within fifteen (15) calendar days.

3504.05 Registration Required

Subs. 1. Registration Is Required for Persons.

- A. Persons that haul their own Solid Waste from Commercial Sites (but excluding Persons who haul their own waste from Agricultural Sites);
- B. Persons that provide Collection and transportation services for Construction Debris, and Demolition Debris, in return for compensation, but does not include MMSW, Industrial Solid Waste, or Source Separated Organic Materials;
- C. Persons that provide Collection and transportation services for Recyclable Materials from a Commercial Site and Agricultural Sites, but this does not include transportation of Recyclable Materials which have been prepared for sale as a commodity;
- D. Persons that provide Collection and transportation services for Special Wastes are excluded;
- E. Persons providing Registered Hauler Services must be registered in Olmsted County and must maintain said registration at all times while providing Registered Hauler Services.

Subs. 2. Registration Requirement and Application Process

To become registered, interested parties must complete and file a registration form with the County's Environmental Resources Department and display a County supplied registration sticker or identification device in a County designated location on each vehicle used to transport Solid Waste. The registration form shall include the following information:

- A. The name, address, phone number, email address, and website address (if applicable) of the applicant;

- B. A description of each vehicle to be used for Collection, including the vehicle identification and license numbers, vehicle make and model, and capacity of the body;
- C. In the case of roll-off containers, the type; capacity and identification number of each roll-off container must be included;
- D. The location and address describing the place where the applicant is storing the equipment/vehicle(s); and
- E. Other information which the County may reasonably require from time to time including, but not limited to, the applicant's declaration and signature.

Once a registration is approved by the County, each Registered Hauler must maintain appropriate insurance coverage as required by law and utilize vehicles that meet Minnesota Department of Public Safety standards.

Each Registered Hauler must display a County supplied registration sticker or identification device in a County designated location on each vehicle used to transport Solid Waste.

If any of the above information changes during the registration term, the County's Environmental Resources Department must be notified as soon as the change occurs.

3504.06 Persons Ineligible for License or Registration

Subs. 1. The County Board may choose not to license or renew the license of:

- A. An applicant who has had a license or registration revoked by the County within five (5) years of license application; or
- B. An applicant who has had violations of contracts with Olmsted County or the County's Solid Waste Ordinances within five (5) years of license or registration application; or
- C. An applicant who has been convicted of any crime or crimes which are, within the meaning of Minnesota Statutes Chapter 364, directly related to the applicant's fitness to operate as a Licensee or Registered Hauler and to the Collection and remittance of public funds that such a license or registration requires, or of any willful violation of federal or state law or local Ordinance governing the storage,

transportation, Collection, or disposal of Solid Waste in any form within five (5) years of license or registration application.

Subs. 2. For Purposes of This Section, an "Applicant" Includes:

- A. In the case of a corporation: the corporation itself, its officers, directors, majority and controlling shareholders, and any managerial level employee with control over or responsibility for the hauling operation within Olmsted County.
- B. In the case of a partnership: the partnership itself, all partners, and any managerial level employee with control over or responsibility for the hauling operations in Olmsted County.
- C. A sole proprietor.
- D. A governmental entity.

3504.07 Investigation of Complaints by a Registered Hauler or Licensee

Each Registered Hauler or Licensee shall investigate any complaints about its employees, equipment, or service. Whenever a complaint is referred to a Licensee or Registered Hauler by the County, a written response shall be made to the County within ten (10) working days, setting forth their investigation findings and action taken on such complaint.

3504.08 Registration and License Period and Transfers

Subs. 1. Registration and License Period

Each registration and license granted by the County under this section shall expire on December 31 of the year of issuance. The County Board or the County's Agent in its discretion may issue, renew, or extend a registration or license for a period of time shorter than one year. Licenses and registrations may be denied, terminated, revoked, or suspended under conditions outlined in the County Administrative Enforcement and Appeals Procedure Ordinance.

Subs. 2. Registration and License Renewal

Application to renew licenses or registrations shall be presented to the County's Agent no later than thirty (30) days prior to license expiration date, or sooner, as determined by the County.

Subs. 3. Non-Transferable

Licenses and registrations granted by the County under this section are not transferable to other Persons.

Subs. 4. Dissolution or Change of Ownership of Licensee

In the event a Licensee dissolves or transfers ownership of the assets and/or liabilities to another Person that is currently or can become licensed, the following requirements apply:

- A. All monies due the County including, but not limited to, County Facility Fees, and Solid Waste Management Service Charges must be paid to the County within thirty (30) calendar days of the last day the Licensee provides Hauler Services.
- B. The Licensee remains liable for improper waste handling/disposal practices.

3504.09 License and Registration Fees

Subs. 1. Establishment

Fees for registrations, licenses and vehicle permits shall be set from time to time by resolution of the Olmsted County Board.

Subs. 2. Payment

Fees shall be paid with the initial application and annually thereafter by the applicant as a condition for license or registration renewal. Non-payment of the fees shall be grounds for denial or suspension of initial licenses or registrations or renewal of licenses or registrations.

3504.10 Licenses, Registration and Permit Suspension or Revocation

Subs. 1. Revocation or Suspension

Any license, registration or permit issued under this Ordinance may be revoked or suspended as provided.

License, Registration or Permit Sanctions- Any license, registration or permit issued pursuant to the provisions of this Ordinance may be suspended, revoked, or placed on probation upon a finding that the Licensee, Registered Hauler, or permittee during the term of the license, registration or permit or in connection with the application, transfer, or renewal of such license, registration, or permit:

- A. Failure to comply with any applicable statute, rule, Ordinance, plan, or Environmental Resources Department policy relating to Solid Waste Collection, transportation, processing, and disposal.
- B. Failure to comply with any condition set forth in the license, registration, or permit, set forth in a County Board action regarding the license, registration or permit or set forth as part of the placement of the license, registration or permit on probation.

- C. Failure to operate or maintain the business in a way that does not endanger the public health, safety, or welfare. Failure to remit authorized disposal fees, Service Charges, or other waste management fees, as they may arise, or fines or other liquidated damages pursuant to this Ordinance or a County waste delivery agreement is a violation of this Ordinance and will result in the revocation of licenses, registrations or permits.
- D. Failure to remit Licensing, registration, or permit fees.
- E. Failure to maintain insurance required as a condition of the license, registration, or permit.
- F. Failure to comply with applicable state or federal commercial motor vehicle regulations.
- G. Repeated threatening or assaultive behavior directed toward Facility or County staff.
- H. Falsifying documentation legally to be provided to Olmsted County, State, or federal regulatory agencies.

Revocation may result from repeated or multiple suspensions or other violations of County ordinances or contracts between the licensed or Registered Haulers or permittees and Olmsted County.

3504.11 Procedure for License, Registration and Permit Suspension and Revocation

Whenever it appears to the Environmental Resources Department that adequate grounds may exist for the suspension or revocation of a specific license, registration or permit, the Environmental Resources Department shall issue a notice of violation consistent with the requirements of County Administrative Enforcement and Appeals Procedure Ordinance specifying the nature of the alleged grounds and order that a hearing on the matter be held as provided in that Ordinance.

If a license, registration, or permit issued pursuant to this Ordinance is suspended or revoked, any appeal of that determination shall follow the procedures provided in the Olmsted County Administrative Enforcement and Appeals Ordinance.

Section 3505. Storage, Collection and Transportation

3505.01 Purpose

This section shall govern the storage, Collection, and transportation of Solid Waste and Source Separated Organic Material generated within the County, including but not limited to MMSW, Industrial Waste, Construction Debris, Demolition Debris, Yard Waste and Recyclable Materials, such that protection of the environment and public health, safety, and

welfare results. It shall also provide for Curbside Collection and govern all Persons collecting and transporting Solid Waste within the County. For the purposes of this section, references to "Solid Waste" also includes "Source Separated Organic Material."

3505.02 Storage

Property owners and managers shall maintain their Open Areas free of Solid Waste accumulations not stored in an acceptable container as specified in this Ordinance or unless otherwise specified by this Ordinance or other statutory references. Solid Waste shall be stored in a manner to prevent litter and environmental harm and to preclude the development of vector, odor, and Public Health Nuisance problems.

Subs. 1. Residential Sites

All Residential Sites shall be maintained and kept in a reasonably clean and neat condition. The storage requirement shall include the removal of dead and down trees and brush; the removal of inoperable motor vehicles, machinery, appliances, fixtures or equipment so damaged, deteriorated or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse; discarded lumber piles and building materials not being used in actual construction on the premises; and MMSW including, but not limited to, Recyclable Materials, broken furniture, tires, Hazardous Waste, Infectious Waste, Electronic Waste and other debris.

Subs. 2. Commercial Sites

All Commercial Sites shall be maintained and kept in a reasonably clean and neat condition. No Person shall place or store upon the Open Areas of any premises any Collection of inoperable motor vehicles, machinery, appliances, fixtures or equipment so damaged, deteriorated or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse, discarded lumber piles and building materials not being used in actual construction or retail sales on the premises; and MMSW including, but not limited to, Recyclable Materials, broken furniture, tires, Hazardous Waste, Infectious Waste, Electronic Waste and other debris.

Nothing in this section is designed to restrict activities of motor vehicle, scrap iron, and metal recycling or salvage businesses operating in accordance with State, Olmsted County, and municipal or township laws, rules, and regulations.

Subs. 3. Agricultural Sites

No Person shall place or store upon the Open Areas of any Agricultural Site any Collection of inoperable motor vehicles, machinery, appliances, fixtures, or equipment so damaged, deteriorated or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse, but it may serve as a source of replacement parts for agricultural activities.

In addition, no Person shall place or store upon the Open Areas of any Agricultural Site discarded lumber piles and building materials not being used in actual construction or retail sales on the premises and MMSW including, but not limited to, Recyclable Materials, broken furniture, tires, Hazardous Waste, Infectious Waste, Electronic Waste, and other debris.

Nothing in this section is designed to restrict the use of Agricultural Sites for commercial motor vehicle, scrap iron, metal recycling or salvage activities otherwise permitted by law.

Subs. 4. Construction and Demolition Sites

No Person shall place or store upon the Open Areas of any premises any Collection of inoperable motor vehicles, machinery, appliances, fixtures or equipment so damaged, deteriorated or obsolete such that there is no substantial potential further use consistent with its usual function or reasonable reuse, discarded lumber piles and building materials not being used in actual construction on the premises; and MMSW including, but not limited to, Recyclable Materials, broken furniture, tires, Hazardous Waste, Infectious Waste, Electronic Waste and other debris.

In addition, Generators of Solid Waste at construction or demolition sites must ensure the separation of MMSW and Recyclable Materials either on site or through the use of a service provider offering such separation. Waste transported off site that has not been separated is MMSW and must be hauled by a Licensed Hauler or Self-Hauled by the Generator. Separated Construction Debris or Demolition Debris may be hauled by a Registered Hauler or Self-Hauled by the Generator. Disposal of Construction Debris and Demolition Debris must be in accordance with a Solid Waste Management Facility's approved Industrial Solid Waste Management Plan. Any Solid Waste generated at construction sites shall be placed in acceptable containers as specified in this Ordinance. No burning, burying, or dumping of Solid Waste generated at construction sites shall occur at locations other than permitted Facilities. However, only with respect to brush and tree waste which has been cleared or grubbed as part of construction activities on the site, this waste may be burned and disposed of on site in conformance with the requirements of a burn permit from a city, township or state authorized to issue permits for the site. Asbestos containing materials are subject to additional applicable federal or state laws which must be followed for removal, transportation, and disposal.

Subs. 5. Solid Waste Storage Containers

While being accumulated and stored for Collection and transportation, Solid Waste shall be stored in reusable, covered containers (e.g., cans, dumpsters, compactors, roll-off containers, etc.) that are rust, impact, vermin, and leak resistant. When aggregated for Collection, Yard Waste and Recyclable Materials shall be placed in storage containers that are easily distinguishable from MMSW storage containers. Plastic bags designed for containing manageable quantities of Solid Waste shall only be used for temporary storage and may only be placed outdoors for Collection no sooner than the evening prior to the scheduled Collection day.

For Generators electing to aggregate Source Separated Organic Materials for Collection, they must separate and place this material into an easily distinguishable container approved by the Licensed Hauler.

Subs. 6. Mixed Municipal Solid Waste Storage in Vehicles

MMSW shall be removed from Collection or transportation vehicles at least every forty-eight (48) hours, except when allowed by the County.

3505.03 Collection

Subs. 1. Collection Requirements

Every Commercial and Residential Site in Olmsted County, excluding Agricultural Sites, shall engage a Licensed Hauler for the Collection of Designated Waste or act as a Self-Hauler. Commercial Sites that are Self-Haulers must be Registered Haulers pursuant to section 3504.05. Persons acting as Self-Haulers must transport Designated Waste to a Designated Point of Delivery and retain the receipts of disposal for one hundred and eighty (180) days.

Licensed Haulers may provide Collection and transportation services for the Solid Waste types authorized by their License type for those Generators wishing to contract for such services. Generators utilizing the services of a Licensed Hauler may place acceptable Solid Waste containers at the curb or Collection site no sooner than the evening prior to scheduled Collection and they must remove the empty containers the same day as Collection occurs.

Fees for the Collection of MMSW shall be established by Licensed Haulers on a volume or weight basis to provide Generators the financial incentive to reduce their production of MMSW.

Subs. 2. Additional Class A Licensee Recycling Collection Requirements

Class A Licensed Haulers providing Collection and transportation services for MMSW must also provide Collection and transportation services for Recyclable Materials for Generators.

Subs. 3. Collection Frequency

Class A Haulers that provide service to Residential Sites must provide same day curbside services for the Collection and transportation of MMSW, Source Separated Organic Materials, Yard Waste and Recyclable Materials to those Generators wishing to contract for such services.

Generators utilizing the services of a Commercial Hauler may place acceptable containers of MMSW, Recyclable Materials, Source Separated Organic Materials or Yard Waste at the curb or Collection site no sooner than the evening prior to scheduled Collection and they must remove the empty containers the same day as Collection.

Municipalities with organized waste Collection may deviate from the same day Collection requirement.

Solid Waste aggregated for Collection must, be collected regularly to preclude the development of odor, vector, vermin, and other Public Health Nuisance problems. Collection containers with Putrescible Materials must be collected, at a minimum, once per week.

Subs. 4. City of Rochester Sectioning

Unless otherwise specified in a contract between the County and a Class A Licensed Hauler(s), MMSW, Recyclable Materials, Source Separated Organic Material and Yard Waste shall be collected from Residential Sites on the day(s) specified by the following schedule:

- Monday southeast and northeast quadrants
- Tuesday southeast and northeast quadrants
- Wednesday southwest quadrant
- Thursday northwest quadrant
- Friday northwest quadrant

The southeast, northeast, southwest and northwest quadrants are determined by the following geographic boundaries:

The north-south sectioning line is delineated from the north by Broadway Avenue/Highway 63 until it crosses the South Fork of the Zumbro River just before Fourteenth Street NE. North of this point, the north-south sectioning line is delineated by the South Fork of the Zumbro River.

The east-west sectioning line is delineated from the east by College View Road/County Road 9 until Thirtieth (30th) Avenue SE/East Circle Drive/County Road 22. At this intersection, the boundary extends due north along County Road 22 until it reaches the railroad tracks. The boundary is then delineated to the west by the railroad tracks until Eleventh (11th) Avenue NE. At this point, the boundary turns south for one block to Center Street and continues west until Center Street meets Broadway Avenue. The boundary then follows Broadway Ave. south to Second (2nd) Street SW, at which point the boundary veers west following 2nd Street SW/Country Club Road.

The outer perimeter of this sectioning plan is delineated by the corporate boundary of the City of Rochester. As the City of Rochester annexes additional acreage, this boundary will extend accordingly, including any new properties created by the city's expansion.

In accordance with the attached City of Rochester sectioning map. (Addendum D)

Subs. 5. Title to Non-Hazardous Mixed Municipal Solid Waste

Title to non-hazardous MMSW generated in Olmsted County shall remain with the Generator until released to the County through the use of a County Licensed Hauler or by Self-Hauling to an Olmsted County authorized Facility.

Subs. 6. Title to Source Separated Organic Materials

Title to Source Separated Organic Materials generated in Olmsted County shall remain with the Generator until released to a Source Separated Organic Materials processing Facility operated or permitted by Olmsted County or another governmental agency through the use of a Class A or Class B Licensed Hauler or by Self-Hauling. It shall be unlawful and an offense for any Person, other than the Generator or the contracted Class A or Class B Licensed Hauler, to take said materials aggregated for Collection for the Person's own use.

Subs. 7. Vehicle and Container Construction

Vehicles and roll-off containers used for Solid Waste Collection and transportation shall be enclosed or covered, vermin and leak resistant, durable, and must be easily cleaned. However, as an alternative to a metal or plastic container, canvas type/tough-woven dumpster bag containers may be used for Collection and transportation of Construction and Demolition material only.

Subs. 8. Maintenance of Vehicles and Roll-Off Containers

Solid Waste Collection vehicles and roll-off containers shall be maintained in good repair and in a clean condition to prevent Public Health Nuisances, pollution, or insect breeding. To reduce safety risk and Public Health Nuisance conditions, Persons shall securely close inspection doors, if present, except when the vehicle or container is being inspected, cleaned, or stored in a clean, empty condition.

3505.04 Transportation

All Solid Waste shall be loaded and transported in a manner that will prevent the escape of Solid Waste and liquids from its container and the transportation vehicle. All loads shall be covered and contained, and any Person determined to be responsible for debris or liquids on road rights-of-way shall be liable for the costs of removal thereof. Furthermore, any Solid Waste being transported to the Kalmar Landfill must utilize the designated ten-ton access route as defined by the most recent version of the Kalmar Township-Olmsted County Agreement (i.e., Minnesota State Highway 14 to County Road 104 North to County Road 156 West) on file. Transportation routes to other Solid Waste Management Facilities other than in the County or to the County's Facilities shall use roads with posted weight ratings that are capable of supporting the gross weights of the transportation vehicles plus their Solid Waste load.

Subs. 1. Spilled Solid Waste

Where spillage does occur, the material shall be promptly retrieved and transported to an appropriate, permitted Solid Waste Management Facility and the area properly cleaned. A Person transporting Solid Waste is responsible for any loss of Solid Waste or liquid during transportation within Olmsted County. It is the responsibility of said Person to promptly collect or clean up any Solid Waste or liquids lost during transport. In the event the Person transporting Solid Waste refuses to promptly collect or clean up Solid Waste lost or spilled during transport, the County may remedy the spill, dispose of the Solid Waste, and charge the Person for the cost of cleanup and disposal of such Solid Waste.

Subs. 2. Notification of Spilled Waste

The Person transporting Solid Waste shall notify the appropriate road right-of-way maintenance and law enforcement agencies if the spilled Solid Waste cannot be promptly removed or if there is a traffic or other hazard to Persons living in the vicinity or traveling in the area affected by the spill.

Subs. 3. Hot Loads

No Person shall collect or transport Solid Waste that is smoking, smoldering, or burning. In the event of an unintentional "hot load", it is the Person's responsibility to suppress the fire at the direction of the Fire Marshal.

Subs. 4. Delivery Conditions

Unless special arrangements have been made or pursuant to any other applicable rules or laws, all Solid Waste shall be delivered to Facilities open to the public in accordance with the following items:

- A. Hours and Days of Delivery. Facilities will post their receiving hours and Solid Waste shall be delivered to a Solid Waste Management Facility during the operating hours as posted at each Facility unless other Facility-specific arrangements have been made.
- B. Origin of Waste. The origin by County of the Solid Waste will be disclosed at the time of delivery to a Facility.
- C. Transportation. Each Person delivering Solid Waste to the Facility or Facilities shall be solely responsible for the provision, at their own expense, of all personnel and equipment necessary to transport all Solid Waste in accordance with all applicable transportation regulations.
- D. Equipment. All equipment used by a Person for Collection and transportation of Solid Waste shall be properly licensed and shall comply with such equipment specifications as may be established by the County or other regulatory agencies.

- E. Facility Rules. Each Person delivering Solid Waste will comply with all rules and regulations posted at any Solid Waste Management Facility.

Subs. 5. Delivery Conditions for Source Separated Organic Materials

Unless special arrangements have been made or pursuant to any other applicable rules or laws, all Source Separated Organic Materials shall be delivered to Permitted Sites in accordance with the following items:

- A. Hours and Days of Delivery. Facilities will post their receiving hours and Source Separated Organic Materials shall be delivered to a Source Separated Organic Materials Management Facility during the operating hours as posted at each Facility unless other Facility-specific arrangements have been made.
- B. Transportation. The Source Separated Organic Materials Hauler shall be solely responsible for the provision, at their own expense, of all personnel and equipment necessary to transport all Source Separated Organic Materials in accordance with all applicable transportation regulations.
- C. Equipment. All equipment used by a Person for Collection and transportation of Source Separated Organic Materials shall be properly licensed and shall comply with such equipment specifications as may be established by the County or other regulatory agencies.
- D. Facility Rules. Each Person delivering Source Separated Organic Materials will comply with all rules and regulations posted at any Source Separated Organic Materials Management Facility.

Subs. 6. Waste Tracking

- A. The amounts of Solid Waste, by date, by waste type, and County of origin of each load delivered to a Solid Waste Management Facility shall be recorded at the Solid Waste Management Facility.
- B. The amounts of Solid Waste, by waste type, whether the Solid Waste was subsequently processed, disposed on site, or transported from the Solid Waste Management Facility and the destination shall be recorded at the Solid Waste Management Facility each day. Upon request, these records shall be reported to the County within thirty (30) days of the request. Tracking data as required by Minnesota Statutes 115A.882 and 115A.93 shall be furnished to the Minnesota Pollution Control Agency and Olmsted County at least annually. Data reported to the County is subject to the Minnesota Data Practices Act. All Solid Waste that is managed by weight shall be weighed on scales certified for commerce. The tonnage of Solid Waste delivered to a Solid Waste Management Facility shall be determined by the deduction of the tare weight of the vehicle from the total loaded weight of the vehicle. The tare weight of the vehicle is determined after the contents of each vehicle load are disposed at a Solid Waste Management Facility.

- C. All Solid Waste that is managed by volume will be based on the size of the vehicle or container, unless the Solid Waste Management Facility is notified at the time of entry that the vehicle or container is partially full. For loads that are partially full or heaped, the Solid Waste Management Facility or Facility that receives Source Separated Organic Materials will use its best efforts to estimate the actual volume and distinguish between compacted and uncompacted loads.

Section 3506. Processing and Disposal of Source Separated Organic Materials

3506.01 Purpose

This section outlines management specifications for the processing and disposal of Source Separated Organic Materials and regulates accumulations on all lands in Olmsted County.

Facilities that process organic materials using Anaerobic Digestion are governed by permits issued by the State of Minnesota and are not governed by the County Solid Waste Ordinance.

3506.02 Local Zoning Authority Over Compost, Backyard Sites and Compost, Commercial Small Facilities

The conditions under which Compost, Backyard Sites and Compost, Commercial Small Facilities are permitted is determined by the local zoning authority for the site where the composting will occur. To the extent that these Facilities fall within the boundaries of a municipality or township, the applicable zoning Ordinance requirements for Compost, Backyard Sites will apply.

A Compost, Backyard site is a site used to Compost vegetative food scraps, garden wastes, weeds, lawn cuttings, leaves and prunings from an owner, lessee, or occupant of a property for onsite use only. Compost, Backyard site shall not create a public nuisance or any conditions that adversely affect the environment or public health. Operations at the site shall not violate State or local laws, ordinances, rules, or regulations. Site locations shall comply with local zoning authority requirements. Compost, Backyard Sites shall be exempt from Compost, Commercial Small Facility permitting requirements in 3506.04 Sub. 2 of this Ordinance but must adhere to the following requirements of this section.

Subs. 1. Volume of a Compost, Backyard Site

Compost, Backyard site shall not exceed 5 feet x 5 feet square and a maximum height of 5 feet tall (or 4.6 Cubic Yards) in volume per parcel. Compostable materials not generated on- site are allowed in amounts less than one cubic yard per month.

Subs. 2. Compensation Not Permitted

No compensation shall be exchanged in relation to the Collection and transportation of the compostable material from off-site locations.

Subs. 3. Acceptable Materials at Compost, Backyard Site

Compostable organic materials suitable for Compost, Backyard Sites include Yard Waste, straw, fruit and vegetable scraps, coffee grounds, and eggshells. Other materials may be acceptable when following the methods and guidelines published by the University of Minnesota and Olmsted County Extension services as suitable for on-site composting. Backyard composting which does not comply with these methods and guidelines is not allowed.

Subs. 4. Prohibited Materials at Compost, Backyard Sites

To prevent Public Health Nuisances, composting fats, oils, grease, meat, whole eggs, dairy products, animal manure, human and pet feces, weeds with seeds and diseased plants, diapers, and sanitary products are prohibited. Composting of animal carcasses is prohibited except as authorized by the Minnesota Board of Animal Health (BAH) regulations and Minnesota Statutes Section 35.815, and Minnesota Rules 1721.0690 – 1721.0740).

Subs. 5. Composting Structure for a Compost, Backyard Site

Best practices from the University of Minnesota Extension recommends that composting occur in a composting structure constructed out of wood, wire mesh, or concrete block, or a combination thereof, or in a Compost bin designed for composting organic materials.

Subs. 6. Maintenance

Best practices from the University of Minnesota Extension recommends that Compost materials be layered, aerated, moistened, turned, and managed to promote effective decomposition of the materials in a safe, secure, and sanitary manner. Compost, Backyard Sites must be maintained to minimize nuisance conditions.

3506.03 Compost, Commercial Small Facility

A Compost, Commercial Small Facility is a site that accepts Source Separated Organic Materials not generated on site for processing into Compost.

Subs. 1. Volume of a Compost, Commercial Small Facility

Any Compost Facility that has more than 4.6 cubic yards of material on site at any time during the year is required to obtain a permit from Olmsted County Environmental Resources Department excluding Compost, Backyard Sites and Minnesota Pollution Control Agency permitted Compost Facility. Compost, Commercial Small Facilities must have less than 120 cubic yards of material on site at any time. However, a Compost site

that has more than 4.6 cubic yards of material where the finished Compost is used on site, and not transported off site, or offered for sale is considered to be a Compost, Backyard site for the purposes of this Ordinance.

Subs. 2. Permit Required for Compost, Commercial Small Facility

An application for a permit and required application fees must be submitted by the operator and approved by the Environmental Resources Department on an annual basis. The application for a permit must identify a responsible party for composting activities at the Compost, Commercial Small Facility. If the responsible party for composting activities is not the property owner, the responsible party must obtain a signature from the property owner approving the presence of a Compost, Commercial Small Facility on the lot.

The applicant shall submit a list of materials to be accepted for processing in the permit application pending approval by the Environmental Resources Department.

The applicant must provide a site plan, stormwater management plan, odor response management plan and operations plan and other applicable plans as required by the local zoning authority and as set forth in the permit application approved by the Environmental Resources Department.

An applicant must provide a performance bond or comparable letter of credit in an amount sufficient to pay for the removal of the organic materials and other Solid Waste on the site if the applicant fails to perform appropriately.

All Small Commercial Composting Facility operations shall be permitted yearly by the Olmsted County Environmental Resources Department. Upon approval by the local zoning authority and approval of the permit application by the Olmsted County Environmental Resources Department, a permit shall be issued upon the posting of required financial guarantees and the payment of all fees required herein. Fees are set by resolution pursuant to the applicable provisions of the County's Solid Waste Ordinance and Zoning Ordinances. Said permit shall expire on December 31 following the date of issuance, unless renewed thereafter by the County until the following December 31, in accordance with the provisions of the Solid Waste Ordinance and Zoning Ordinances. Once the permit is issued the operator shall complete training as required by the permit.

Subs. 3. Acceptable and Restricted Materials Allowed at Small Commercial Compost Facilities

A Compost, Commercial Small Facility may accept the following materials for processing: food waste, coffee grounds, eggshells, garden wastes, weeds, lawn cuttings, leaves, prunings, and straw.

Fats, oils, grease, meat, whole eggs, dairy products, livestock and poultry manure, and sawdust or wood ash are only allowed in limited quantities as authorized through the permit approved by the Environmental Resources Department.

Subs. 4. Prohibited Materials at Compost, Commercial Small Facilities

Compost, Commercial Small Facilities shall not accept the following materials: MMSW, Industrial Solid Waste, Recyclable Materials, human and pet feces, meat bones, seafood shells, plastics of any kind, food packaging, paper products, diapers, sanitary products, noxious weeds (as defined by the Minnesota Department of Agriculture and Minnesota Statutes 18.77 Subd. 8), and badly diseased or insect-infested plants. Composting of animal carcasses is not allowed except as authorized by the Minnesota Board of Animal Health (BAH) regulations and Minnesota Statute 35.815, and MN Rule 1721). However, this Ordinance is not intended to apply to the composting of animal carcasses in farming operations as defined in Minnesota Statutes Section 500.24 Subd. 2(a), or a licensed zoo under the jurisdiction of the USDA.

Subs. 5. Permitted Zoning Classifications and Location Site Design Requirements for Compost, Commercial Small Facilities

Compost, Commercial Small Facilities are only allowed on parcels which are zoned to permit these Facilities in accordance with Section 10.53 of the Olmsted County Zoning Ordinance and locations on the parcels as permitted by the Zoning Ordinance.

Composting structures shall be located and designed so that seepage from the Compost will not run off into public or private streets, storm sewers, drainage ditches, water retention basins, streams, lakes, or wetlands.

Subs. 6. Maintenance of Compost, Commercial Small Facilities

Compost materials shall be layered, aerated, moistened, turned, and managed to promote effective decomposition of the materials in a safe, secure, and sanitary manner.

The operator of the Compost, Commercial Small Facility shall follow the directives of the Environmental Resources Department consistent with Minnesota Pollution Control Agency (MPCA) best management practices.

Compost, Commercial Small Facilities shall not create a public nuisance or any conditions that adversely affect the environment or public health. Operations at the site shall not violate state or local laws, ordinances, rules, or regulations.

The operator shall establish a procedure and mechanism for proper disposal of any prohibited material to a Solid Waste Management Facility permitted pursuant to applicable state law or County Ordinance.

Olmsted County Officials and/or consultants engaged by the County shall be permitted entry to Small Commercial Composting Facilities for inspection purposes during normal operating hours to determine compliance with this permit and other applicable regulations. No Person shall impede inspection of a composting Facility by Olmsted County Officials and/or consultants engaged by the County. Further, the Facility owner/operator shall pay for any additional inspections necessary to verify compliance with this permit and any conditions attached to the annual permit.

Subs. 7. Permit Renewal

Permits issued may be renewed annually by the filing of an application, annual report, an annual review by the Olmsted County Environmental Resources Department verifying compliance with the terms and conditions of the permit, and payment of all fees required. Annual renewal of permits need not be predicated upon an updated site plan if the Olmsted County Environmental Resources Department finds that no significant variation from the current site plan has occurred.

3506.04 Procedure for Permit Non-Compliance

In the event of a violation of the requirements pertaining to Compost, Commercial Small Facilities, violations shall be governed by section 3509 and permittees can also face suspension or revocation under section 3504.11.

3506.05 Compost State of Minnesota Permitted Facility

Compost Facilities located in Olmsted County which are greater than 120 cubic yards, shall comply with the following MPCA Rules and amendments that may be adopted from time to time. Sites shall obtain a Facility permit (Minnesota Rules, Part 7001.3375), provide notification (Minnesota Rules Part 7001.3410), and maintain operational compliance (Minnesota Rules Part 7035.2836 subparts 2 and 3). Yard Waste shall be separated from its container(s) at the time of delivery by the Person making the delivery.

Anaerobic digesters as defined in Minnesota Statutes Section 216.41 Subd. 1(e) that are located in Olmsted County shall be permitted by the MPCA and comply with applicable Minnesota Statutes and Rules.

3506.06 Feeding Source Separated Organic Material to Animals

Any Person who accepts Source Separated Organic Materials for commercial manufacturing or distribution for feeding to animals must comply with the Minnesota Department of Agriculture Rules 1510.1930 to 1510.2230, 1510.2500 to 1510.2595 and Minnesota Statutes Sections 25.341, 25.39.

Any Person who engages in transportation or feeding Source Separated Organic Materials to animals must comply with Minnesota Statutes Sections 35.751 and 35.76.

Property owners and managers of these sites shall maintain their Open Areas in a manner that prevents litter and environmental harm and precludes the development of vector, odor, and Public Health Nuisance problems.

Persons operating an Agricultural Site that generate or receive Source Separated Organic Materials to feed animals located on site are exempt from this section.

Section 3507. Processing and Disposal of All Other Solid Waste Materials

3507.01 Purpose

This section outlines management specifications for the processing and disposal of all Solid Waste materials other than Source Separated Organic Materials and regulates accumulations on all lands in Olmsted County.

3507.02 Recyclable Materials

Recycling Centers must obtain an operating permit, as required by state law (Minnesota Rules Part 7035.2845, 7035.3000 and 7035.3600), as amended from time to time, from the MPCA. Recycling Centers must operate in accordance with provisions outlined in Olmsted County Ordinances and Minnesota Statutes.

3507.03 Mixed Municipal Solid Waste

Generators shall dispose of Designated Waste at Designated Points of Delivery. Generators shall either utilize the Collection services of a Licensed Hauler, self-haul their own Designated Waste to a Designated Point of Delivery, or, in the case of Agricultural Sites, manage their MMSW on site as allowed by Minnesota Statutes, section 17.135. Self-Haulers must retain receipts from the Solid Waste Management Facility utilized for 180 days or as may be required by contract with the County.

3507.04 Industrial Waste

Solid Waste Generators are responsible for identifying and characterizing Industrial Waste which they produce. Generators shall follow the procedures for handling Industrial Waste described in the Industrial Solid Waste Management Plan.

3507.05 Unacceptable Waste, Problem Materials and Special Waste

State and federal regulations prohibit the processing and/or disposal of some types of Solid Waste. Regulations also restrict the processing of other materials or waste types because they may present an operational hazard to a Facility. Each Solid Waste Management Facility shall identify its own list of Unacceptable Wastes, Problem Materials and Special Wastes in accordance with MPCA requirements. This list shall identify which waste types cannot be accepted under any circumstances, as well as those waste types which may require special handling and need approval prior to delivery. This list shall be posted at the Solid Waste Management Facility and a copy provided upon request. Generators are responsible for identifying any Unacceptable Waste, Problem Materials, or Special Wastes which they produce and adhering to Solid Waste Management Facility-specific requirements for their disposal.

3507.06 Delivery of Unacceptable Waste

A Solid Waste Management Facility shall not be required to accept any Solid Waste which constitutes Unacceptable Waste and may, at their discretion, inspect all vehicles delivering Solid Waste. The obligation of each Person not to deliver Unacceptable Wastes, Problem Materials or Special Wastes to a Solid Waste Management Facility shall not be limited by any inspection of such Person's Solid Waste. Notwithstanding any prior acceptance of such Solid Waste, if the Solid Waste Management Facility, in the exercise of its reasonable judgment, identifies the presence of Unacceptable Wastes, Problem Materials, or Special Wastes, the Solid Waste Management Facility may reject the Solid Waste and the Person shall forthwith remove the rejected materials for proper disposal elsewhere. All costs of such removal and disposal shall be borne by the Person. Furthermore, if the presence of Unacceptable Wastes, Problem Materials or Special Wastes poses immediate operational difficulties for a Solid Waste Management Facility or if the Person fails to respond to a removal request, the Solid Waste Management Facility may remove and dispose of the Unacceptable Wastes, Problem Materials, or Special Wastes and charge the costs of such removal, disposal, and special handling to the Person.

3507.07 Prohibitions

Subs 1. Solid Waste Burning

Burning of Solid Waste is prohibited by this Ordinance, except as allowed on Agricultural Sites by the residents of the Agricultural Site as per Minnesota Statutes Section 17.135. This statute states:

FARM DISPOSAL OF SOLID WASTE.

(a) A permit is not required from a state agency, except under sections 88.16, 88.17, and 88.22 for a Person who owns or operates land used for farming that buries, or burns and buries:

(1) Solid Waste generated from the Person's household or as part of the Person's farming operation; or

(2) concrete or reinforcing bar from a building or structure located on the land used for farming.

Items in clauses (1) and (2) must be buried in a nuisance-free, pollution-free, and aesthetic manner on the land used for farming. The exception in clause (1) does not apply if regularly scheduled pickup of Solid Waste is reasonably available at the Person's farm, as determined by resolution of the County Board of the County where the Person's farm is located.

(b) The exemption in paragraph (a), clause (1), does not apply to burning tires or plastics, except plastic baling twine, or to burning or burial of the following materials:

(1) household Hazardous Waste as defined in section 115A.96, subdivision 1;

(2) appliances, including but not limited to, major appliances as defined in section 115A.03, subdivision 17a;

(3) household batteries;

(4) used motor oil; and

(5) lead acid batteries from motor vehicles.

(c) Within 90 days after completion of the burial, an owner of land used for farming who buries material under the authority of paragraph (a), clause (2), shall record, with the County recorder or registrar of titles of the County in which the land is located, an affidavit containing a legal description of the property and a map drawn from available information showing the boundary of the property and the location of concrete or reinforcing bar buried on the property. The County recorder or registrar of titles must record an affidavit presented under this paragraph in a manner that ensures its disclosure in the ordinary course of a title search of the subject property.

Subs. 2. Non-Permitted Solid Waste Sites

It is a violation of this Ordinance for any Person to dispose of Solid Waste, excluding Compost, Backyard Sites and Agricultural Site disposal exemptions (Minnesota Statutes Section 17.135), at locations other than Permitted Sites. The owner of any such site shall prevent further disposal of Solid Waste at the site and take corrective actions to appropriately close the site, as determined by Olmsted County and/or the MPCA. Upon discovery of the existence of a non-permitted Solid Waste site, a Person shall report the location to the County Environmental Resources Department.

Subs. 3. Unauthorized Container Use

It shall be illegal for a Person to deposit Solid Waste into another Person's Solid Waste storage container, inspect its contents, or remove its contents unless provided prior authorization by the owner or lawful custodian of said container or by Olmsted County Environmental Resources staff or law enforcement in order to enforce the requirements of the Solid Waste Ordinance.

Subs. 4. Hazardous Waste

In the absence of a permitted Hazardous Waste disposal Facility within the County, the disposal of said waste shall not be allowed anywhere in Olmsted County.

Section 3508. The Mayo Foundation

Olmsted County recognizes that the Mayo Foundation has established a fully integrated and self-sustaining Solid Waste management system for the Collection, processing and disposal

of its Solid Waste which supports the objectives of the Olmsted County Solid Waste Management Plan. Nothing in this Ordinance is designed to restrict the Mayo Foundation from taking their MMSW and Infectious Waste to the Mayo Medical Waste Incinerator as long as this Facility operates in accordance with State, Olmsted County, and municipal or township laws, rules, and regulations. Mayo Foundation Solid Waste disposed at Mayo Medical Waste Incinerator is excluded from the Service Charge requirements in section 3507.

Section 3509. Solid Waste Management Fees and Service Charges

3509.01 County Facility Fees

The County Board hereby adopts fees for the use of County-owned Solid Waste Management Facilities. The fee schedule is set forth as Addendum A and is incorporated herein by reference and may be amended from time to time by Ordinance. However, in order to provide for stable revenue to the Waste Management Fund, the County Board reserves the right to establish separate fees related to the management of out of County waste pursuant to a contract with another governmental entity.

3509.02 County Solid Waste Management Service Charge

The following provisions are enacted pursuant to Minnesota Statutes Section 400.08, which authorizes the County to establish and impose Service Charges within the County's jurisdiction for Solid Waste management services. The purpose of these provisions is to establish methods of Collection of a Service Charge to fund certain Solid Waste management services intended to protect the public health and welfare and the environment pursuant to state mandates governing Solid Waste management.

3509.03 Establishment of Service Charge

A Solid Waste Management Service Charge is imposed by the County upon Generators of MMSW, Industrial Waste, Source Separated Organic Materials and Recyclable Materials at Residential Sites in the County for Solid Waste management services provided by the County or by Commercial Haulers Licensed by the County. Generators of MMSW, and Industrial Waste that meet the requirements of the Olmsted County Industrial Solid Waste Management Plan for Commercial and Residential Sites, and in addition, Source Separated Organic Materials and Recyclable Materials at Residential Sites in the County shall pay the Service Charge in the manner set forth herein in amounts as established by the County. In establishing the Service Charge, the County has considered all factors relevant to the provision of Solid Waste management services in the County. Such factors include, but are not limited to the character, kind, and quality of service of Solid Waste; the method of disposition; the number of people served at each place of Collection; and all other factors that enter into the cost of providing service including, but not limited to depreciation and payment of principal and

interest on money borrowed by the County for the acquisition and betterment of Solid Waste Management Facilities; public education; recycling programs; Hazardous Waste management; and Solid Waste Management Facility operating costs.

3509.04 Procedures for Adjusting the Amount of Solid Waste Management Service Charge

The Board may adjust the amount of the Solid Waste Management Service Charge by Ordinance following a public hearing and shall state the effective date of the adjusted Service Charge. There shall be a minimum one hundred twenty (120) day period prior to the effective date of such adjustment.

3509.05 Service Charge Collection

Subs. 1. Commercial Hauler Billing

Each Commercial Hauler, unless otherwise exempt, shall bill the Service Charge to and collect the Service Charge from all Persons to whom they provide Hauler Services. The amount of the Service Charge shall be the Service Charge Percentage Rate multiplied by the Gross Receipts to be collected from each Customer by the Commercial Hauler. The Commercial Hauler shall aggregate all of the individual Service Charges from all of its customers billed within any month for remittance and reporting to the County. The Service Charge collected is to be remitted to the County based upon the act of billing or invoicing each Customer, not upon any means of revenue recognition used by the Commercial Hauler. The Service Charge Percentage Rate is set in the fee schedule (Addendum A – Solid Waste Management Fee and Service Charge Schedule for Service Charges collected by Commercial Haulers).

Subs. 2. Collection

Each Commercial Hauler shall make reasonable efforts to collect the Service Charge. Commercial Haulers are permitted to advance Service Charges owed to the County on behalf of a Customer and are entitled to a refund if the Customer does not in fact pay as required. The County will refund a Commercial Hauler for the unpaid portion of Service Charge if (a) the Commercial Hauler initially remitted that Service Charge to the County, (b) if the Commercial Hauler made a reasonable effort to collect the Service Charge, and (c) if the Service Charge was initially billed within 12 months from the date the refund was requested from Olmsted County by the Commercial Hauler. The Commercial Hauler shall complete and submit an unpaid Service Charge report in accordance with instructions given by the County and in the format and media required by the County. In the report, the Commercial Hauler, for each unpaid Service Charge amount requested, shall provide the Customer name, service address, date initially billed, amount billed, amount unpaid, as well as any other information reasonably deemed necessary by the County for proper administration of the refund for unpaid Service Charge.

Subs. 3. County Billing

Self-Haulers from Commercial Sites that are registered and approved to use Kalmar Landfill and/or the Facility tipping floor shall pay Service Charge at the rate set in the fee schedule Addendum A – Solid Waste Management Fee and Service Charge Schedule for MMSW, Industrial Waste, or Recyclable Materials, generated in Olmsted County.

Service Charge is charged to all customers for Solid Waste delivered to Olmsted County Recycling Center Plus. The amount of Service Charge is set in the fee schedule Addendum A – Solid Waste Management Fee and Service Charge Schedule.

Self-Haulers shall pay to the County the Service Charge, which shall be calculated and collected or added to the account of the Self-Hauler by the County, at the time the Self-Hauler delivers Solid Waste to a County Facility or Facilities.

Any Solid Waste Management Facility under contract with the County shall collect and remit the Service Charge pursuant to the requirements in the contract.

If a Person does not pay the Service Charge to a Commercial Hauler or directly to the County, the County may directly bill the Person or the owner, occupant, or lessee of the site at which the MMSW, Industrial Waste, Source Separated Organic Materials, or Recyclable Materials was generated. If the incurred Service Charge is not known, the County may establish the Service Charge based on a reasonable estimate.

In the event a municipality contracts or otherwise arranges for Hauler Services on behalf of Generators and elects to bill the Service Charge to and collect the Service Charge from such Persons who are billed for such services, and subsequently remits all Service Charges collected to the County, a Commercial Hauler is not required to bill the Service Charge to or collect the Service Charge from such Persons in such municipalities.

3509.06 Remittance

Subs. 1. Remittance to the County

The Service Charge collected by Commercial Haulers must be remitted to the County. Failure to remit the Service Charge collected may result in the revocation of the Commercial Solid Waste Hauler License by the County. Self-Haulers shall pay the Service Charge directly to the County or to a Solid Waste Management Facility under contract with the County who is required to remit the Service Charge to the County.

Subs. 2. Remittance Deadline

Each Commercial Hauler shall remit the Service Charge by the last day of the month following the month in which the Service Charge was billed by a Commercial Hauler. The County, if requested in writing by a Commercial Hauler, may grant a variance from this payment requirement to accommodate a Commercial Hauler's billing practices. The duration of the variance will be determined by the County.

Subs. 3 Proceeds of Service Charge are State Funds

The proceeds of the Service Charge are State Funds, and failure to remit the proceeds to the County is subject to criminal prosecution pursuant to Minnesota Statutes Section 609.445, as amended.

3509.07 Service Charge Itemized on Statements

Subs. 1. County Environmental Service Charge

Each Commercial Hauler shall separately itemize the Service Charge on any statement or invoice issued for payment of Hauler Services. The Service Charge must be identified as "Olmsted County Environmental Service Charge," or a County-approved abbreviation unless otherwise required by the County. Failure to separately itemize the Service Charge or to properly identify the Service Charge is a violation of this Ordinance.

Subs. 2. Notice and Timing

Each Commercial Hauler is required to provide notification of the Service Charge to each Customer prior to an initial bill for Hauler Services. This notification is required through a memo developed by the County.

3509.08 Service Charge Reports

Each Commercial Hauler shall complete and submit a Service Charge report in accordance with instructions given by the County and in the format and media required by the County. The Service Charge report must accompany the remittance of the Service Charge to the County. In the report, the Commercial Hauler shall provide monthly totals and summaries of customers served, amounts of waste collected, amounts invoiced, Service Charges invoiced, and gross revenues, as well as any other information reasonably deemed necessary by the County for proper administration of the Service Charge.

3509.09 Recalculation of Service Charge

If the County determines, after review of the Service Charge report, or upon failure of a Commercial Hauler or Self-Hauler to submit the Service Charge report, that the Commercial Hauler or Self-Hauler has not supplied appropriate information, the County may recalculate the Service Charge in accordance with this subsection. If the County finds that the information supplied by the Commercial Hauler or Self-Hauler is inaccurate, incomplete, or understated, the County may determine an appropriate amount for the Service Charge due from the Commercial Hauler or Self-Hauler. The County shall send the Commercial Hauler or Self-Hauler a notice setting forth the recalculated Service Charge amount. The notice shall include a statement of reasons why the Service Charge has been recalculated. The County may base the recalculation on information in County records or on any data currently

or previously supplied by the Commercial Hauler or Self-Hauler, or otherwise available. The written notice shall be deemed received by the Commercial Hauler or Self-Hauler three (3) days after the date of mailing.

The County will refund a Commercial Hauler that inadvertently charges Service Charge to an address not located in Olmsted County if (a) the Commercial Hauler remitted that Service Charge to the County, (b) if the Commercial Hauler remits the Service Charge back to that Customer, and (c) if the Service Charge was initially billed within twelve (12) months from the date the refund was requested from Olmsted County by the Commercial Hauler.

3509.10 Examination of Records

At the Commercial Hauler's location and upon reasonable notice, the County may examine and audit or otherwise review all Commercial Hauler's information regarding Customer identification and location, billing and service addresses, types and sizes of containers used, and amounts invoiced for all of its customers in the County. Promptly upon County request, the Commercial Hauler's current route lists shall be available for review by the County to assure accuracy related to the Service Charges, amount of Designated Waste collected and location of disposal. The County shall have the right to examine, review and audit all accounts receivable and other records of the Commercial Hauler as necessary to verify the accuracy of the Service Charges collected and the Commercial Hauler's compliance with this Ordinance. To verify Service Charges collected, the County may electronically compare Customer account records on the Commercial Hauler's computer system with the County's geographic information system records at the Commercial Hauler's location in the County.

The County or its duly authorized agents shall have the right to examine records, including access to computer records, maintained by a Self-Hauler. The County shall be allowed access at all reasonable times to inspect and copy at a reasonable cost all business records related to the Self-Hauler's Collection, transportation, and disposal of Solid Waste to the extent necessary to ensure that all Service Charges required to be paid have been remitted to the County.

Such records shall be maintained by Commercial Haulers in the County for six (6) years and Self-Haulers in the County for no less than 180 days after the transaction is completed or as may be required by contract with the County.

3509.11 Late Payment

A late payment penalty in the amount of the maximum interest rate allowed by law shall be imposed upon Service Charges collected from the Generator, but not remitted by the Commercial Hauler to the County on or before the last day of the month following the billing. If a Commercial Hauler fails to bill and collect the Service Charge from the Generator, the Commercial Hauler shall pay the Generator's Service Charge plus the late payment penalty. The late payment shall be calculated from the date the Service Charge should have been billed. If a Self-Hauler fails to pay the Service Charge on or before the last day of the month in which the Service Charge was incurred, the Self-Hauler shall pay a late payment penalty in the amount of the maximum interest rate allowed by law.

3509.12 Unpaid Service Charges

Subs. 1. Taxable Properties

On or before October 15 of each year, the County Board may certify to the County Property Records and Licensing Department any unpaid outstanding Service Charges, as reported to the County by Commercial Haulers, and a statement of the description of the lands that were serviced and against which the Service Charges arose. A property owner may prepay the outstanding Service Charges before the Service Charges are extended to the tax rolls of the County by remitting to the County Property Records and Licensing Department the Service Charges, in full, plus interest at the maximum rate allowed by state law calculated from the date the Service Charges are reported to the County as unpaid to December 31 of the year in which said prepayment is made. Such prepayment must occur on or before November 15 in order to prevent the Service Charges from being extended to the tax rolls of the County.

If the Service Charges are not prepaid as provided in this section, the County Property Records and Licensing Department shall extend the Service Charges upon the tax rolls of the County with interest at the maximum rate allowed by state law calculated from the date the Service Charges are reported to the County as unpaid to December 31 of the year that the Service Charges appear. The Service Charges with interest shall be carried into the property tax becoming due and payable in 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 Service Charges, if not paid on time as part of the property tax, shall become delinquent and be subject to the same penalties and the same rate of interest as real property taxes under the general laws of the state.

Subs. 2. Tax-Exempt Properties

Unpaid Service Charges may be collected as provided in Subs. 1 of this section.

Subs. 3. Civil Action.

In addition to each and every other remedy available to the County, unpaid Service Charges, penalties, and interest may be recovered in a civil action against a property owner, lessee, or occupant or a Generator, Commercial Hauler, or Self-Hauler.

Section 3510. Violations, Penalties and Enforcement

3510.01 Enforcement

Subs. 1. Violations.

Any Person, firm, agent, or corporation who fails, neglects, or refuses to comply with the provisions of this Ordinance, or who knowingly makes any materially false statement or knowing omission in any document required to be submitted under the provisions hereof,

is in violation of this Ordinance. Each day that a violation is committed or permitted to exist shall constitute a separate offense.

Subs. 2. Authority to Pursue Enforcement.

The Environmental Resources Department and County Attorney may institute appropriate criminal or civil enforcement actions or proceedings to prevent, restrain, correct, or abate violations or threatened violations of this Ordinance. The Environmental Resources Department shall have discretion to determine how violations will be processed to best achieve compliance with the requirements of the Ordinance. The options include the following:

- a) A criminal matter,
- b) A civil notice of violation pursuant to the County's Administrative Enforcement and Appeals Procedure Ordinance,
- c) A civil claim/injunction in a state or federal court with jurisdiction,
- d) Through the statutory process to abate Public Health Nuisances under Chapter 145A,
- e) Through the statutory process to prohibit the unauthorized deposit of Solid Waste and recover civil penalties for the unlawful placement of litter under Chapter 375 of the Minnesota Statutes Minn. Stat. Section 115A.99.

Subs. 3. Criminal Violations.

For those matters which the Environmental Resources Department has determined will be handled as criminal offenses, upon conviction, offenders shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 and/or up to 90 days in jail. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance; and the County may pursue, by appropriate actions or proceedings, any, or all additional other remedies.

Subs. 4. Civil Administrative Violations.

For those matters which the Environmental Resources Department has determined will be handled as a civil Notice of Violation, provisions of this Ordinance shall be enforced pursuant to the Olmsted County Administrative Enforcement and Appeals Procedure Ordinance found at Chapter 4000 of the Olmsted County Code of Ordinances. Penalties for violations of this Ordinance shall be as specified in the Administrative Enforcement and Appeals Procedure Ordinance or in any resolution establishing recommended administrative penalties for violations which are subsequently approved by the County Board. At the discretion of the Environmental Resources Department, violations of this Solid Waste Ordinance by Licensed Haulers, or transfer station operators, under contract to the County may be addressed pursuant to remedies provided for in the contract with the County.

Subs. 5. Civil Violations Enforced in Court.

For those matters which the Environmental Resources Department has determined should be handled via a civil claim in a state or federal court with jurisdiction, the Environmental Resources Department and County Attorney may pursue damages, injunctive relief and any other remedies deemed necessary to halt the violation, reimburse the County for expenses incurred in enforcing this Ordinance and to generally protect public health and safety.

Subs. 6. Abatement of Public Health Nuisances Pursuant to Minnesota Statutes Chapter 145A.

- a. Actual or potential threats to public health, such as Public Health Nuisances, sources of filth or causes of sickness, arising from the failure of any Person to dispose of Solid Waste at permitted Solid Waste Management Facilities shall be removed or abated from the affected property pursuant to the process set forth in Minn. Stat. Section 145A.04.
- b. The Environmental Resources Department shall order the owner or occupant of the property to remove or abate the threat within a time specified in the notice but not longer than ten days. Notice for abatement or removal must be served on the owner, occupant, or agent of the property in one of the following ways: 1) by registered or certified mail; 2) by an officer authorized to serve a warrant; or 3) by a Person aged 18 years or older who is not reasonably believed to be a party to any action arising from the notice. If the owner of the property is unknown or absent and has no known representative upon whom notice can be served, Environmental Resources Department staff may enter upon the affected property and post a written or printed notice on the property stating that, unless the threat to the public health is abated or removed within a period of no longer than ten days, the County will have the threat abated or removed at the expense of the owner pursuant to applicable state and local law. If the owner, occupant, or agent fails or neglects to comply with the requirement of the notice, then Environmental Resources Department staff shall remove or abate by any reasonable means the Public Health Nuisance, source of filth or cause of sickness described in the notice.
- c. The County may recover its costs from the owner or the occupant, including attorney's fees, costs and disbursements, staff, environmental engineering or other consulting costs or contractor costs, transportation and disposal of the Solid Waste, and other related costs incurred for corrective action taken by the County to correct the violation from any Person failing to comply with the provisions of this Ordinance. At the discretion of the County Board, the costs may be certified to the County Auditor as a special assessment or lien against the real property owned by such Person and at which the corrective action occurred, as permitted in Minnesota Statutes 145A.08, Subd. 2. Subs. 7. Unauthorized Deposit of Solid Waste Under Minnesota Statutes Section 375.18, and Minnesota Statutes Section 115A.99.

Subs. 7. Unauthorized Deposit of Solid Waste Violations Under Minnesota Statutes Section 375.18.

For civil violations of these prohibitions, the County Board may seek civil penalties and damages from Persons responsible for unauthorized deposit of solid waste under Minnesota Statutes Section 115A.99 which if unpaid may be imposed as a lien on property owned by the responsible Persons and collected as a special assessment.

Subs. 8. Consequences for Non-payment of Fees.

Failure to remit authorized disposal fees, Service Charges, or other waste management fees, as they may arise, or fines or other liquidated damages pursuant to this Ordinance or a County waste delivery agreement is a violation of this Ordinance and will result in the revocation of licenses or registrations.

Section 3511. Additional Requirements

The County Board may impose additional requirements consistent with the intent of this Ordinance.

Section 3512. General Terms

3512.01 Severability

The provisions of this Ordinance are severable. Should any action, paragraph, sentence, clause, phrase, or portion of the regulation be declared invalid for any reason, the remainder of this regulation shall not be affected.

3512.02 Provisions Are Cumulative

The provisions in this Ordinance are separate, distinct, and cumulative and no such provision shall be exclusive of any other provision.

3512.03 No Consent

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

3512.04 Non-Liability

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

3512.05 Reporting

The County may require information from time to time gathered by Solid Waste Generators, Solid Waste Management Facility operators, Source Separated Organic Materials Facility operators, Commercial Haulers, Registered Haulers, and Self-Haulers regarding matters relating to this Ordinance. Solid Waste Management Facility records shall include, where applicable, Customer names and locations, waste origins, waste types and amounts, and waste destinations for reuse, recycling, resource recovery, or disposal. Any such information gathered by the County will be managed subject to the Minnesota Data Practices Act or other applicable data management law or agreement as amended from time to time. Failure to provide this information will be considered a violation of this Ordinance.

3512.06 Effective Date

The changes to the Solid Waste Ordinance made on October 1, 2023 shall take effect October 1, 2023.

Dated this 1st day of October 2023.

OLMSTED COUNTY BOARD OF COMMISSIONERS

By: Gregory Wright, Chairperson

ATTEST:

Lisa Morris-Helmstetler, Deputy Clerk

ADDENDUM A

Olmsted County

Solid Waste Management Fee and Service Charge Schedule

Effective date of 1/1/2023

Olmsted County Solid Waste Management Service Charge - General

	Generators:	
	Residential Sites	Commercial Sites
Billed by Commercial Haulers, Class A, Class B, and Class C Licensed Haulers ¹		
Gross Receipts ³ on Hauler Services ⁴ for:		
Mixed Municipal Solid Waste (including Bulky Items)	29%	50%
Industrial Waste	29%	50%
Source Separated Organic Materials	29%	N/A
Recyclable Materials	29%	N/A

Self-Haulers and Class D Licensed Haulers ²

See applicable Service Charge rates as listed on the Recycling Center Plus (OCRC), OWEF and Kalmar Landfill fee schedules.

When Mixed Municipal Solid Waste (including Bulky Items) and/or Industrial Waste is delivered to a County contracted transfer station, transfer station must charge the Commercial 50% rate.

NOTES:

¹ For Hauler Services within the borders of Olmsted County

² For **Mixed Municipal Solid Waste (including Bulky Items) and/or Industrial Waste** waste generated and/or collected within the borders of Olmsted County

³ **Gross Receipts** per 3501.32 are defined as all pre-tax charges, including but not limited to, fuel surcharges and container rental fees, placed on the invoice, bill, statement, or any other means employed by the Commercial Hauler to collect revenue from the Customer for Hauler Services. Excluded from Gross Receipts are charges directly related to the collection, transportation, and delivery of Recyclable Materials for Recycling or Source-Separated Organic Materials billed to Commercial Sites. Also excluded from Gross Receipts are charges billed for collection, transportation, and delivery of Construction Debris, Demolition Debris, and Infectious Waste.

⁴ **Hauler Services** per 3501.33 means Solid Waste collection, transportation and delivery or disposal services, including the provision of containers, all as provided by Commercial Haulers and Self-Haulers.

Olmsted County**Solid Waste Management Fee and Service Charge Schedule Effective date of
1/1/2024****SERVICE LOCATION: RECYCLING CENTER PLUS (OCRC+)**

Service Charge for Self-Haulers/Class D Haulers of Solid Waste:	Unit	Service Charge in dollars (\$)
Minimum charge	-	5.00
Per 30 Gallons (in increments up to 150 gallons)	each	5.00
Large Quantities (cubic yard minimum)	per cubic yard	30.00

Bulky items

A: Electric Fireplace, Exercise Equipment, Grills, Large Office Chairs, Love Seats (without hide-a-bed or recliner), Push Lawn Mowers, Railroad Ties, Reclining Chairs, Rocking Chairs, Sectionals (per piece, without hide-a-bed or recliner), Snow Blowers, Patio Umbrellas (with or without pole), Treadmills (Descriptive examples. Not an inclusive list)

each 15.00

B: Automotive Car Seats, Couches - single section (without hide-a-bed or recliner), Futon Mattresses, foundation/box springs, Water Softeners, Riding Mower/Garden Tractors, Basketball Hoop/Bases (Descriptive examples. Not an inclusive list)

each 20.00

C: Love seats/Sectionals, per piece, with hide-a-bed or recliner

each 25.00

D: Couches with hide-a-bed or recliner

each 30.00

Tires

Automotive and light truck tires (maximum of 8 per day)

each 5.00

Semi tires and tractor tires

NOT ACCEPTED

Fees for Recyclable Materials		Fee in dollars (\$)
Mattresses (maximum of 8 per day)	each	30.00

Major Appliances

Air conditioners, clothes washers & dryers, dehumidifiers, dishwashers, freezers, furnaces, hot water heaters, microwaves, conventional ovens, ranges, refrigerators, stoves, garbage disposals, heat pumps, trash compactors, & vending machines. (Descriptive examples. Not an inclusive list)

Household size - (non-freon type appliance) each 10.00

Household size - (freon type appliance) each 15.00

Commercial size per cubic foot 2.00 (\$15.00 Minimum)

Ammonia gas type appliances NOT ACCEPTED

E-Waste/Electronics Commercial Generator*

Cell phones, laptops (complete units) each FREE

E-waste: TV, computer monitor, computer, tablet, computer peripherals (includes keyboards, computer mice, printers, or other devices that provide input or output into or from a computer), DVD player, fax machine, and VCR. (Descriptive examples. Not an inclusive list)

per pound 0.45

Household/Business/Other Generator

Cell phone each FREE

Computers, laptops, copy or fax machines, printers, stereos, dvd players, blu ray players, VCRs, copiers, game consoles

each 5.00

Small e-waste peripherals: keyboards, mice, computer accessories contained in small box (nominal 18"x18"x12")

each 5.00

Flat screen computer monitors/televisions - up to 32"

each 10.00

Flat screen computer monitors/televisions - 33"to 60"

each 20.00

Flat screen computer monitors/televisions - over 60"

each 30.00

CRT and projection computer monitors/televisions - up to 32"

each 20.00

CRT and projection computer monitors/televisions - 33"to 42"

each 40.00

CRT and projection computer monitors/televisions - over 42"

each 60.00

Miscellaneous

Special Handling by Olmsted County Staff

per item 50.00

Unsecured/uncovered loads

per visit 20.00

*A Commercial Generator for this section is defined as a Person collecting E-waste as a business

Olmsted County

Solid Waste Management Fee and Service Charge Schedule

Effective date of 1/1/2024

SERVICE LOCATION: HAZARDOUS WASTE FACILITY

Hazardous Waste Management Fees:	Unit	Fee
		in dollars (\$)
Very Small Quantity Generator (VSQG)		
Administrative Fees: Waste evaluation, technical assistance, documentation, permitting, and reporting. (This fee is waived for recycled materials.)	per transaction	100.00
On Site Assistance (waste identification, lab packing, etc.)	per hour	50.00
Qualitative Chemical Analysis of Unknowns	per sample	50.00
VSQG Hazardous Wastes Processing & Disposal Fees (price includes container weights)		
Reuse through Product Exchange	per pound	0.10
Non-Chlorinated Solvents	per pound	0.20
Latex Paints and Products	per pound	0.25
Oil-Based Paints and Products	per pound	0.30
Aerosols	per can	0.90
Acids/Bases	per pound	1.50
Chlorinated Products	per pound	1.50
Poisons/Heavy Metals	per pound	1.50
Mercury Compounds	per pound	1.50
Cyanides	per pound	1.50
Flammable Products	per pound	1.50
Organic Peroxides/Oxidizers	per pound	1.50
Flammable Solids	per pound	1.50
Dioxins	per pound	1.50
Non-Hazardous Materials	per pound	0.15
Used Motor Oil		NOT ACCEPTED
Special Hazardous Wastes (from any Generator)		
Anti-Freeze	per pound	0.20
Metallic Mercury - from Household generator	per item	FREE
Metallic Mercury - from Commercial/Business generator	per pound	7.00
Batteries (a \$5.00/pound surcharge is added for sorting the battery types if commingled)		
Lead Acid, Nickel Cadmium, Nickel Metal Hydride	per item	FREE
Lithium (up to 300Wh), Mercury - from Household generator	per item	FREE
Lithium (up to 300Wh), Mercury - from Commercial/Business generator	per pound	6.00
Lithium (over 300Wh)		NOT ACCEPTED
Silver Oxide - from Household generator	per item	FREE
Silver Oxide - from Commercial/Business generator	per pound	8.00
Fluorescent Tubes (limit 50 unboxed tubes per visit)		
Lamps 4' and under	per unit	0.50
Lamps > 4' or Irregular	per unit	0.75
HID/Shatter Shield	per unit	1.50
Neon Lamps/Broken Lamps	per pound	2.25
Compact Fluorescent Lights (CFLs) & Light Emitting Diodes (LED's)	per unit	FREE
Filters (oil, gas, diesel, transmission)		
Automotive	per filter	1.00
Non-Automotive	per filter	2.00
Propane Tanks (20# nominal size)	per tank	5.00
PCB Solids (ballasts, etc.)	per pound	2.00
Lead Paint Chips	per pound	1.00
Asbestos Containing Materials (limit of 100 lbs./load)	per pound	0.35 (\$2.00 minimum fee)
Cell Phones	per item	FREE
Other approved wastes		by contract ^b

NOTES:

b - Or by Contract - Contact the Director of Environmental Resources @ 507-328-7070

Olmsted County

Solid Waste Management Fee and Service Charge Schedule

Effective date of 3/1/2023

SERVICE LOCATION: WASTE TO ENERGY FACILITY (OWEF)

Charge type:	Unit	Fee in dollars (\$)		
		Rate	+ Service Charge	= TOTAL
Mixed Municipal Solid Waste and/or Industrial Waste				
<u>Generated in Olmsted County:</u>				
Class A and Class C Haulers from Residential Sites	per ton	84.00	29% ^a	84.00 ^c
Class A and Class C Haulers from Commercial Sites	per ton	84.00	50% ^a	84.00 ^c
Class D Licensed Haulers with tipping floor access	per ton	84.00	106.00	190.00 ^c
Class D Licensed Haulers for disposal at OCRC	per ton	84.00	106.00	190.00 ^c
Persons registered with tipping floor access	per ton	84.00	92.00	176.00 ^c
<u>Generated Out of County (non-Olmsted sites)</u>				
Commercial Haulers (Waste must be pre-approved)	per ton	84.00 ^b	-	84.00 ^c
Persons registered with tipping floor access (Waste must be pre-approved)	per ton	84.00 ^b	-	84.00 ^c
Test load of Out of County Industrial Solid Waste for testing of acceptability at OWEF	initial test load	500.00	-	500.00
Finished Compost:				
Compost Loading fee - bulk (10,000# GVW vehicles only)	per ton	15.00 ^{b, e}	-	15.00 ^d
Compost Loading fee - bulk (10,000# GVW vehicles only)	per cubic yard	12.00 ^{b, e}	-	12.00 ^d
Miscellaneous				
Vehicle Weighment	per weighment	8.00 ^e	-	8.00
Special Handling by Olmsted County Staff	per item	50.00 ^{b, e}	-	50.00
Priority Disposal	per visit	50.00 ^{b, e}	-	50.00
Unsecured/uncovered loads	per visit	20.00	-	20.00

NOTES:

- a - Billed by Class A and Class C Licensed Commercial Haulers at stated percentage of Gross Receipts for Hauler Services
- b - Or by Contract - Contact the Director of Environmental Resources @ 507-328-7070
- c - Required State taxes and/or fees will be added, if applicable
- d - Includes applicable State taxes and/or fees, if applicable
- e - Or as set by County Board resolution

Olmsted County

Solid Waste Management Fee and Service Charge Schedule

Effective date of 10/1/2023

SERVICE LOCATION: KALMAR LANDFILL

Charge type:	Unit	Fee in dollars (\$)			TOTAL	
		Rate	+	Service Charge		
Mixed Municipal Solid Waste or Industrial Waste						
<u>Generated in Olmsted County:</u>						
Class A and Class C Haulers from Residential Sites	per ton	84.00		29% ^a	84.00	^{c, g}
Class A and Class C Haulers from Commercial Sites	per ton	84.00		50% ^a	84.00	^{c, g}
Class D Licensed Haulers	per ton	84.00		106.00	190.00	^{c, g}
Self-Haulers from Commercial Sites	per ton	84.00		92.00	176.00	^{c, g, h}
<u>Generated Out of County (non-Olmsted sites)</u>						
Commercial Haulers (Waste must be pre-approved)	per ton	84.00 ^b		-	84.00	^{c, g}
Other Solid Wastes						
Asbestos Containing Material (ACM)	per cubic yard	40.00		-	40.00	^c
Construction and/or Demolition Debris (see Note f)	per ton	30.00 ^b		-	30.00	^c
Waste Combustor Ash	per ton	83.00 ^b		-	83.00	^c
Full Loads of Clean Concrete (for recycling)	per ton	15.00		-	15.00	^c
Full Tire loads (with prior approval from Env. Resources Dept)	per ton	435.00 ^b		-	435.00	^c
Miscellaneous Fees						
Vehicle Weighment	per weighment	8.00		-	8.00	
Special Handling by Olmsted County Staff	per item	50.00 ^b		-	50.00	
Unsecured/uncovered loads	per visit	20.00		-	20.00	
Handling/recycling fees for box springs and mattresses in loads - incidental only	per item	30.00		-	30.00	
Full loads of mattresses/box springs	Not accepted - will direct to mattress recycler					
Automotive tires - received incidentally in loads	per tire	25.00		-	25.00	

NOTES:

- a - Billed by Class A and Class C Licensed Commercial Haulers at stated percentage of Gross Receipts for Hauler Services
- b - Or by Contract - Contact the Director of Environmental Resources @ 507-328-7070
- c - Required State taxes and fees will be added, if applicable
- f - Loads less than 1 ton will be charged a minimum rate of \$30
- g - Minimum per transaction fee of \$50 (plus 17% SWMT if applicable)
- h - Self-haulers with acceptable material must have dump trailer/dump truck or be pre-approved by ER Department staff to dispose at Landfill.

Olmsted County
Solid Waste Management Fee and Service Charge Schedule
Effective date of 5/7/2024

SERVICE LOCATION: Website/Environmental Resources Office/OCRC

Description:	Unit	Fee in dollars (\$)
Food Scrap Composting Kit ⁽¹⁾	Per kit	\$ 25.00 *

* Includes sales tax, if applicable.

NOTES:

(1) Kits available to Olmsted County Residents only. Kits and related disposal at OCRC is available for a limited time only. Food scrap composting kit contains 26 compostable bags, comprehensive composting guidelines, and access to drop off filled purchased compostable bags at the Olmsted County Recycling Center (OCRC) for processing. The kits are available for purchase both online and at specified county locations:

- 1. On-Line: Olmstedwaste.com
- 2. Environmental Resources Office Address: 2122 Campus Drive SE Suite 200, Rochester, MN 55904
- 3. Recycling Center Plus Address: 305 Energy Parkway NE, Rochester, MN 55906

ADDENDUM B

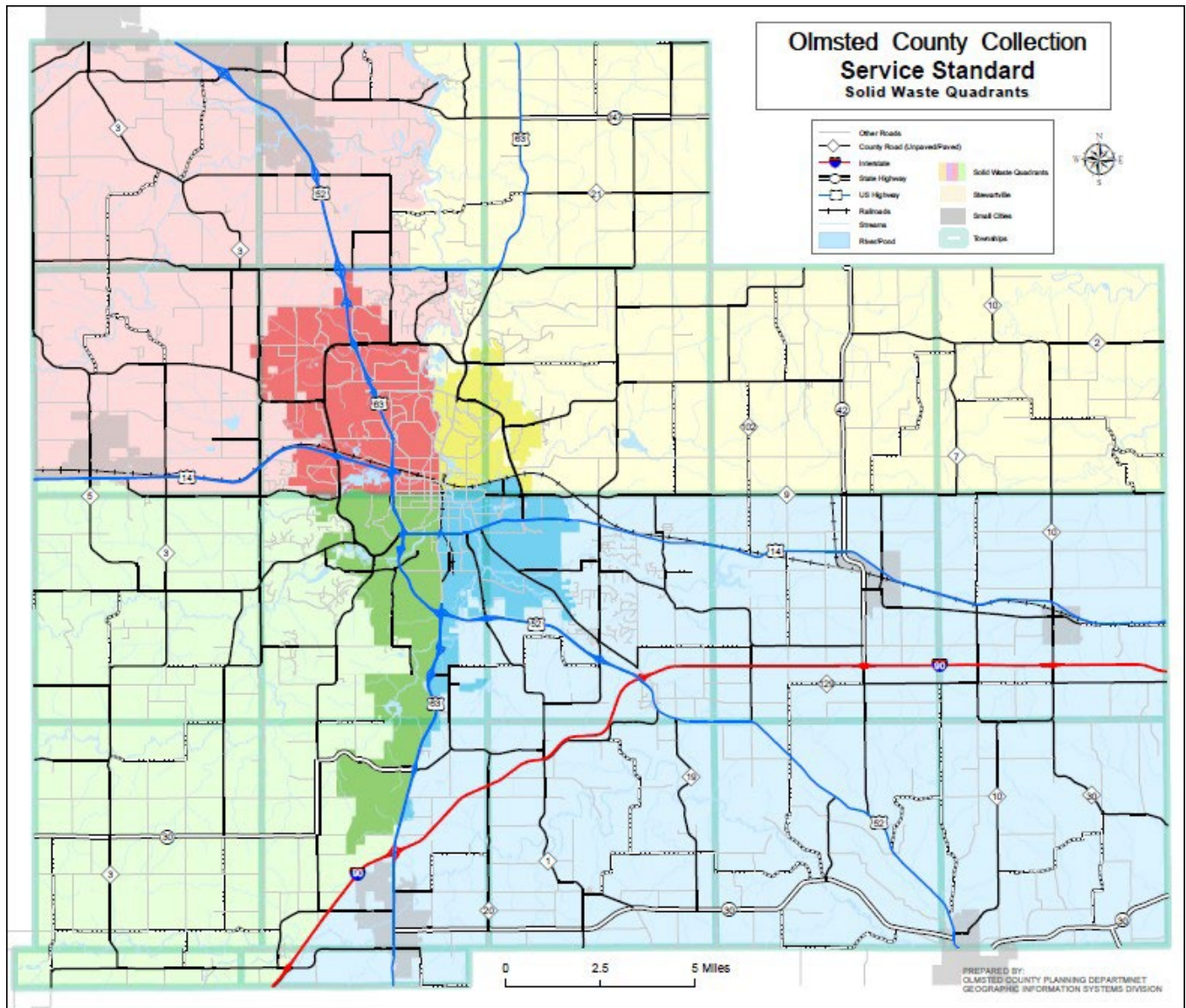
Olmsted County Solid Waste Licensing Matrix

	Class A License	Class B License	Class C License*	Class D License*
Waste Collection Services	Providing full array of Solid Waste Collection Services	Providing Source Separated Organic Material Collection Services	Providing Roll-off and Compactor box Solid Waste Collection Services	Providing Bulky Item Collection and cleanup services (Collection and transportation of Solid Waste as an adjunct secondary service to their primary service of providing labor for general site cleanup in return for compensation)
Number of Licenses	12	Unlimited	8	Unlimited
Eligible Waste Types	Mixed Municipal Solid Waste (MMSW), Industrial solid waste (ISW), Recyclable Materials, asbestos containing material (ACM), construction and demolition debris (C&D), Bulky Items, Yard Waste, source-separated organics (food waste) and Infectious Waste (if permitted by MPCA)	Yard Waste and source separated organics (food waste)	MMSW, ISW, Recyclable Materials, ACM, C&D, Bulky Items, Yard Waste (if disposed as a Separate Waste Stream), and Infectious Waste (if permitted by MPCA)	MMSW, Recyclable Materials, C&D, Bulky Items, and Yard Waste (if disposed as a Separate Waste Stream)
Transportation Vehicles	Packer trucks, roll-off trucks, box trucks, semi-trucks with trailers	Packer trucks, roll-off trucks, pickup trucks, trailers, box trucks, dump trailers, semi-trucks and trailers	Roll-off trucks and roll-off trailers	Pickup trucks, box trucks, trailers, and dump trailers;
Collection Containers Allowed - (Non-rigid, "Bagster™"-type containers do not meet storage container criteria)	Curbside containers, dumpsters, roll-off containers, or compactor boxes.	Curbside containers, dumpsters, roll-off containers, or compactor boxes	Roll-off containers & compactor boxes. Containers typically filled by Generator	N/A - Collection containers not allowed. Class D Hauler aggregates materials into their transportation vehicle at the time of performing the cleanup service or picking up Bulky Items. Containers and dump trailers cannot be dropped off at Customer's location for the Customer to fill. Transportation vehicles must be filled by Class D Hauler providing the bulky item or cleanup service.
Frequency Of Service	Subscription or On-demand	Subscription or On-demand	Subscription or On-demand	On-demand
Hauling MMSW and Collection Service Standard	Must provide residential MMSW curbside service and/or commercial subscription dumpster services (If only providing roll-off services would only be eligible for a Class C License). Must provide an estimate of the number of MMSW residential curbside customers and/or commercial subscription dumpster customers to be served by location. Effective January 1, 2024, in the event there are more than 12 license applications, points will be deducted if an existing Licensed Hauler does not meet the minimum Collection service standard of 100 tons of MMSW in Olmsted County from January to October of the preceding year.	No	MMSW contained in roll-off open top boxes or compactor boxes. Can serve both MMSW commercial & residential customers. Effective January 1, 2024, in the event there are more than eight (8) license applications, points will be deducted if an existing Licensed Hauler does not meet the minimum Collection service standard of 10 tons of MMSW in Olmsted County from January through October in the prior year.	MMSW associated with general site cleanup services. Primary service of providing labor or general site cleanup services. Not subscription or recurring weekly/monthly Collection. Hauler aggregates MMSW for Collection and fills transportation vehicle.
Who is the Generator	Any Person that produces and gathers (aggregates) materials and deposits them into a container for Collection	Any Person that produces and gathers (aggregates) materials and deposits them into a container for Collection	Any Person that produces and gathers (aggregates) materials and deposits them into a container for Collection	A Class D Licensed Hauler is the Generator when it performs waste cleanup services, gathers (aggregates) the materials and Bulky Items, and deposits them into their transportation vehicle
Collection of Service Charge/SW Management Tax Payment	Must bill customers	Must bill customers	Must bill customers	A Class D Licensed Hauler shall be considered a Self-Hauler for all purposes related to the Service Charge under section 3508 and MN Solid Waste Management Tax. Pay at the time of disposal
Disposal Location Options	OCRC, OWEF and Kalmar Landfill for Designated Waste (must complete training to access OWEF and have acceptable equipment)	Permitted SSO Compost Facility or Anaerobic Digester Facility	OCRC, OWEF and Kalmar Landfill for Designated Waste (must complete training to access OWEF and have acceptable equipment)	OCRC, OWEF, Kalmar Landfill and transfer stations under contract to the County for Designated Waste (must complete training to access OWEF and have acceptable equipment)

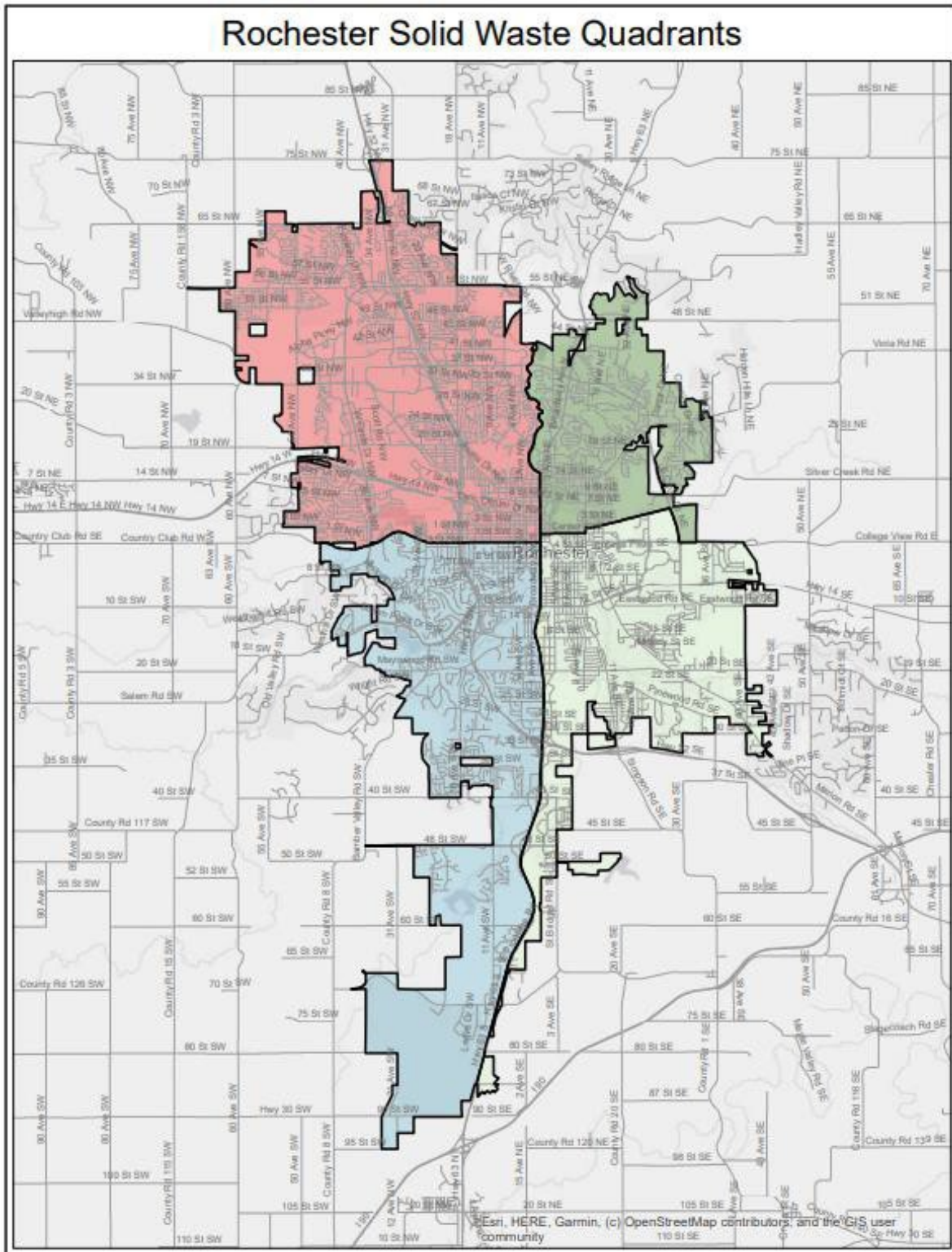
*No Person shall hold a Class D Class and a Class C License simultaneously. A Class D License holder who also wishes to do business under a Class C License must create a separate business entity to hold the Class

ADDENDUM C

Olmsted County Collections Service Solid Waste Quadrants MAP



ADDENDUM D



ADDENDUM E

Environmental Resources Department Administrative Penalty Schedule

Regulation/ Ordinance Chapter 3500	SUMMARY OF REQUIREMENT IN REGULATION/Ordinance	Rec. Admin Penalty
These recommended amounts are intended for first-time violations and subsequent violations are at the discretion of the hearing officer. All administrative penalties are per instance (a single occurrence), unless otherwise noted. In egregious cases, a multiplier up to 10 x/day is recommended.		
3500-3599	Provisions in Ordinance.	
3503.02	Failure to segregate Yard Waste and/or Recyclable Materials from Mixed Municipal Solid Waste (MMSW).	\$50 per instance
3503.02	*Failure to place Yard Waste and/or Source Separated Organic Materials and/or Recyclable Materials in containers easily distinguishable from MMSW containers.	\$50 per instance
*Source Separating Organic Materials processing is currently voluntary. Related penalties only apply if the Generator is Source Separating these materials and has contracted with a Licensed Hauler for Collection or is Self-Hauling, and the Generator or the Licensed Hauler violates the requirements.		
3503.02	*Mixing source separated Yard Waste or Source Separated Organic Materials or Recyclable Materials with MMSW.	\$300 per instance
3503.02 Subs.1.	Failure to manage Yard Waste according to the Ordinance.	\$100 per instance
3503.02 Subs.3.	Failure of residential Generators to segregate and ensure the delivery of Recyclable Materials to a Recycling Center either by Self-Hauling or by contract with a Licensed Hauler.	\$300 per instance
3503.02 Subs.3.	*Failure of Residential or Commercial Site landlords of multi-unit residential buildings who provide for the Collection of MMSW to provide a central Collection location for Recyclable Materials.	\$300 per instance
3503.02 Subs.4.	*Failure of Residential or Commercial Site landlords to provide for the segregation, Collection at a central location, and delivery of Recyclable Materials to a Recycling Center by self-hauling or by contract with a Commercial Hauler.	\$300 per instance

Regulation/ Ordinance Chapter 3500	SUMMARY OF REQUIREMENT IN REGULATION/Ordinance	Rec. Admin Penalty
3503.02 Subs.4.	*Failure of Residential or Commercial Site landlords to self-haul or contract with a Class A or Class B Licensed Hauler for Source Separated Organic Materials. (At a location where a tenant is renting space from a landlord, a landlord can voluntarily choose to have tenants source separate organic materials and contract with a Licensed Hauler to transport these materials for processing at Permitted Site for composting or Anaerobic Digestion). Violation only occurs when the landlord has voluntarily agreed to provide for Collection of SSOM from tenants and fails to self-haul or contract with a Class A or Class B Licensed Hauler to transport Source- Separated Compost Organic Materials for processing.	\$300 per instance
3503.02 Subs.5.	Unauthorized collection of Recyclable Materials aggregated for Collection.	\$200 per instance
3503.02 Subs.6.	Unauthorized Collection of Yard Waste aggregated for Collection.	\$200 per instance
3503.02 Subs.7.	Unauthorized Collection of Source Separated Organic Materials aggregated for Collection.	\$200 per instance
3504.02	Any Person engaged in the business of providing Collection and transportation of MMSW, Industrial Waste, or Source Separated Organic Materials for compensation without a license.	\$1,000 per day
3504.02	Failure to provide required license information modification before the change occurs.	\$300 per instance
3504.02	Failure of Licensed Hauler to display, in a County-approved location, County provided labels or identification device for each vehicle or container used to transport the waste or debris.	\$200 per instance
3504.02	Failure of Licensee to provide 30-day notice to County prior to termination of Collection and transportation services.	\$500 per instance
3504.03	Failure to comply with insurance requirements by a Class A Licensed Hauler under contract with the County.	\$1,000 per day
3504.03	Failure to comply with insurance requirements by a Class B Licensed Hauler under contract with the County.	\$200 per day
3504.045.	Collection and transportation of Solid Waste by a Self-Hauler from a Commercial Site (excluding Agricultural Sites) without registration.	\$100 per instance
3506.04 Subs. 4	Delivery of Prohibited Materials to a Compost, Small Commercial Facility.	\$300 per instance

Regulation/ Ordinance Chapter 3500	SUMMARY OF REQUIREMENT IN REGULATION/Ordinance	Rec. Admin Penalty
3504.05.	Collection and transportation of Yard Waste, Construction Debris, Demolition Debris, Source Separated Animal Feed Materials, contaminated soils or asbestos or any combination of the above in return for compensation by Person not registered.	\$100 per instance
3504.05.	Failure to register for Collection and transportation of Solid Waste as an adjunct secondary service to their primary service of providing labor for general site cleanup services in return for compensation.	\$100 per instance
3504.05.	Collection and transportation of Recyclable Materials from a Commercial Site without registration.	\$100 per instance
3504.06.	Failure to provide required registration information.	\$100 per instance
3504.06.	Failure of Registered Hauler to display a County supplied registration sticker or identification device in a County designated location on each vehicle used to transport Solid Waste.	\$100 per instance
3504.06.	Failure of Registrant to provide insurance information.	\$300 per instance
3504.08.	Failure to comply with complaint investigation requirements by a Licensee or Registered Haulers.	\$300 per instance
3504.09.	Failure to apply for a license or registration renewal at least 30 days prior to the expiration date.	\$100 per instance
3504.10	Failure to pay license or permit fees.	\$300 per instance
3505.02.	Failure to keep Open Area free of Solid Waste accumulations not stored in an acceptable manner.	\$300 per day
3505.02. Subs. 4.	Failure to ensure the separation of MMSW and Recyclable Materials at construction or demolition sites either on site or through the use of a service provider offering such separation.	\$300 per day
3505.02. Subs. 4.	Burning, burying, or dumping Solid Waste (including brush and tree waste) generated at construction sites at locations other than Permitted Sites.	\$500 per instance
3505.02. Subs. 5.	Failure to comply with Solid Waste storage container requirements.	\$200 per instance
3505.02. Subs. 6.	Allowing Solid Waste to remain in a vehicle more than 48 hours.	\$200 per day after 48 hours

3505.03.	Failure of Self-Hauler to retain required disposal receipt in accordance with the Ordinance.	\$200 per instance
3505.03. Subs. 1.	Failure of a Commercial Hauler to charge for Collection of MMSW on a volume or weight basis.	\$300 per instance
3505.03. Subs. 2.	Failure of a Class A Licensed Hauler to offer Curbside Collection of Recyclable Materials, and MMSW.	\$300 per instance
3505.03. Subs. 3.	Failure of a Commercial Hauler to Collect Recyclable Materials and Yard Waste from a Residential Site on the same day as MMSW Collection.	\$200 per day
3505.03. Subs. 3.	Curbside placement of Yard Waste, Recyclable Materials, or MMSW containers earlier than the evening prior to Collection.	\$50 per instance
3505.03. Subs. 3.	Failure to remove empty Solid Waste containers the same day as Collection.	\$50 per instance
3505.03. Subs. 4.	Failure to Collect Solid Waste frequently enough to preclude the development of odor, vermin, and other Public Health Nuisance problems.	\$300 per instance
3505.03. Subs. 5.	Failure of a Commercial Hauler to comply with sectioning plan for the Collection of MMSW, Recyclable Materials, Source Separated Organic Materials and Yard Waste.	\$300 per instance
3505.03. Subs. 8.	Failure to comply with Solid Waste vehicle and container requirements, excluding covered loads.	\$300 per instance
3505.03. Subs. 9.	Improper maintenance of vehicles and roll-off containers.	\$200 per instance
3505.04.	Escape of Solid Waste from vehicles; uncovered loads.	\$100 per instance
3505.04.	Failure to utilize appropriate transportation routes.	\$200 per instance
3505.04. Subs. 1.	Failure to promptly remove spilled Solid Waste.	\$300 per instance
3505.04. Subs. 2.	Failure to notify appropriate authorities of spilled Solid Waste that can't be removed promptly, or which creates a hazard.	\$300 per instance
3505.04. Subs. 3.	Failure to suppress "hot loads" as per Fire Marshal instructions.	\$300 per instance
3505.04. Subs. 4.	Failure to follow requirements for delivery of Acceptable Waste.	\$200 per instance
3505.04. Subs. 6.	Failure of Solid Waste Management Facility to follow waste tracking requirements.	\$500 per day

3505.04. Subs. 6	Failure of a Person or Hauler to comply with delivery conditions for Source Separated Organic Materials.	\$200 per day
3506.	Operation of a Compost, Back Yard site Threatening Public Health and Safety.	\$50 per day
3506.03	Operation of a Compost, Commercial Small Facility Without a Valid Permit issued by the County ER Dept.	\$500 per day
3506.03	Operation of a Compost, Commercial Small Facility in Violation of the Permit Requirements Established by the County ER Dept.	\$500 per day
3507.04.	Disposal of Designated Waste at locations other than the Designated Points of Delivery.	less than 3 cubic yards, \$500 per instance
3507.04.	Disposal of Designated Waste at locations other than the Designated Points of Delivery.	3 cubic yards or greater, \$1,000 per instance
3506.04	Failure of a Generator at an Agricultural Site to manage their MMSW as allowed in Minnesota Statute 17.135, hire a Licensed Hauler, or self-haul to one of the Designated Points of Delivery.	less than 3 cubic yards, \$500 per instance
3507.04	Failure of a Generator at an Agricultural Site to manage their Mixed Municipal Solid Waste as allowed in Minnesota Statute 17.135, hire a Licensed Hauler, or self-haul to one of the Designated Points of Delivery.	3 cubic yards or greater, \$1,000 per instance
3507.05.	Failure of a Generator to identify and characterize Industrial Waste and follow the Solid Waste Management Facility's ISW Management Plan disposal procedures.	\$500 per instance
3507.06.	Failure of a Generator to identify any Unacceptable Waste, Problem Materials or Special Waste and to adhere to Facility-specific disposal requirements for problem materials and Special Wastes.	\$500 per instance
3507.07	Delivery of Unacceptable Waste to an Olmsted County Facility.	\$300 per instance
3507.08. Subs. 1.	Unauthorized burning of Solid Waste.	\$1,000 per instance
3507.08. Subs. 2.	Disposal of Solid Waste at unauthorized site.	\$1,000 per day that waste remains at unauthorized site

3507.08. Subs. 2.	Failure to prevent disposal of Solid Waste at unauthorized site.	\$1,000 per day that waste remains at unauthorized site
3507.08. Subs. 3.	Using, inspecting, or removing the contents of another Person's Solid Waste storage container.	\$100 per instance
3507.08. Subs. 4.	Disposal of Hazardous Waste in a location other than a permitted Hazardous Waste disposal Facility.	\$1,000 per day that waste remains at unauthorized site
3508.05	Failure to properly charge Service Charge.	\$300 per Service Charge unbilled
3508.06.	Failure to remit Service Charge to the County.	\$300 per Service Charge not remitted
3508.07 Subs. 1	Failure to separately itemize the Service Charge or properly identify the Service Charge as the Olmsted County Service Charge on a statement or invoice.	\$10 per invoice
3708.07 Subs. 2	Failure to provide notification of Service Charge on the initial bill for Hauler Services.	\$100 per instance
3508.08.	Failure to report required information to the County.	\$300 per instance
3508.10	Failure to allow the County to examine records to verify accuracy of Service Charge.	\$500 per day
3509.02	Failure to allow the County's Agent access to property where a source or cause of preventable disease exists or is reasonably suspected.	\$1000 per instance
3509.03. Subs. 1.	Failure to abate Public Health Nuisances.	\$200 per day
3509.03 Subs. 3	Failure to remit fees, Service Charges, fines, or liquidated damages.	\$1,000 per day
3510.05	Failure to submit required information.	\$300 per day